

# Public Document Pack

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**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 Town Hall on Wednesday, 1 April 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 22 April 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

**KEVIN FINAN**  
Chief Executive  
24 March 2015

**Councillors:** Mrs F J Colthorpe (Chairman), Mrs H Bainbridge, M D Binks, Mrs D L Brandon, J M Downes, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires (Vice Chairman), R L Stanley and K D Wilson

## 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 **MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 20)  
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 5 **APPLICATION 14/00881/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME,**

**PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD AT LAND EAST OF TIVERTON, SOUTH OF A361 AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD, TIVERTON. (Pages 21 - 70)**

To receive a report of the Head of Planning regarding this application.

**6 ENFORCEMENT LIST (Pages 71 - 76)**

To consider the items contained in the Enforcement List.

**7 DEFERRALS FROM THE PLANS LIST**

To report any items appearing in the Plans List which have been deferred.

**8 THE PLANS LIST (Pages 77 - 114)**

To consider the planning applications contained in the list.

**9 THE DELEGATED LIST (Pages 115 - 134)**

To be noted.

**10 MAJOR APPLICATIONS WITH NO DECISION (Pages 135 - 138)**

List attached for consideration of major applications and potential site visits.

**11 APPLICATION 14/02077/FULL - ERECTION OF A DWELLING WITH PARKING AND ASSOCIATED ACCESS (REVISED SCHEME) AT 11 UPLOWMAN ROAD, TIVERTON (Pages 139 - 150)**

To receive an implications report by the Head of Planning and Regeneration following discussions at a previous meeting where Members were minded to refuse the application.

**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 Council Chamber on 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:

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 18 March 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, M D Binks,  
Mrs D L Brandon, A V G Griffiths, P J Heal,  
Mrs L J Holloway, D J Knowles,  
E G Luxton, R F Radford, J D Squire,  
Mrs M E Squires (Vice Chairman),  
R L Stanley, K D Wilson and P F Williams

### **Apology**

#### **Councillor**

J M Downes

### **Also Present**

#### **Councillor**

R Evans

### **Present**

#### **Officers:**

Jonathan Guscott (Head of Planning and Regeneration), Alison Fish (Area Planning Officer), Simon Trafford (Area Planning Officer) and Sally Gabriel (Principal Member Services Officer)

#### **Devon County Council (Highway Authority)**

Ian Sorenson, Dave Black and Stuart Jarvis

## 163 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr J M Downes to be substituted by Cllr P F Williams.

## 164 **PUBLIC QUESTION TIME 00-04-30**

Dr Whittlesey referring to Item 9 (Chettiscombe Estate) on the agenda asked the following questions:

Do you recall that in the AIDPD Inspector's report of 2010, (3.48) he forecast that the adverse planning impact would fall on "flood risk, visual amenity and the wildlife and ancient hedgerows in West Manley Lane" We have come full circle.

You are aware of the numerous references to the national importance of the SSSI including input from Natural England, Tidcombe Lane Fen Society, Devon Wildlife Trust, Are you, like them, in agreement with all the measures that must be employed to protect not only the SSSI but also the Ailsa Brook and do you share our concern that even within this outline application the nature of these mitigating measures is not clear?

Do you agree with Natural England and Tidcombe Lane Fen Society that the complete safety of the water supply to the SSSI can only be achieved by not allowing development south of the lane?

Within this application, are the structures and long-term management of sewerage, flooding and foul water measures sufficiently outlined to be reliable?

Are you conversant with the Devon Wildlife Consultancy's Hedgerow assessments of 2009 and 2013 and their classification of the entire length of hedge bank as important under the Hedgerow Regulations 1997, and that it currently serves as a wildlife connectivity corridor and safe environment for small mammal species and birds, some of which are conservation concern listed and are you in agreement with MDDC's own concept of protection and enhancement of this hedgerow?

Are you aware that along its length this single track lane, currently used by some 12 private cars, service vehicles and farm machinery there are three right-angle bends, no footpath and no designated passing places and that the proposed development of 3 or 4 bedroomed houses north and south of the lane would not only destroy segments of the hedgerow but bring at least 30-40 additional cars into the mix, with resultant traffic chaos. Do you accept that new entrances separate from the proposed housing for both farm and vehicles servicing the attenuation ponds and sewerage machinery would need to be constructed.

Did you know that an increasing numbers of people are using the lane for all manner of exercise; do you agree that if the result of the proposed housing development is a rise in traffic movements in the lane, with its lack of footpath and limited visibility there will be a significant effect on road safety issues?

Therefore, would you not agree that by retaining the fields south of the lane as public open spaces and green infrastructure options, this would fit with MDDC's own stated environmentally friendly plans and sets the whole area in a more safe and rural setting.

Finally, in its somewhat selective précis of our four most recent responses, are you aware that the planning officers make several incorrect attributions?

So, would you to consider removing development south of West Manley Lane from this outline planning application, a 1% loss of housing stock in favour of access to a safe scenic and sustainable route for Tivertonians and their wildlife?

Mrs Coffey referring to Item 5 (Rowey Bungalow) on the agenda asked why the Head of Planning and Regeneration had not made it clear in the report that continual breaches had occurred on the site, there is a garden shed without planning permission, enforcement action was considered in June 2011 with regard to the property. In 2011 the land was in agricultural use and we had evidence that the grass had been cut 15 times. I also have evidence that the grass was cut 17 times last summer. The Planning Authority has asked for evidence, Mr Luxton has been keeping ducks and chickens on the land. In December 2009, Mr Luxton failed to respond to a Planning Contravention Notice but was not sent an enforcement letter. In 2011 the chicken house was put on the land used as a garden, this is not agricultural use; it is domesticated with a fence now erected. 17 trees have been planted since 2011. The Planning Department do not have the resources to monitor the land. There were 3 admitted breaches in 2011. He just needs more time to

continue the breach to get a CLU and the report states you are doing nothing; he is extending the garden into the open countryside.

Mrs Cornes referring to Item 1 on the Plans List (Menchine Farm) asked: are Members aware that during February, the River Dalch at Nomansland suffered serious pollution. The Environment Agency investigated complaints and traced the pollution source to the silage clamp at Menchine Farm's Anaerobic Digester plant where they established there had been, quote "on site control failures". Effluent had leaked downhill into the River Dalch and polluted it for a distance of two and a half kilometres. Silage effluent is understood to be toxic and extremely harmful to fish and other wildlife. There has been evidence of otters in this stretch of the river. No fish, no otters. The Environment Agency are taking enforcement action at Level 2, the second highest level on a four point scale.

Mr Smyth again referring to Item 1 on the Plans List (Menchine Farm) stated that condition 7 of the approval for 14/00575/MFUL required that records should be kept of the vehicles entering and leaving the site and that the records include the size, type and load details, as well as the vehicles point of origin or destination and that these records shall be made available to the local planning authority on request. It is noted from the officer's report that those records were requested from the applicant on 19 February. Has that request now been complied with, if not why, one wonders?

Mr Cornes again referring to Item 1 on the Plans List (Menchine Farm) asked: are Members aware that the Appeal Inspector's report (Officer report page 12) ties a restriction in to condition 7 that distributor farms for feedstock and digestate are located within 6km of Menchine Farm. Feedstocks have regularly been brought in from outside this radius, and very recently from a source in excess of 30km away. Tractor trailer units hauling feedstocks have been routed through Leat Street and Westexe, residential and shopping areas. Residents of Nomansland can assist the Council by providing information that this 6km restriction is being blatantly ignored.

Dr Bratby again referring to Item 1 on the Plans List (Menchine Farm) highlighted the fact that the applicant has stated that due to advances in efficiency of the process, the output of the digester can be doubled from 500kW to 1MW. The applicant has already constructed a digester that is much larger than necessary to comply with his current permission. There has been no proven increase in efficiency and the doubling of the output can only be achieved by doubling the feedstock already being used or increasing the energy content by using waste such as animal by-products as proposed in the 2012 application. Are Members aware that if this application is permitted it will result in an AD plant similar to the one that was subsequently refused permission by Inspector Isobel McCretton, for reasons including unacceptable transport issues.

Mr Grant again referring to Item 1 on the Plans List (Menchine Farm) stated that in this chamber in July 2014, the applicant gave assurances that he had no intention of increasing feedstock tonnages or electrical output and that the second CHP was for back up purposes only. Should not any assurances now given by the applicant or his agent be treated with extreme scepticism?

Mrs Collier again referring to Item 1 on the Plans List (Menchine Farm) stated that the application shows 830 tonnes of slurry from Cleave Farm, Templeton operated by Reed Farms Ltd. This source of feedstock could well become unavailable. Are Members aware that Reed Farms Limited and an associated Reed family farming

partnership are in administration? Have officers been advised of an alternative source to replace the slurry from Cleave Farm and if so is it within the 6km radius?

Mrs Bickerstaff again referring to Item 1 on the Plans List (Menchine Farm) asked whether Members are aware that a number of local residents have made complaints to the Environment Agency about odour, general machine noise as well as reversing beepers. The beepers have been clearly heard from Five Crosses, about 2km distance from Menchine Farm.

The Chairman read a letter from Dr Bell referring to Item 9 on the agenda:

1. The 3 month noise survey carried out to meet your conditions relating to planning permission given for the LILO application has been completed. I hope you will agree that the results indicate that further noise mitigation measures would be beneficial and the applicants should be asked to submit appropriate plans as required. Residents have a plan to achieve significant additional mitigation measures and this is supported by Neil Parish MP who has recommended it to our Secretary of State, DCC's Mr Whitton and MDDC's Mr Guscott.

Will you support residents by applying a condition to any permission for this present application to provide the further mitigation requested by them and Mr Parish.

2. No on-site air quality survey work has ever been carried out for any part of the proposed EUE site. It is not good enough for consultants to say that their assessment of air quality 'broadly' followed guidance by Environmental Protection UK and for MDDC to accept this.

Will you support residents by applying a condition to any permission for this present application that requires on-site air quality monitoring across the LILO area at least, for 3 month periods of time before, during and after construction works. Further noise surveys should also be applied for periods during and after construction otherwise, the recently completed noise survey results will not be of full value.

3. Item 13 of the S106 provisions listed in the report of the Head of Planning and Regeneration for this application requires the provision of a clause to provide district heating network infrastructure to serve the development in the event that an energy centre or district heating centre is provided for within the urban extension.

Does this mean that our County and local Councils aim to ensure that a waste to energy plant will be located in Tiverton?

The Chairman indicated at this point that the above questions would be answered during discussions on the applications.

Mrs Quick referring to Item 9 on the agenda stated that she had concerns for the future as at the August Planning Committee, the motion was altered at the last moment with the new motion being unclear. The Planning Committee is a very important committee, you make decisions that affect people for years, what you decide today will affect people for 50 to 100 years, your responsibility is enormous. May I be assured that today no motion tampering will take place and that motion tampering will be disallowed in the future; we all require your assurances.

Mr Dennis referring to Item 2 on the Plans List (Mid Devon Business Park) asked if a possible condition would be added to the decision to state that if the application was approved it could not be followed by housing on the site. The Highway Authority has stated that there is no need to consider road safety. The site is on the edge of the



village, there are a large number of houses near the site between the estates and the proposed store, and there is also a 5 spur roundabout which accommodates 18 tonne vehicles. Residents have to negotiate the roundabout and roads on the way to the store, some roads are narrow and I am concerned that we are putting people at risk. Supermarkets that have been built have resulted in major road layouts. There are safety issues on this site please have a site visit to see these issues.

The Area Planning Officer stated that with regard to a condition regarding housing, this could not be imposed and any proposal would require a separate application. South View Road was narrow but could accommodate pedestrians as each arm of the roundabout had pedestrian islands. The update sheet gave details of the response of the Highway Authority regarding the pedestrian issues.

#### 165 **MINUTES OF THE PREVIOUS MEETING (00-27-52)**

The minutes of the meeting of 4 March 2015 were approved as a correct record and SIGNED by the Chairman.

#### 166 **CHAIRMAN'S ANNOUNCEMENTS (00-30-00)**

The Chairman had the following announcements to make:

- She reminded Members that there were two meetings in April, the 1<sup>st</sup> and the 22<sup>nd</sup>.
- She informed Members that this was the last meeting for the Head of Planning and Regeneration, she expressed her gratitude to him personally and she was sure that Members both past and present thanked him and wished him well.

#### 167 **ENFORCEMENT LIST (00-36-00)**

Consideration was given to a case in the Enforcement List \*.

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

Arising thereon:

No. 1 in the Enforcement List (Enforcement Case ENF/14/00124/UDRU – without planning permission, an unauthorised change of use has been undertaken namely the use of agricultural land to domestic garden – land west of Rowey Bungalow, Plainfield Lane, Witheleigh).

The Head of Planning and Regeneration outlined the contents of the report highlighting the history of the site as identified in the report and the complaints that had been received regarding the site from local residents regarding the use of the land. He was able to provide Members with photographs of the land in question. He stated that planning permission was not required for the planting of a hedge and that chickens and ducks were allowed to run on the land. The grass was being cut by a lawnmower and not by agricultural machinery. Referring to Mrs Coffey's questions, he stated that the use of the land was not predominately being used for agriculture, the grass was being cut but that was the only non-agricultural issue taking place, the land had not changed from agricultural to garden, there was potential for a change of use but we were not at the point where an enforcement notice could be served.

Consideration was given to the need to keep the land tidy and the need to monitor the situation. It was therefore:

**RESOLVED** that

- The owner be advised that the regular domestic mowing of an agricultural field may constitute a breach of planning control and the Council will monitor the use of the site over the spring/summer period to ensure a predominantly agricultural use is maintained on the land.
- No further action be taken at this time.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr P F Williams)

Notes:

Cllr E G Luxton declared a Disclosable Pecuniary Interest as his son was the landowner in question and left the meeting during the discussion thereon;

Cllrs A V G Griffiths and D J Knowles declared personal interests as the landowner was known to them;

Mrs Coffey (neighbour) spoke;

Cllrs A V G Griffiths, R L Stanley and K D Wilson requested that their abstention from voting was recorded.

168 **14/01847/MFUL - ERECTION OF 44 APARTMENTS FOR OLDER PERSONS, INCLUDING COMMUNAL FACILITIES, ASSOCIATED CAR PARKING INCLUDING CONSTRUCTION OF PARKING DECK AND LANDSCAPING (REVISED SCHEME) - LAND AND BUILDINGS AT NGR 295350 112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON (00-57-00)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. He referred to the questions as set out in the minutes of the previous meeting: Mr Davey had asked about the security issues, this had been addressed in Condition 14. Mr Hutchings had referred to the deck being moved 1metre away from Memorial Cottage, the slides would show this movement. Regarding loss of light and privacy and that the development was not in keeping with the surrounding area; there would be some issues with regard to this but Members needed to weigh up whether these issues warranted refusal of the application.

He outlined the contents of the report identifying the differences between the original and revised scheme: 44 flats were proposed instead of 45, the balance of the 1 and 2 bedroomed flats had shifted, the 2 access points, the reduction in the size of the parking deck, part of the building has been pulled away from the boundary with properties at Ham Place, elevation and accommodation details had been amended and there were changes to the garage areas. Members viewed photographs from various aspects of the site and computerised frontage images.

Consideration was given to the existing parking arrangements behind the Town Hall and any additional traffic using the archway; the sheet bulk of the development in the Conservation Area and the impact on Ham Place; and the improvements to the original plans

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

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks)

Notes-:

Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;

Cllr D J Knowles declared a personal interest as a Member of the British Legion;

Cllr K D Wilson declared a personal interest as he had been in discussion with local residents and the British Legion as Ward Member;

Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Mr Williams (Agent) spoke;

Mr Davey (Objector) spoke;

Cllr W Burke (Tiverton Town Council) spoke;

Cllrs P F Williams and K D Wilson spoke as Ward Members;

Cllr K D Wilson requested that his vote against the decision be recorded.

169 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

170 **THE PLANS LIST (1-52-00)**

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

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

(a) No 1 on the Plans List (***14/01915/FULL – Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anerobic Digestions (1,000Kw installed capacity) Facility –Land at NGR 283096 113579 (Menchine Farm, Nomansland)***)

The Area Planning Officer outlined the contents of the report informing Members that this application had already been appealed for non-determination and therefore

Members were requested to consider what decision they would have come to if they had been able to consider the application. He outlined the history of the site and the result of the previous appeal that had been granted planning permission at appeal. Members considered the site location plan and an aerial photograph, and received information regarding the increase in feedstock required to increase the fuel production. The officer explained that there was he felt a lot of outstanding issues that needed to be addressed and therefore he was recommending refusal of the application as set out in the report.

He considered the questions put forward at the beginning of the meeting, he agreed that there was a certain amount of uncertainty with regard to the feedstock, including: where they were coming from and the number of trips to the site. He added that with regard to the pollution issues, he was aware of these and that they were being dealt with by the Environment Agency.

Consideration was given to where the additional feedstock was coming from, whether there were any binding agreements with farms who were supplying the plant; the imposition of the application on local residents, the impact on the roads surrounding the site and proposed vehicle movements. A number of Members asked whether the application could be refused having regard to Development Management Policies DM6 and DM22.

**RESOLVED** that had the Committee had the opportunity to determine the application the application would have been refused for the following reasons:

In the opinion of the Local Planning Authority (LPA) it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance. On this basis the application proposals are considered to be contrary to policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs M E Squires and seconded by Cllr P F Williams)

Notes:

Cllr R F Radford declared a Disclosable Pecuniary Interest as a chicken farmer and that he may in future be involved in the production of feed for the AD plant and therefore left the meeting during the discussion thereon;

Cllrs M D Binks, Mrs F J Colthorpe, E G Luxton, R L Stanley, Mrs M E Squires and K D Wilson all declared personal interest as they either knew the applicant and/or local residents;

Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Miss Coffey (Templeton Parish Council) spoke in objection to the application;

Cllr Mrs Smyth (Cruwys Morchard Parish Council) spoke;

Cllr Mrs M E Squires spoke as Ward Member.

b) No 2 on the Plans List (***14/02116/FULL – Erection of retail store, formation of access, car parking and service area with landscaping and associated works – land at NGR 303843 111382 (Mid Devon Business Park), South View, Willand***).

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location plan, an aerial photograph which outlined the existing industrial units in the area and the residential accommodation close to the site. The proposed site plan identified the pedestrian footway, bollards, road crossing points and pedestrian refuge provision. The proposed elevations of the proposed development were highlighted and photographs were shown from various aspects of the site.

Consideration was given to: the need to address sensible pedestrian crossing points, the narrowness of the island at South View Road; that the Parish Council and local residents were pleased with the development but had concern regarding pedestrian safety; the possibility of the provision of an illuminated zebra crossing on South View Road and the cost of any such provision.

**RESOLVED** that this application be deferred to allow for discussions to take place with the applicant with regard to the provision of a zebra crossing and/or illuminating the existing crossing point on South View Road

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

Cllrs Mrs D L Brandon, Mrs F J Colthorpe, R Evans and R F Radford made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Cllr R Evans and Mrs D L Brandon spoke as Ward Members;

The Chairman read a message from Cllr R J Chesterton;

Mr Ingram (Agent) spoke;

Cllr Warren (Willand Parish Council) spoke;

Mr Sorenson (Devon County Council – Highway Authority) spoke;

The following late information was reported: 1 further objection summarised as follows: Further correspondence from DCC Highways – Email dated 3<sup>rd</sup> March 2015 to Local Ward Member and copied to MDDC – I have spoken to the safety team and given the Traffic flows and the existing facilities, it is felt to be adequate for the development and it would be unreasonable to impose a condition for controlled

crossings and given the evidence I could not justify such a condition at appeal. I will look at the existing crossings to ensure they are adequately constructed, e.g. tactile provision etc. and if they fall short their upgrade to current best practice would I feel be reasonable.

Email dated 4<sup>th</sup> March 2015 - Further to My email yesterday I visited the site and can confirm that the current crossing facilities are to current standards and no additional works will be required. If the developer wishes to make a magnanimous gesture and offer zebra crossing facilities they will probably be feasible from a technical perspective. But would need to be a good will gesture by the developer. I would be happy to work with the developer if they so wish to make the gesture

Update on drainage – following the consultation response from the Environment Agency, the applicant has confirmed that the finished floor level will be 82.35AOD and the EA have confirmed that this is acceptable. There are no outstanding drainage issues.

Update on amenity of nearby residents – The formal response of Env Health was received just as the agenda was published so consultation response was able to be published on the agenda. EH were specifically asked to consider the noise from generators, deliveries etc. They have advised that they have no objections to the proposals and therefore the impact on amenity is considered to be acceptable.

c) No 3 on the Plans List (***15/00069/FULL - Creation of new farm entrance – land and buildings at NGR 271138 108264 (Road from West Barton Cross to Eggesford Cross, Nymet Rowland)***).

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the new entrance to the farm yard, the existing access next to the listed church, site location plans, the existing site layout and photographs from various aspects of the site. It was generally felt that the new entrance would improve the setting of the listed church and no objections had been received from the Highways Authority.

Consideration was given to: the topography of the site, the steepness of the existing entrance and that the new entrance would enable lorries to enter the yard, rather than be unloaded from the road; the new entrance would be 40 metres away from the church and therefore would have little impact on the Grade 1 listed building; the views of the Conservation Officer and whether English Heritage had been consulted.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration, with an amendment to the conditions to include a requirement for the replacement hedging along the visibility splays to be planted with native species.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

Cllrs P J Heal and J D Squire declared personal interest as the applicant was known to them;



Cllr Mrs M E Squires made a declaration in accordance with the Protocol of Good practice for Councillors dealing in planning matters as she had received correspondence regarding this application as the local County Councillor;

Mr Smith spoke in objection to the application;

Cllr K D Wilson requested that his vote against the decision be recorded;

Cllrs M D Binks, Mrs M E Squires and P F Williams requested that their abstention from voting be recorded.

171 **APPLICATION 14/00881/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD AT LAND EAST OF TIVERTON, SOUTH OF A361 AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD, TIVERTON. (3-37-21)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation identifying the location plan, the master-plan area, the location of the left in and left out junction (LILO) and the full junction on the A361 (which had the benefit of planning permission), the indicative layout, the proposed buffer zone adjacent to Mayfair, the area of development to the south of West Manley Lane. It was confirmed that the application sought planning permission for a form and quantum of development which was in accordance with the adopted Masterplan, with all matters relating except means of access to be considered at the reserved matters stage. The APO then went onto to confirm the proposed access arrangements, and highlighted a number of conditions in the report and the terms of the S016 agreement that would control and manage the delivery of the access arrangement, including Condition 13 which required passing places to West Manley Lane to be incorporated into the development scheme design.

He addressed the questions presented earlier in the meeting: Natural England had previously objected to the application, however further information had been submitted and they had now withdrawn their objection subject to the provisions of Condition 15. Other conditions dealt with flooding issues and the single track lane. With regard to development on West Manley Lane that was for Members to decide but it was confirmed that the application proposals was in accordance with the adopted masterplan.

With regard to Dr Bell's questions, the noise survey had been completed and Devon County Council had received it although it had not been reviewed. With regard to air quality issues, the application was supported by Environmental Impact Assessment, which included a review of air quality issues. This information had been considered by officers, including Environmental Health Officers and that the updated Condition 2 was relevant to this issue. The issue of employing a district heating system was referenced in the Allocations and Infrastructure Development Plan Document,

however the size and amount of development proposed as part of the masterplan area is unlikely to generate sufficient demand for a district heating scheme.

Discussion took place regarding the traffic calming on Blundells Road with Mr Sorenson (Devon County Council – Highways Authority) informing the Committee that the LIL0 would not be constructed before the summer of 2016 as further design work was necessary. The traffic calming in Blundells Road could only take place during the school summer holidays because of the impact on Blundells School, the summer of 2015 was too early for any development and therefore there would be no development on the Eastern Urban Extension before the summer of 2016, this gave the Highway Authority an opportunity to look at the design of the scheme with regard to materials and appearance.

Further discussion took place the trigger points set out in the Masterplan, a low emissions strategy outlined in the update sheet as an addition to Condition 2; development on West Manley Lane and concerns about the threat to the SSSI at Tidcombe Fen

At this point the lateness of the hour was realised and it was therefore:

**RESOLVED** that the application be deferred to allow for further consideration to take place at the meeting of the Committee on 1 April 2015.

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks)

Notes:

Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, A V G Griffiths, D J Knowles, R L Stanley and K D Wilson declared personal interests as local residents were known to them;

Cllr Mrs M E Squires declared a personal interest as a grandchild went to Blundells School;

Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Mr Jones spoke on behalf of Sir Ian Amory (applicant);

The Chairman read a message from Cllr N V Davey (Ward Member);

Cllr D J Knowles spoke as one of the Ward Member's;

Cllrs Mrs F J Colthorpe and Mrs M E Squires requested that their vote against the decision to defer be recorded;

Mr Sorenson and Mr Black (Devon County Council – Highways Authority) spoke;

The following late information was reported: **Page 134 / 135:**



Add condition and reason 18 as follows:

Noise from operations conducted at any of the employment premises on the application site shall not at any time exceed a decibel level of LAeq (1hour) 55 dB as measured on any boundary of the site with adjoining residential properties, between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays, and LAeq (15min) 45 dB(A) during any other time including Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.

**Page 131: amend condition 2 as follows:**

2. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:

i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,

ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other land owned by the applicant that falls within the boundaries of the adopted Masterplan Area. The Strategy document shall set out the management, maintenance, access and use arrangements for each land parcel and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels.

iii) A low emissions strategy.

Reserved matters applications for the site shall incorporate the approved details.

111/128

A further response has been received from South West Water, and a verbal update will be provided on any further changes to the recommendation at the meeting in connection with sewerage infrastructure.

Page 96, Further comments from the Highway Authority regarding specific comments to address comments made by Blundells School:

Taking the points in order the designs of the junctions are such that they cater for the capacity, these may have changes to them through the reserved matter applications which will inform the design and by the street scene and frontage treatment sought by the planning Authority and the planning committee. The conditions imposed by the Highway Authority require full details to be approved in writing, therefore the DWGC698/21 does not prejudice our design for the traffic calming which has recently been consulted upon and the influence of the street design has been emphasised and will influence the scheme that comes forward.

Traffic modelling has been undertaken on the junctions and the Highway Authority are happy with the outcomes and the modelling has influenced the design of the roundabout and has allowed a reduction in size to a 28 ICD. It should also be noted that sufficient land is to be made available to increase this diameter should future development to the East come forward. Again the pallet of materials and indeed the type of roundabout will be influenced by the estates design through the reserved matter application. While a standard roundabout is shown a “Poynton style roundabout “ can be constructed subject to additional traffic calming necessary for this type of design to work. The initial safety audit for the design has been carried out by the highway Authority as part of the process of assessing the planning application. It's further design and construction will be subject to stage 2,3, and 4 safety audits secured through the highway legal agreements necessary for the construction. Further construction design and material choices are all conditioned and subject to LPA approval.

Page 111 and 128:

With regards to the matters raised by local residents and South West Water (SWW) regarding sewerage infrastructure, the following clarification has been provided by SWW regarding how they plan for and ensure there is sufficient capacity to accommodate new development:

SWW do not automatically include an allocated site in our business planning process as there is no guarantee that anyone site will be promoted and built out. Once developer interest has been expressed and there is some certainty with regard to the commencement of development of a site a detailed evaluation process can be undertaken, and then utilising the Requisition process for network upgrades, (after a developer has certainty of timing), we can provide certainty to the developer and LPA that the extra flows can be accommodated. In order to make this work though we may need to have planning conditions suitable for the development of a site to be controlled until any necessary network upgrades can be provided.

Given that SWW have confirmed that they know that the extra flows from up to 650 houses across the masterplan area can be accommodated before they may need to undertake any further capacity work, and a resolution has been passed approving up to 330 houses under LPA ref: 13/01616/MOUT, the following conditions is recommended as condition 19 for consideration by the committee to redress this issue:

No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity at the Tiverton Sewage Works to accommodate the foul water drainage from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

Reason: To ensure there are adequate water company (public ) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

Page 91 replace clause xviii as it is drafted regarding the transfer of land for use as allotments to only be necessary if the local residents continue to be of the view that it would be a positive use for this area of green infrastructure. Whilst the applicant

would be happy to facilitate the use he would not support any land transfers but would be willing to make the land available.

\*Report previously circulated copy attached to signed minutes.

172 **APPLICATION 15/00033/FULL - CHANGE OF USE OF RESIDENTIAL GARAGE/WORKSHOP TO DWELLING AT RAVENSDALE, BLACKBOROUGH (4-51-45)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. He outlined the contents of the report by way of presentation highlighting the site plan and the proposed split curtilage, the existing and proposed elevations and the site access. He explained a previous application which was very similar on a site near Tiverton which had been refused by the Planning Committee, and dismissed at appeal.

Consideration was given to the National Planning Policy Framework and building outside of an adopted settlement limit and in the countryside.

**RESOLVED** that this application be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs D L Brandon)

Notes:

Cllrs Mrs H Bainbridge, Mrs D L Brandon, Mrs F J Colthorpe, P J Heal, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Mr York (Applicant) spoke;

The Chairman read a message from the Ward Member, Cllr D F Pugsley

Cllr K D Wilson requested that his vote against the decision be recorded;

Cllr Mrs H Bainbridge requested that her abstention from voting be recorded;

The following late information was reported, the omission from the report stating that: this application was called to Committee by Cllr D Pugsley for the following reasons:

It will not affect the appearance of the place.

The access is already there.

Extra traffic will be minimal and the road is quite adequate for it.

The Parish Council have considered it carefully and in detail, and are happy with it.

\*Report previously circulated, copy attached to signed minutes.

173 **APPLICATION 14/01748/MARM - RESERVED MATTERS FOR THE ERECTION OF 112 DWELLINGS, INCLUDING GARAGES, DOMESTIC OUTBUILDINGS AND STRUCTURES, ASSOCIATED INFRASTRUCTURE, ESTATE ROADS, FOOTWAYS, CAR PARKING COURTS, DRAINAGE, PUMPING STATION AND LANDSCAPING, TOGETHER WITH ALL OTHER ASSOCIATED DEVELOPMENT, FOLLOWING OUTLINE APPROVAL 13/00859/MOUT - LAND AND BUILDINGS AT NGR 302994 107178 (FORMER CUMMINGS NURSERY) CULM LEA, CULLOMPTON**

The Chairman informed Members that this application had been withdrawn.

(The meeting ended at 7.45 pm)

**CHAIRMAN**

# Agenda Item 5

**Application No. 14/00881/MOUT**

**Agenda Item**

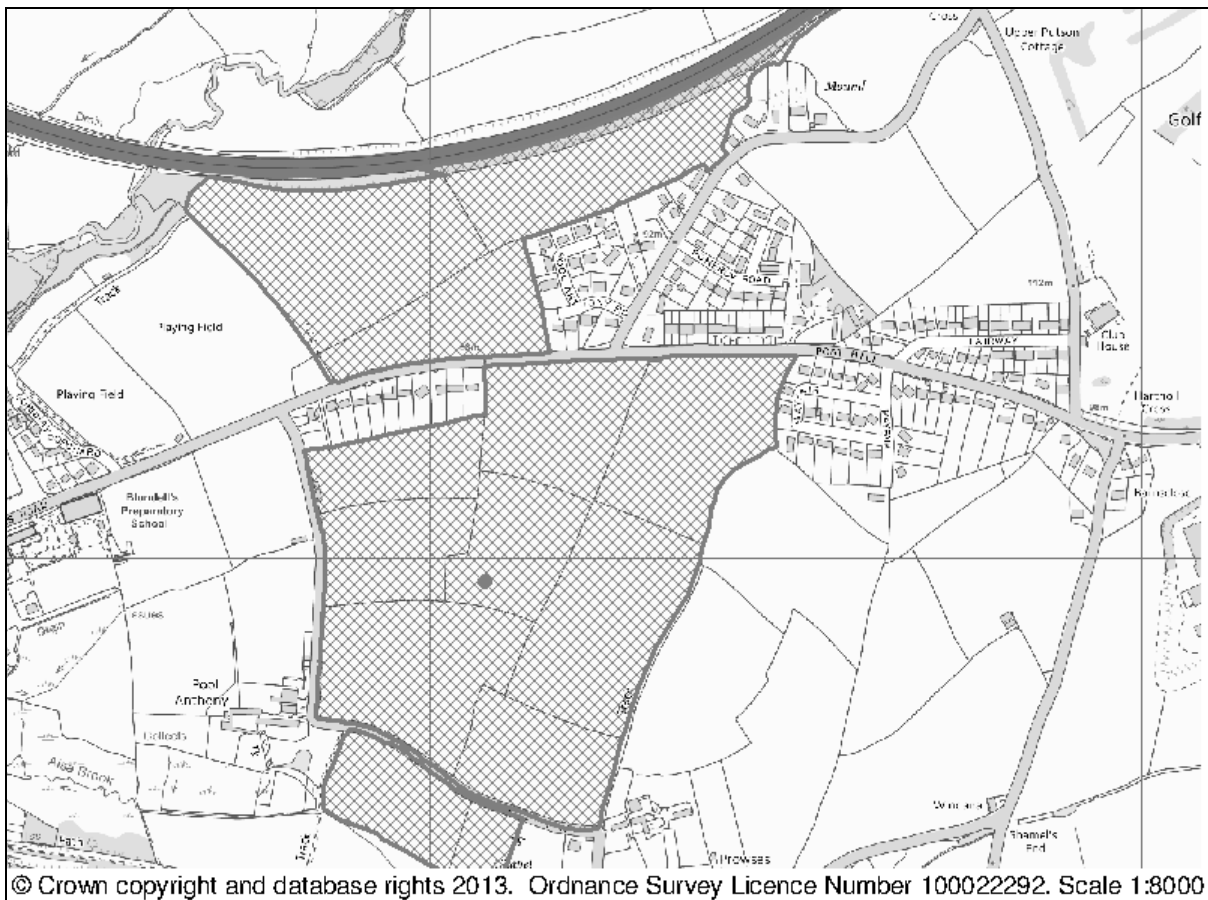
**Grid Ref:** 113549 : 298246

**Applicant:** Sir Ian Amory

**Location:** Land East of Tiverton, South of A361, and Both North and South of Blundells Road  
Upplowman Road Tiverton Devon

**Proposal:** Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road

**Date Valid:** 4th June 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**14/00881/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD - LAND EAST OF TIVERTON, SOUTH OF A361, AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD UPLOWMAN ROAD TIVERTON DEVON**

**Reason for Report:**

To determine this application.

**RECOMMENDATION(S)**

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

S106 to provide:

- (i) 22.5% affordable housing on site to be provided for occupation on an affordable rent basis.
- (ii) A financial contribution of £921,053 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Payment prior to commencement of development.
- (iii) A financial contribution of £253,289 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Payment prior to the first occupation of the 200th dwelling on site
- (iv) A contribution towards the provision of a full grade separated junction to and from the A361, the contribution includes an element of funding towards the southern section of the junction (LILO) and link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme, including development traffic. The total contribution towards this from this development has been fairly calculated as £3,684,211 – Trigger date to be agreed as part of the Section 106 agreement.
- (vi) A financial contribution of £851,974 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: 50% to be paid prior to first occupation of the 200th dwelling and 50% to be paid prior to the first occupation of the 300th dwelling on site.

(vii) A financial contribution to a maximum of £3,678,991 (minus the proportionate cost of the new primary school site- see clause viii below attributable to the application scheme) towards improving facilities at existing primary school sites where necessary until the need for new primary has been triggered by development across the Masterplan area for the funding of the new primary school, and towards improving facilities at existing secondary school site in Tiverton - Trigger date: Prior to first occupation of the 200th dwelling.

(viii) Agreement to provide a site of 1.93 hectares for a new primary school and to transfer to Devon County Council prior to the commencement of development for an agreed value based on the following calculation (700/1550) of the value of the site (based on a residential valuation factoring in 22.5 % affordable housing).

(x) A financial contribution of £1,381,579 towards the provision of the following community based facilities within the Masterplan area and outside of the Masterplan area to include, a community centre and associated hard court play and sports pitch, an all-weather pitch, changing room facilities and 5 x sports pitches - Trigger date: One third of the total sum to be paid before the completion of the 230th, 460th and 690th dwellings.

(xi) The provision of 3 Gypsy and Traveller pitches to be provided prior to the occupation of 460 dwellings - specification to include concrete base and connections to mains drainage, electricity and water supplies.

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

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

(xv) Agreement to the provision of travel vouchers of equivalent £300 per dwelling to be used for cycle provision for up to 10 years or bus travel payable upon occupation of each dwelling.

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

(xvii) Agreement to transfer the land (blue land on application site plan plus an area for works compound) on the north side of the A361 to Devon County Council – Trigger date: to be agreed.

(xviii) The Local Planning Authority will secure a proportionate contribution towards the investment required towards providing water, gas and electricity across Area B of the masterplan by imposing a levy of approximately £2,500.00 per dwelling towards such services only.

Note: this is not a requirement of this application but binds the LPA to secure the provisions when development of the Area B land identified in the Masterplan is brought forward for development.

**Relationship to Corporate Plan:**

Managing the environment.

**Financial Implications:**

The application would be subject to a Section 106, the details of which are set out in the above recommendation.

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

**Legal Implications:**

The application would be subject to a Section 106 agreement.

**Risk Assessment:**

This application represents a large proportion of housing masterplanned for within the Tiverton Eastern Urban Extension. Delay in bringing this land forward could impact upon the ability of the authority to demonstrate a five year land supply.

**Consultation carried out with:**

1. Tiverton Town Council
2. Highways Agency
3. Environment Agency
4. Environmental Health
5. Highway Authority
6. English Heritage
7. Natural England
8. Historic Environment Service
9. Devon County Council Strategic Planning Authority
10. Devon and Cornwall Police
11. South West Water
12. Devon Countryside Access Forum



## 1.0 PROPOSED DEVELOPMENT

The proposed uses for the application site include up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school, neighbourhood centre with associated access together with highway infrastructure.

The scope of the application site (red line) includes land to deliver the section of highway infrastructure that includes the roundabout which links the proposed new junction to and from the A361 and a distributor road that links back to Blundells Road, which in conjunction with the proposed junction already has the benefit of planning permission (LPA ref: 1400647/MFUL). The applicant owns the land to deliver the proposed junction (north and south of the A361) which is shown as blue land on the site plan.

In addition to the scope of land-uses as set out above, the only matter not reserved for consideration in the future is the means of access into the site. The means of access proposed for consideration are:

- Into the northern part of the site from the new highway infrastructure as described above.
- Into the northern part of the site from Blundells Road to the south.
- Into the southern part of the site from Blundells Road to the north (2 points of access).
- Into the very southern parts of the site from West Manley Lane.

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

The application as submitted is supported by an Illustrative Masterplan layout on an A1 sheet and presents an illustrative layout with access into the site from the points as described above. This layout shows 655 individual dwelling plots and 4 larger accommodation buildings to accommodate up to 45 apartments.

In accordance with the requirements of the Environmental Impact Assessment Regulations, the application has been accompanied by an Environmental Statement.

The A1 sheet Masterplan submitted with the application is illustrative only and has been submitted by the applicant to seek to demonstrate potential layouts for the site and to demonstrate that the site could be developed out in accordance with the terms of the permission as applied for (i.e. up to 700 dwellings, employment floor space, primary school, neighbourhood centre) in a manner which would be acceptable. However for the avoidance of doubt this application is not seeking approval for the indicative layout as it has been presented, and all of the issues below will be considered as reserved matters in the event that this outline application is approved:

- Architecture and design of all buildings

- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area
- Design and layout of open space areas and green infrastructure
- Design of landscaped areas
- Drainage infrastructure
- Parking provision

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

Site Plan.

Illustrative Masterplan prepared by Clifton Emery 131206 L02 02

Masterplan SPD and land at Blundell's Road overlay prepared by Clifton Emery 131206 k 140920 01

Street Hierarchy prepared by Clifton Emery 131206 SK 140920

West Manley Lane Access Layouts prepared by PFA Consulting C698/26

Access Junctions Roundabouts arrangements prepared by PFA Consulting C698/25

Simple T junction access from Blundell's Road prepared by PFA Consulting C698/21

Ghost Island junction south of grade separated junction prepared by PFA Consulting C698/20

Access junction's drainage arrangements prepared by PFA Consulting C698/24

Design & Access Statement prepared by Clifton Emery dated May 2014.

Planning Statement prepared by PCL Planning dated May 2014.

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

1. Socio-Economic impacts
3. Arboricultural Impacts
4. Biodiversity
5. Archaeology/Heritage Assets
6. Transport and Accessibility
7. Flood Risk & Drainage
8. Air Quality
9. Ground Conditions and Contamination
10. Landscape & Visual Impact
11. Noise

## **3.0 TIVERTON EASTERN URBAN EXTENSION/MASTERPLANNING PROCESS**

The application sits as part of a larger area promoted for development and referred to as the Tiverton Eastern Area Extension. Spatially, and also in terms of the quantum of residential development proposed, the application site occupies approximately just under 50% of the total area covered by the urban extension area.

The following section of this report provides an overview of the background to the Masterplanning process for the Tiverton Eastern Urban Extension, and as included in the other reports regarding planning application proposals for the Tiverton EUE .

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

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

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

The Local Planning Authority are intending to produce a Design Guide for the Urban Extension that will complement and expand upon the Adopted Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document. The Design Process section of the adopted Masterplan Supplementary Planning Document describes the requirement for urban design and architectural principles to be illustrated in guidelines to ensure continuity of approach across the masterplan area. The Design guide will build on the content of the Masterplan Supplementary Planning Document and act as an intervening step between it and the degree of design detail and resolution that will be required at later reserved matters stage.

#### **4.0 RELEVANT PLANNING HISTORY**

13/01616/MOUT - Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements – Resolution to grant planning permission subject to S106 agreement.

14/00667/MFUL - Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier – APPROVED

14/01168/MFUL - Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping - APPROVED

#### **5.0 DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision  
COR9 - Access  
COR11 - Flooding  
COR13 - Tiverton

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

AL/DE/1 - Housing Plan, Monitor and Manage  
AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/3 - Affordable Housing Site Target  
AL/DE/4 - Occupation of Affordable Housing  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space  
AL/TIV/1 - Eastern Urban Extension  
AL/TIV/2 - Eastern urban Extension Transport Provision  
AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure  
AL/TIV/4 - Eastern Urban Extension Community Facilities  
AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality  
AL/TIV/6 - Eastern Urban Extension Phasing  
AL/TIV/7 - Eastern Urban Extension Masterplanning

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

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

## **6.0 CONSULTATIONS**

### **Highway Authority - Further comments and observations received - 26th February 2015**

The Local Planning Authority will be aware of the Highway Authority comments dated 7/7/2014 which are still relevant to the application and the Highway Authority has received additional information with regard to the access arrangements and their capacities which are acceptable to the Highway Authority and overcome our previous concerns (as set out above).

The Highway Authority are in receipt of the following drawings which the applicant has submitted to the Local planning Authority, these drawings are acceptable to the Highway Authority, Drawing C698/20 revision A; C698/21; C698/24; C698/25 and C698/26.

The above drawings should be conditional of any consent and drawing C698/24 for the provision of the drainage should be constructed with the Link road and prior to any development of the Dwellings and employment use. It should be noted that the delivery of the drainage on land to the south of Blundells road may need to be excluded from a recognition of commencement on that part of the site when considering triggers for the delivery of any of the off-site works and should form part of the negotiations of the section 106. The phasing and programming of the works should be agreed in writing by the Local Planning Authority.

There are a number of requirements which should be dealt with at the reserved matters stage. The treatment of West Manley Lane and the additional traffic generated from the new developments should be assessed and incorporated into the overall strategy, but will be influenced by the reserved matters application, and details of which will need to be agreed.

Therefore the Highway Authority would recommend a suitable Grampian style condition requiring the submission of detail for approval prior to commencement on site.

I can also confirm the comments made by Mr Graham Eves in response to the Hydrock observations are correct and that the details of the roundabout and the final design of the traffic calming will be subject to the reserved matters application and section 278 agreement with the urban design of the reserved matters application informing the design, materials and further design of the Phase 2 traffic calming proposals.

In addition to the above a suitable condition requiring the distributor road from the new roundabout on Blundells road running south through to Phase B of the Tiverton EUE should be imposed to ensure its connectivity and delivery to support the wider Allocated area. In addition to which the early delivery of the land for the school which will need to be fully serviced in terms of access needs to be secured by either Grampian style condition or through the section 106 agreement.

Therefore subject to the drawings being accepted by the Local Planning Authority and conditional of any consent the Highway Authority would withdraw its recommendation of refusal. The Highway Authority would seek the following contributions and works as part of the section 106 agreement.

- Provision of a travel plan to include the provision of Bus vouchers £250.00 per house hold
- and Cycle Vouchers at £50.00 per household
- Contribution of £3,684,211.00 to the A361 Grade separated junction.
- Contribution of £921,053.00 to the traffic calming of Blundells road and post hill
- Contribution of £253,289.00 to the improvement of Heathcoat way roundabout and Lowman way Roundabout.
- Bus provision and service improvements £506,579.00
- Cycle provision and improvements £345,395.00
- The provision of land for the construction of the A361 grade separated junction.

In addition to which the following conditions should also be imposed and /or in the case of the Grampian style conditions incorporated into a section 106 agreement.

Recommendation:

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

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

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

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

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

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

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

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

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

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

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

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

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

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

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

5. No development shall take place on site until the Left in Left out junction onto the A361 previously consented has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy framework

6. No development of more than 600 dwellings and /or 10,000 m<sup>2</sup> of employment shall take place on site until the off-site highway works for the provision of the full grade separated junction onto the A361 has been constructed in accordance with the consent design and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework

7. No development shall take place on land to the south of Blundells Road and/or the employment land until the roundabout at the junction of Blundells Road and the link road has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework

8. The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundells road to the boundary of the site adjoining Phase B of the allocated site shall be constructed and made available for use in and the programmed delivery of the distributor road will be agreed in writing with the Local Planning Authority prior to commencement of any development

REASON: To ensure that adequate facilities are available for construction traffic and the delivery of the Allocated site in its entirety to satisfy the Masterplan.

9. No development shall take place on site until the off-site highway works for the provision of Passing places, highway mitigation measures, transport strategies on West Manley Road have been agreed in writing with Local planning Authority and made available for use according to an approved Program of works.

REASON: To minimise the impact of the development on the highway network in accordance with National Planning Policy Network

Further comments from the Highway Authority regarding received on 17<sup>th</sup> March, specific comments to address comments made by Blundells School:

Taking the points in order the designs of the junctions are such that they cater for the capacity, these may have changes to them through the reserve matter applications which will inform the design and by the street scene and frontage treatment sought by the planning Authority and the planning committee. The conditions imposed by the Highway Authority require full details to be approved in writing, therefore the DWGC698/21 does not prejudice our design for the traffic calming which has recently been consulted upon and the influence of the street design has been emphasised and will influence the scheme that comes forward.

Traffic modelling has been undertaken on the junctions and the Highway Authority are happy with the outcomes and the modelling has influenced the design of the roundabout and has allowed a reduction in size to a 28 ICD. It should also be noted that sufficient land is to be made available to increase this diameter should future development to the East come forward. Again the pallet of materials and indeed the type of roundabout will be influenced by the estates design through the reserved matter application. While a standard roundabout is shown a "Poynton style roundabout" can be constructed subject to additional traffic calming necessary for this type of design to work. The initial safety audit for the design has been carried out by the highway Authority as part of the process of assessing the planning application. Its further design and construction will be subject to stage 2, 3, and 4 safety audits secured through the highway legal agreements necessary for the construction. Further construction design and material choices are all conditioned and subject to LPA approval.

**DEVON COUNTY Council - 17th July 2014. The comments below include the original comments submitted by the Highway Authority that have subsequently been amended as set out above.**

1. Thank you for providing the opportunity to comment upon planning application 14/00881/MOUT, which is an outline application (with full consent for access) for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, a care home, a primary school and a neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundell's Road, Tiverton.

2. It should be noted that the county council objects to the proposed application on transport and historic environment grounds, and raises a number of other recommended requirements, such as financial contributions, which will be needed to overcome other potential objections to the application.

3. In preparing this response, the county council has had regard to the wider planning context within which this application has come forward. The site is located within an area which is allocated for mixed use development in the Mid Devon Local Plan (specifically part 2 - Allocations and Infrastructure DPD - adopted January 2011). In accordance with policy AL/TIV/1 of this document, a Masterplan has been produced and adopted by Mid Devon District Council. The county council has contributed towards the development of this Masterplanning exercise. The comments below therefore relate to the provisions of both the adopted Masterplan and relevant policy.

4. This response provides the formal views of Devon County Council in relation to:

- Local transport provision
- Potential historic environment impacts
- Local education provision
- Library services

5. These topics are discussed under separate headings, below.  
Local transport provision

6. The Highway Authority has no objection in principle to the application. Indeed, the county council considers that this site should be developed in conjunction with the principles of the adopted Masterplan and should not hinder or prevent the delivery of the remainder of the allocated site. This will require any distributor roads within the site being taken to the very edge of the eastern site boundary, to provide access into what is termed 'Area B' in the Masterplan.

7. The applicant should be advised of the following comments about the application, transport assessment, and amended plans. Numbers referred to are those in the Transport Analysis (TA).

8. 4.6 Appendix G is not very clear but it appears the applicant is proposing a priority, raised table junction where the link road from the A361 junction connects onto Blundell's Road. Given that this is proposed to be the main access to the whole Tiverton eastern urban extension (EUE), this is not considered to be a suitable option. Instead, it is considered that a roundabout would be most appropriate here (see further comments below).

9. 4.11 The adopted Masterplan requires the full 'cloverleaf' grade separated A361 junction to be constructed before 600 dwellings or 10,000m<sup>2</sup> employment is constructed within the EUE and this development on its own will exceed that. Yet there is no mention of the full junction in the transport analysis, only a left in - left out junction on the A361. The Masterplan also states that contributions towards bus service enhancements are required after 600 dwellings and that cycle and pedestrian contributions are required upon first occupation. There is no mention of these within the TA.



10. 4.12 states that this development will make a proportionate contribution towards the highway improvements set out within the Masterplan. Such a contribution should be the outstanding amount to fully fund the works so the Highway Authority can build the infrastructure at the required trigger points, given that 'Phase B' of the Masterplan area does not appear to be forthcoming.

11. 5.9. Given that the Waddeton Park application has a committee resolution to grant permission, this should be considered in conjunction with this application to assess the cumulative impacts.

12. 5.24 The HA Pinch Point scheme at J27 has been changed and signals will now be operating full time, not just in the peak periods.

13. 5.26 says that the HA Pinch Point scheme at J27 is sufficient to accommodate the EUE development but the modelling results show this will be over capacity in the weekday peaks. Current analysis shows that traffic flows can double on a summer Friday and there is no assessment of this. There are no LINSIG outputs of just this development, only the full EUE.

14. 6.6 Sets out the intention that the left in - left out junction onto the A361 will be open to traffic before construction of the proposed development commences. The Masterplan states that this must happen and this is fundamental to reducing the impact of construction traffic on Blundell's Road.

15. 7.5 identifies that the whole EUE development can be accommodated by just a left in - left out junction on the A361. This is not accepted by the highway authority due to the detrimental effect of development traffic upon the pupils outside Blundell's School wishing to cross the road. The full junction is required to reduce through traffic on Blundell's Road. Also, without the full junction, there is going to be an increase of traffic through Halberton which hasn't been assessed.

16. 7.6 No assessments of the access junctions onto Blundell's Road have been carried out. The applicant should calculate their own figures for the amount of traffic coming out of the side roads given that they have now identified a proposed internal layout of the development which was not available when building the SATURN model used to inform the preparation of the Masterplan.

17. In consideration of the above comments, the junction of the south and north parcels of this site (including the link from the A361 junction) with Blundell's road need to be designed to cater for the capacity of the full EUE and the use by commercial vehicles. It is considered that a simple cross roads / shared surface area is not sufficient and the preferred junction should be a 32 metre inscribed circle diameter (ICD) roundabout sited with particular attention to the existing residential access off Blundell's Road.

18. The secondary junctions from the site onto Blundell's Road and the above junction will need to be assessed and shown that the type and style are appropriate to cater for the full allocation and the existing traffic generation.

19. The traffic calming measures over the frontage of the site on Blundell's road should be designed to complement the overall street scene and provide additional crossings for pedestrians and therefore changes to the current design proposals may need to be included.

20. Any junctions onto the existing highway network or the proposed new link to the A361 should be designed and assessed and submitted to the Highway Authority for approval, this may include changes to West Manley road.

21. The internal layout should include pedestrian and cycle linkages to Blundell's road and to the canal / sustrans cycle route and these can take the form of on road cycle provision and off road but should be signposted appropriately.

22. The application will be subject to a section 106 agreement which will need to provide a travel plan, this should be a full travel plan for the residential element and will include welcome pack, bus pass provision and cycle voucher provision and a framework travel plan for the commercial which should include for car sharing and incentives, e.g. priority parking, lockers and showers to promote cycling, and incentives such as transport for vulnerable workers at night.

23. Contributions towards providing a suitable bus route to serve the application site, off-site highways works and off-site cycle improvements will also be required.

24. The roads through the site to serve the remaining allocation in Phase B should be 6.0m wide with footway cycleways and active frontages. These should be built right up to the boundary of the land ownership of the developer. It is recommended that this would be required by condition if the planning authority considers that this application should be granted.

25. The access roads for both residential and commercial estates served by the link road to the A361 should have a junction analysis to satisfy the Highway Authority that a simple junction can be accommodated and should show the implications of the junctions on the roundabouts and the slips to the A361.

26. Drainage details will need to be approved in writing before any development commences and should include such survey investigation to show that SUD's proposals are acceptable or that alternatives have sufficient capacity such investigations should include 12 months of ground water level surveys.

27. Taking into account the above comments, the Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that permission be refused for the following reasons:

#### 28. Highways Reasons for Refusal

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

- A) access,
- B) visibility splays,
- C) road layout,
- D) surface water drainage,

Contrary to the National Planning Policy Framework.

29. The county council reserves its right to alter its position should further information be forthcoming from the applicant which would materially change the current proposals.

30. Notwithstanding the objection to this application made on transport grounds, the county council also has responsibilities for other public services. The comments below relate to these other services, and whilst no specific objection to the application is raised for education and library services, the objection for transport reasons still stands until such time as it may be resolved by further information from the applicant.

Historic environment

31. Devon County Council Historic Environment Service has previously provided comments on this application. For wholeness, I have included these comments within this strategic response, as follows.

32. The proposed development lies in an area of demonstrated archaeological potential. Previously undertaken archaeological work, geophysical survey and some field evaluation, within the application area has demonstrated the widespread presence of prehistoric activity across the development site. While some limited intrusive field evaluation has been undertaken there has been no field evaluation of the bulk of the archaeological features identified by the geophysical survey. The anomalies identified by the geophysical survey appear to show an extensive prehistoric or Romano-British field system extending across a large proportion of the site, as well as possible enclosures that may be indicative of settlement, agricultural or funerary activity. The proposed development site also lies to the west and adjacent to a site where hundreds of flint tools have been recovered from the topsoil - indicating a concentration of prehistoric activity in the vicinity. This site is recorded on the Mid Devon Register of Heritage Assets: Local List - Central.

33. While the supporting information for this planning application does contain the results of a desk-based research and geophysical survey, it is not possible to understand the significance or quality of survival of the heritage assets with archaeological interest within the site without undertaking intrusive archaeological field evaluation. As such, I do not regard the information submitted in support of this application as adequate to enable an understanding of the significance of the heritage assets affected or allow an adequate consideration of the impact of the proposed development upon the archaeological resource.

34. Given the potential for survival and significance of below ground archaeological deposits associated with the known prehistoric or Romano-British activity within the development site and the absence of sufficient archaeological information, Devon County Council objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application.

#### 35. Historic Environment Reason for Refusal

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of historic environment impacts. Contrary to guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraph 128 of the National Planning Policy Framework (2012).

36. The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological investigation, comprising of the excavation of a series of evaluative trenches to investigate the anomalies identified by the geophysical survey as well as any apparently 'blank' areas across the development site. The results of this programme of archaeological work would allow the significance of any heritage assets to be understood as well as the requirement and scope of any mitigation, either by design to allow 'preservation in situ' or through further archaeological work to ensure 'preservation by record' of any heritage assets destroyed by the development. The results of any fieldwork and post-excavation assessment/analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

37. I would recommend that the applicant or their agent contact the County Council's Historic Environment Team to discuss the scope of works required, we would expect to provide the applicant with a brief setting out the scope of the works required.

38. Notwithstanding the objection to this application made on historic environment grounds, the county council also has responsibilities for other public services. The comments below

relate to these other services, and whilst no specific objection to the application is raised for these, the objection for historic environment reasons still stands until such time as it may be resolved by further information from the applicant.

#### Local Education Provision

39. Devon County Council calculates school pupil numbers based upon its s106 policy. This assesses the number of pupils generated per household and, after taking account of spare capacity in suitably accessible schools, sets out how many school places will need to be provided to accommodate the development. The cost of this provision can then be calculated.

40. A development of 700 dwellings will generate 175 primary school age pupils and 105 secondary school age pupils. Taking into account 'spare capacity' in existing Tiverton schools, accounting for forecast numbers on roll and impact of previously agreed but unimplemented developments there is very limited capacity available to serve this area of development - including schools within reasonable walking distance and the town itself. In total, there is projected to be surplus of 6.7 primary places and 62.6 secondary places to support the proposed urban extension, including this proposal for 700 dwellings. The implications of this with regard to developer contributions are set out below.

#### Primary School Provision

41. In accordance with the above capacity assessment and the adopted Masterplan, a new primary school within the overall Masterplan area will be necessary to accommodate pupils generated by the development - in a central location that provides an acceptable walking distance to school from the new houses. As per the application details, the proposed school site lies within this application site.

42. It is envisaged that the primary school would provide for 420 pupil places and would require 1.93Ha of land. The facilities and land provision will need to be funded from the development in the eastern urban extension, including from this site. The county council has previously highlighted the need to deliver the education facilities (specifically primary age) within an early phase of the development of the Tiverton eastern urban extension, which is reflected in the phasing schedule within the Masterplan document.

43. As set out above, this development proposal of 700 dwellings is expected to produce 175 primary pupils. 1 place is the equivalent of 4 dwellings of two or more bedrooms in size. Due to existing capacity at primary schools in the area, 3 spare primary pupil places have been allocated to this development, which the developer will not need to contribute towards. This is calculated as the development of 700 dwellings constitutes 47% of the overall EUE (assuming 1500 total). Therefore this development will need to fund 172 primary pupil places.

44. The county council's education S106 policy states that the 'new build' rate for the provision of primary school facilities is equivalent to £13,329.50 per pupil. It is therefore requested that a contribution towards facilities from this application is sought under s106 of the Town and Country Planning Act 1990 for 172 pupils, a total contribution of £2,292,674.00. As the application is outline and the dwelling sizes are unknown, the calculations in this letter assume that all dwellings will be of two or more bedrooms in size and therefore generate the number of pupils above.

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

46. The county council will require the land to be transferred and serviced in accordance with the phasing schedule set out in the Masterplan. This states that the 1.93Ha of land for primary school site should be transferred to DCC prior to the commencement of construction of any residential development within the site that is south of Blundell's Road. The land should be transferred served by an appropriate road access and should be cleared and appropriately levelled. Prior to the occupation of any residential development to the south of Blundell's Road, working utilities connections to the site should be provided by the developer.

47. In order to ensure this occurs, it is considered appropriate to condition (subject to approval of the application) a construction / phasing plan for the development site which is then adhered to by the developer.

#### Secondary School Provision

48. As set out above, the development is anticipated to generate 105 secondary aged pupils, and there are 62.6 'spare pupil places' at Tiverton High. Factoring in anticipated developments, a share of this capacity of 29 spaces has been allocated to this development. The county council is therefore requesting that this development provides for 76 pupil spaces, at a rate of £18,241.00 per place, or £2736.15 per dwelling of two or more bedrooms in size. This is a total contribution of £1,386,316.00. Again, as the application is outline and the dwelling sizes are unknown, the calculations in this letter assume that all dwellings will be of two or more bedrooms in size and therefore generate the number of pupils above.

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

#### Legal costs

50. In addition to the contribution figures quoted above, the county council would wish to recover legal costs incurred as a result of the preparation and completion of a s106 agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

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

Number of pupil places to be funded by development	4 / Land take	Cost per pupil	Total
Primary school facilities	172	£13,329.50	£2,292,674.00
Primary school land	1.93Ha	Direct provision by developer	Direct provision by developer
Secondary school facilities	76	£18,241.00	£1,386,316.00
Legal costs (£500 total)		£500.00	£500.00
Total			£3,679,490.00

Plus land (Index linked from 3rd quarter 2012)

52. These contributions should be secured through the s106 agreement process. Should alternative methods of delivery of the education facilities be promoted by the developer then the county council will consider these.

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

4 Assumes 700 dwellings of two bedrooms or more come forward on this site (taking into spare capacity) Library services

54. The development proposed contains a substantial amount of development and will increase demand on Tiverton Library. Devon County Council's Libraries strategy proposes to create a 'Devon Centre' at Tiverton, this will be a multi-facility building which offers shared facilities for libraries, flexible working spaces, potentially children and youth services and other services. Library services in Tiverton are therefore a key focus for the county council

and it is considered that development should contribute fairly to increasing the facilities at these libraries to accommodate the need that it will create.

55. The Museum, Library and Archive Council (MLA) Standard Charge approach recommends for libraries a minimum standard space of 25m<sup>2</sup> per 1000 population (MLA council report "Public Libraries, Archives and New Development: a Standard Charge approach" 20105). This document also sets out that there is a standard cost of 3,154.00 per m<sup>2</sup>.

56. The Department for Communities and Local Government publishes data about household size and occupancy. In Mid Devon in 2011 it can be seen that the average housing occupancy is 2.35 persons per dwelling<sup>6</sup>. It is assumed that the occupancy will be the same across the proposed development.

57. In accordance with this, it is anticipated that the development will result in 1,645 persons, resulting in a need for 41.13m<sup>2</sup> of new library floor space.

58. In accordance with the Museum, Library and Archive Council (MLA) Standard Charge approach, a contribution of £129,724.00 will be required in order to support this development. This should be secured through the s106 process. The county council would be minded to object to this proposal if this contribution is not agreed.

59. I hope the above comments are useful in determining the above application. If you have any questions please do not hesitate in contacting the planning officers of the county council, with Stuart Langer being the first contact point.

60. If the authority is minded to approve the application despite our objection, we would be grateful if you could please contact the county council to discuss prior to taking this application to planning committee.

**ENVIRONMENT AGENCY - 24th November 2014 – NO objections raised**  
(Further comments to those originally submitted)

We are able to withdraw our objection to the proposal providing development proceeds in accordance with the revised Flood Risk Assessment (FRA) and wish to make the following comments.

It is pleasing to see that the strategy has been revised to take into account earlier flood risk concerns, including re-defining the sub-catchments.

We note the comments regarding the existing flooding problems in Manley Lane we raised. No doubt the proposed drainage scheme, once completed, may help address existing problems. Works to reduce existing problems of waters ponding on the highway need only take the form of minor improvements to existing ditches which could be carried out as part of the proposed development. We will continue to advise such be investigated/instigated. Given that the development will be phased we do advise that measures be put in place during the construction phases to reduce offsite problems. The provision of minor improvements and temporary works measures could be dealt with by condition.

The description of the drainage strategy for the 'Northern Development Parcel', including clarification of physical constraints, is reasonable.

In overall terms it is clear that the proposed strategy aligns with sustainable urban drainage techniques something the NPPF endorses. Issues regarding aesthetics, safety and maintenance lie somewhat outside the Environment Agency's remit. This is not to say that we won't provide advice with a view to help ensure the sustainability of the Suds systems. Given it is looking very probable that Schedule 3 of the Floods and Water Management Act may not be enacted it is probable that Mid Devon District Council (MDDC) may want the design and construction of the Suds features vetted in this instance. MDDC could commission a third party to review detailed design, when this becomes available. The Environment Agency will certainly strongly advise that MDDC gains written assurances regarding ongoing maintenance of the features prior to determination of the application, and that the Suds features be designed in accordance with best practice as contained within the Suds Manual 2007.

In summary, and from the flood risk management perspective, we feel that the issue of surface water management could be covered by condition(s).

**28th November 2014** - Thank you for consulting us on this proposal, our last letter confirms we have received the revised FRA and we can withdraw our objection. I also note Natural England have advised they can withdraw their objection subject to our comments.

**HISTORIC ENVIRONMENT SERVICE – 12<sup>th</sup> December 2014 - NO objections raised**  
(Further comments to those originally submitted)

I refer to the above application. The archaeological evaluation of the above site has largely been completed. Seventeen of the twenty trenches requested by the Historic Environment Team have been excavated, and the extent and character of archaeological features identified by the geophysical survey have largely been quantified. I understand that Cotswold Archaeology are at present preparing a report on the results of these investigations (as well as a site archive). I am therefore making these comments on the basis of information gained during my monitoring visits to these investigations and discussions with the site staff.

The archaeological evaluation has demonstrated the widespread, but truncated, presence of prehistoric and possibly Romano-British activity across the proposed development site. The significance of these heritage assets are not sufficient to require preservation in situ. However, groundworks associated with the construction of this development will expose and destroy these heritage assets with archaeological interest.

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

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

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

Reason

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

I would envisage the archaeological works as taking the form of a staged programme of archaeological investigation, consisting of:

1. The excavation of further investigative trenches to refine the areas of archaeological sensitivity across the application area;
2. A programme of archaeological investigation of areas identified by (i) where the development will have an impact upon archaeological deposits and where further more detailed archaeological investigation and recording is required. This will take the form of area excavation, as well as strip, map and recording of areas of archaeological activity across the site;
3. The production of an appropriately illustrated and detailed publication report detailing all of the stages of archaeological fieldwork as well as any post-excavation assessment and analysis undertaken;
4. The production and deposition of a digital site archive.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

**NATURAL ENGLAND - 11th December 2014** – NO objections raised  
(Further comments to those originally submitted)

We have considered the additional information and have the following comments.

Designated sites - withdraw objection

The development is adjacent to Tidcombe Lane Fen SSSI (notified for its M22 Fen meadow) and, without mitigation, has the potential to adversely affect the special interest of the SSSI by virtue of impacts on water quality and quantity. However, based on the additional information provided and prior discussions with PFA consulting, Natural England is satisfied that the revised surface water drainage strategy and SUDs will adequately maintain the existing hydrological regime of the SSSI in terms of water quality and quantity.

To ensure that the water quality entering the SSSI is adequate, a SUDs planting and maintenance regime and a water quality monitoring programme, linked to further mitigation where necessary, is required to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features. This needs to be secured through planning conditions. We understand that the revised surface water drainage strategy and FRA is also acceptable to the Environment Agency. Given this, and on the basis of the conditions above, Natural England removes its current objection.

This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Natural England will also need to be consulted at the reserved matters and discharge of conditions/S106 phases to ensure the detailed mitigation is right. SUDs is key in preventing



harm to the SSSI and maintenance in perpetuity is vital. In the event of a maintenance company folding, we would suggest that a backup plan, such as the LPA adopting the SUDs, must be identified.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### Suggested Condition

No development should take place until a long-term monitoring and maintenance plan in respect of the SUDs, both during and post construction (water quality and management regime), including a timetable of monitoring, is submitted to and approved in writing by the Local Planning Authority. This should also include details of the options for contingency action should the monitoring indicate inadequate quality of the water leaving the SUDs system and entering the SSSI. Any necessary contingency measures shall be carried out in accordance with the details in the approved plan. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority. This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Through the Master Plan process, we acknowledge that changes have been made to the proposal to reduce the amount and area of low density housing to the south of West Manley Lane and removing the playing fields (part relocated to share school facilities) to increase the buffer between the development and the SSSI.

Whilst this is welcome, Natural England considers the application could be made more sustainable with the removal of the low density housing to the south of West Manley Lane to maintain a more extensive buffer to the SSSI and leave this area of the river/fen catchment undeveloped to further protect the SSSI and associated species assemblage from disturbance, lighting, pollution, for example, associated with the development. This would be in line with policy COR13 contained in the Core Strategy which says the Council will guide development to 'Protect the importance of Tidcombe Fen, other areas of biodiversity value and green infrastructure, supporting opportunities for enhancement of river corridors'.

#### Additional matters

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

### **ENGLISH HERITAGE – 12<sup>th</sup> November 2014 – NO objections raised**

I think your proposals are fine, my only concern being that there is no explicit requirement to implement any mitigation (in the form of detail, extent), should any issues be identified. Is there any way to make this clear? Other than that, your proposed conditions would be acceptable to EH. Thanks for coming back to us with a pragmatic solution.

### **11<sup>th</sup> November 2014**

Thank you for your correspondence in the last few months regarding the above outline application. The new full, grade separated (raised) road junction over the A361 (referred to as the Cloverleaf) has recently been granted planning permission by the Planning Committee. This road junction also forms part of the outline application 14/00881/MOUT in terms of access to the development land. I have discussed the English Heritage response with the consultant team representing the application. As the application is outline with all matters reserved except access, at this stage we do not know what form of development would be proposed on the northern part of the site and therefore have no idea how high it would be or what it would look like. The site Masterplan that was submitted is illustrative only and a future reserved matters application may or may not use it as a base plan for the actual development of the site. In addition to this, between the outline planning process and the reserved matters process it will be necessary for any developer to go through an additional process of establishing through illustration urban design and architectural principles. As a result it is difficult to have a single image photomontage of the site and possible development prepared at this time. Any photomontage would not be meaningful as the layout of potential development is subject to change and considerable further discussions and design work. I do not think a single image photomontage at this time would illustrate the potential impact/visibility of the potential development on views from Knightshayes House and RPG. I consider that the more suitable time to prepare a photomontage of the proposed development would be at the reserved matters stage when a layout, type, height, scale and design of development would be known. Please could you consider the above points and let me know if English Heritage are able to agree that the single image photomontage would be better provided at reserved matters stage.

### **HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 2nd December 2014 – NO objections raised**

(Further comments to those originally submitted)

Further to the Agency's letter dated 30 June 2014, additional information has now been provided by the applicant. As you are aware, there is an approved pinch point improvement for J27 which provides part signalisation of the junction. Improvements at the junction are due to commence in the near future.

The submitted modelling shows that the part signalisation of the junctions will provide adequate capacity to protect the operation of the SRN slip roads. However, the same model shows queues on the circulatory carriageway from the M5 southbound off-slip node, extending beyond the available stacking space for vehicles which would, in reality, mean extensive queues along the A361. It is not however considered that correcting the model would alter the findings of the assessment work in relation to the M5 off-slips.

The Agency is therefore content that the impact of the development on the SRN would not be severe provided that the Pinch Point scheme was in place. However, it should be noted that the results demonstrate that in the future year tests including full development of the Tiverton Urban Expansion development, there is limited capacity remaining in the junction. It is likely that any other substantial applications around J27 will require additional improvements to the junction to protect the operation of the SRN.

In view of the above, please therefore find an Article 25 TR110 which directs no objections to the development.

**ENVIRONMENTAL HEALTH - 21st October 2014**

Contaminated Land - no objections to this outline proposal

Air Quality - no objections to this outline proposal

Waste & Sustainability

Drainage - no objections to this outline proposal

Noise & other nuisances - no objections to this outline proposal

Housing Standards - no objections to this outline proposal

Licensing - Not applicable

Food Hygiene - N/A

Private Water Supplies - Not applicable

Health and Safety - no fundamental objection on health and safety grounds

In addition your officers are recommended a condition requiring the submission of a low emissions strategy to be submitted as part of the further information to be submitted at the Reserved Matters stages.

**DEVELOPMENT SERVICES MANAGER (PROPERTY SERVICES) - 16th July 2014**

Housing Services have recommended the following mix in terms of affordable housing:

20% 1 bed units

40% 2 bed units

35% 3 bed units

5% 4 bed units

**HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 22 October 2014** - This development of up to 700 dwellings will require a provision of 35% Affordable Homes in order to meet our current Affordable Housing Policy.

**SOUTH WEST WATER - 5th July 2014** - I refer to the above application which South West Water has to consider in conjunction with planning application 13/0616 for a 300 house development adjacent to this site and would advise that the public foul sewer network has sufficient capacity to serve the proposals beyond a maximum of 650 dwellings in total without causing the public sewer network to surcharge, with resultant flooding.

This has been made known to the applicant/their consultants previously, together with the fact that the sewer network will require detailed investigations to establish the level and cost of improvements which may be necessary to accommodate the foul flows generated by their particular development.

Such investigations as are required will not be funded by South West Water and will need to be at the applicant/developer's full cost.

Should your Council be minded to approve the planning application, I would emphasise that suitable planning conditions/s106 planning obligation terms will need to be imposed (e.g. requiring no development to proceed on site until such time as a detailed sewerage

evaluation, as noted above, has been carried out and funding put in place for the improvements identified as necessary. It will be crucial that no building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to your Local Planning Authority's satisfaction).

Please see section (xi) of point 5: Other issues below for your officers response to this comment.

**DEVON & CORNWALL POLICE AUTHORITY - 17th June 2014**

I contacted the agent Mr David Seaton to ascertain what if any consideration had been given to crime and disorder at this early stage. It is widely recognised that the sooner the principles of Crime prevention through Environmental Design (CPTED) are adopted the easier it is to incorporate those principles.

The seven attributes being:

Access: Safe movement, permeability serving the development, limit casual access.

Surveillance and sightlines: culpable observers

Layout: Clear and logical orientation, aware of desire lines, awareness of conflict with POS

Activity mix: Designing out opportunities for community conflict

Sense of ownership: Showing a space is cared for, and allows authority as an owner.

Quality environments: Defensible space,

Physical protection: Using active security measures

It is appreciated that much of the design is detailed and requires in depth consultation at reserved matters, however it is important that these principles are acknowledged sooner than later. Design changes to the school for example could have a knock of effect on dwellings, and delay the planning process. With this in mind can I request consultation with both the architect and the planners at an appropriate time in the future, but before a detailed design is submitted.

22 October 2014 - I responded to this application on 16th June 2014 - the request for early consultation remains.

**DEVON COUNTRYSIDE ACCESS FORUM – 16<sup>th</sup> July 2014**

The Devon Countryside Access Forum is statutory forum under the Countryside and Rights of Way Act 2000. Its remit is to provide independent advice on the "improvement of public access to land for the purposes of open-air recreation and enjoyment." The Forum has thirteen volunteers, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other fields of expertise such as tourism and conservation. In addition, two County Councillors sit on the Forum.

The Forum prepared a position statement on Local development Frameworks and Planning, updated earlier this year, which sets out what the Forum would hope to see considered in any development proposal and Mid Devon District Council is advised to cross-check the development against this document.

Plans to incorporate green infrastructure, cycling/walking routes to the town centre and in particular links to the national Cycle Network and Grand Western Canal to the south of the development are welcomed.

**TIVERTON TOWN COUNCIL - 9th July 2014** - Council is unable to support this application as it feels it is over development and will be out of keeping with the area. There are great concerns regarding the ability of the highway network being able to sustain such an increase in traffic. There will be significant loss of green space and there will be significant increase in air and light pollution. There are great concerns for the neighbouring villages of Halberton and Sampford Peverell. Concerns regarding the loss of historic hedges and trees and the impact on the drovers track and the Tidcombe Fen. Further concerns relating to the ability of the sewage system to cope with this increased capacity and also possible flooding caused by rain water fallout.

22 October 2014 - Previous comments remain with concerns regarding the Drovers Lane and the density of the proposal

## **7.0 REPRESENTATIONS**

Letters of notification were sent out to 243 addresses in close proximity to the site when the application was first received, and publicity was given to the application via a press notice and an advert in the Mid Devon Star. Following receipt of the additional information and or revised illustrative layouts and access details further letters of notification were sent out publishing the receipt of this additional information. In total 61 letters have been received with all raising concerns/objections regarding the application scheme. Two of the letters offer support for the principle of providing the additional residential development. A summary of the comments made is included below:

- Scale of development out of keeping with semi-rural area
- Tiv EUE Masterplan was railroaded through and public not made aware of implications
- Road accidents will increase due to increased traffic along Post Hill, Blundells Road and through Halberton
- Sewage system is inadequate
- increased rain fall runoff due to area being concreted
- Flood risk assessments are inadequate
- Tidcombe Fen SSSI will be permanently and irreversibly harmed from increased flooding and air pollution
- flooding local housing market with new homes will reduce value of other properties in the area
- loss of prime agricultural land
- no public exhibition or statement of community involvement included with the application
- traffic flows through Blundells School complex has been under estimated and will harm the school environment
- concerns regarding noise impacts, air pollution impacts and surface water impacts of the left in left out junction on to the A361
- hedgerows should be retained
- ecology needs to be protected
- no development south of West Manley Lane

- no access from new residential areas onto existing lanes
- high proportion of affordable housing must be provided
- archaeology needs more investigation
- development will make Tiverton even more of a dormitory town
- provision of jobs is a myth
- more work required to establish the design criteria to ensure design in keeping with area as well as innovative and appealing
- unacceptable impact on character of rural lanes
- concern about impact on vitality and viability of Tiverton town centre - retail provision could have added impact on the town centre - retail impact assessment should be provided
- no buffer zone indicated with Mayfair to the north east of the site
- access to Tiverton Parkway will be adversely affected
- development at Tiverton should be linked to a holistic view toward development in the wider area including at Exeter
- provision should be made for self- build opportunities within this development
- suitable buffer zones to existing properties required
- concerns over quality of the EIA
- concern over road design of the link onto the A361
- number of dwellings is too high
- infrastructure currently not able to cope with extent of new development proposed
- residents will not form a community and the existing community will be broken up
- no evidence that a second care home is required
- no details of cyclist/pedestrian link to the SUStans route from the development
- no public footpath should be provided near residential development south of the SUStans route (Glebelands)
- green infrastructure area close to Glebelands should be left alone

#### 2 x letters of support

- expansion will be good for the town as long as the town environment is protected and good transport infrastructure is provided

#### West Manley Lane Conservation Group x4

- concern over some of the labelling and identification of areas around West Manley Lane;
- no statement of how many dwellings will be affordable housing
- Flood risk information does not appear to be based on site specific records
- concerns regarding capacity of sewage network
- new sewage system could have significant effects of the SSSI
- the application does not accurately identify the current use of West Manley Lane by walkers, runners, horse riders, school groups, cyclists who use it as part of circular route with grand western canal and sustrans railway walk
- application is not supported by any survey data regarding peak use of West Manley Lane and Manley Lane for recreational purposes
- West Manley Lane and Manley Lane will become congested and hazardous as no formal passing places and only existing residential gateways to pass in etc.
- concerned about impacts on the landscape and visual impact from the existing lanes
- lack of tree preservation orders within the application site

- mitigating measures regarding impact on landscape and visual amenity will take many years to become established
- loss of hedgerow as a result of the proposed accesses - increased traffic use of the lanes, affect the character of the rural lanes, pedestrian accessibility to the countryside will be effected
- concern about location of roundabout on Blundells Road at end of new link onto A361
- concern about materials proposed for new roundabout in order to reduce noise from roundabout in nearby residential properties

Tiverton Civic Society – 1<sup>st</sup> July 2014 (summarised)

- Will comment fully on details such as design and layout when full apps submitted;
- Emphasize adverse impacts kept to minimal as ancient landscape, continuously farmed since Neolithic period;
- No Statement Community Involvement submitted – public not informed and no exhibitions;
- Thorough Environmental Statement with regards to Archaeology and Heritage Assets – confirms area of archaeological importance, desk based report not adequate, intrusive archaeological investigation required, impact on Long barrows and Round barrows more information required;
- Report carried out by Devon Wildlife Consultants 2009 on behalf of West Manley Lane Conservation Group suggested some hedgerows in the area ancient with high species diversity. Access roads should be away from hedgerows;
- Vital that low cost housing (affordable housing) forms significant percentage of any new residential development;
- Adverse cumulative impact at Blundell's School from traffic, concern about traffic projections;
- No housing should be provided on south side of West Manley Lane

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

The larger land parcel falls due south of Blundells Road with West Manley Lane defining the western boundary. The southern boundary of the application site is defined partially by a mid-point through a field south of West Manley Lane at a point close to Pool Anthony Farm and partially by West Manley Lane itself. The site is currently structured as 12 separate agricultural fields. The topography of this part of the site varies and slopes to the south towards the former railway walk/SUstrans route.

The smaller part of the application comprises three gently sloping fields to the north of Blundells Road with mature hedgerows on all sides, bounded on the northern side by the A361. The topography of this part of the site is relatively flat and is currently structured as 2 separate large scale agricultural fields. In total the site measures approximately 47 hectares.

There are some free standing trees within the site and the Mid Devon Tree Officer is currently considering which trees are worthy of protection via a Tree Preservation Order. There are no Scheduled Ancient Monuments within the application site, however, there are archaeological remains within the site and off-site Scheduled Monuments (Long and Round Barrows) to the east of the site.

Currently access to both areas of the application site is via agricultural type accesses farm type accesses, with Blundells Road and West Manley Lane providing access for through traffic.

As stated above planning permission has already been granted for the provision of a Left In Left Out (LILO) connection with the A361 (for use by traffic travelling westwards only) under LPA ref: 14/00667/MFUL and also for a full grade separated junction under LPA ref: 14/01168/MFUL (also includes LILO connection as the southern half of the full junction). The land to deliver this junction is in the ownership of this applicant. The adopted Masterplan establishes that this junction is required to serve the development of the Tiverton EUE area when the trigger of 600 dwellings across the Masterplan area has been reached. The applicant also owns some of the land the due south of the application site and which is proposed to function as Green Infrastructure

The main issues to be considered at this stage are:

- 1. Policy/Masterplanning process/Land Use Issues**
- 2. Highway and Transport Issues, including phased provision of infrastructure**
- 3. Implications of delivering 700 dwellings, 22,000 square metres employment land, primary school, neighbourhood centre, care home on the site.**
- 4. Section 106 issues**
- 5. Other Issues (including: air quality impacts, noise impacts, drainage and utility provisions)**
- 6. New Homes Bonus**
- 7. Conclusions/Planning Balance**

#### **1. Policy/Masterplanning/Land-use Issues**

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

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

#### Eastern Urban Extension

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

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



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

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

AL/TIV/2 Eastern Urban Extension Transport Provision

AL/TIV/3 Eastern Urban Extension Environmental Protection & Green Infrastructure

AL/TIV/4 Eastern Urban Extension Community Facilities

AL/TIV/5 Eastern Urban Extension Carbon Reduction & Air Quality

AL/TIV/6 Eastern Urban Extension Phasing

AL/TIV/7 Eastern Urban Extension Masterplanning

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

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

Other key revisions include:

The location of the grade separated junction from A361 and link road has been adjusted to present a better relationship with neighbouring properties. This has led to a reduction in quantum of employment floorspace proposed in the North West corner of the Masterplan Area. Introduction of traffic calming measures to Tidcombe Lane. A review of the triggers for the delivery of the key highway infrastructure elements which retain a balanced approach to ensuring deliverability. Rationalisation of the number, position and future expected character of some of the land parcels that are promoted for residential development (away from Tidcombe Fen and West Manley Lane). The strategy to provide sports pitches to include an element of off-site provision. Finally a reduction in the overall density proposed to be equal to 36 dwellings per hectare.

In summary the principles of the strategic level policies as set out in the Mid Devon Core Strategy (Local Plan Part 1) and the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as set out above are now embedded within the adopted Masterplan. Given the nature of the application proposal as stated - outline approval for means of access to serve the site and with a residential density proposed equal to 36 dwellings per hectare, it is considered that the application scheme is in accordance with the high level land-use principles established by the relevant policies as referred above and the adopted Masterplan except where the Policy Framework in the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) has been updated by the

Masterplan as identified above.

The next stages of the planning assessment of this application scheme is to assess the means of access into the site as proposed and highway capacity issues, consider if the application scheme and the documentation submitted to support it satisfactorily demonstrates that the site could accommodate up to 700 dwellings, 22,000 Square metres employment floor space, primary school, care home and neighbourhood centre and the extent to which the application scheme delivers the necessary infrastructure. These matters are considered below.

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

The application scheme raises five broad highway and movement issues

- The acceptability of the proposed points of access into the site and capacity issues;
- The proposed new junction on the A361;
- The impact on highway safety and the general amenities of the area during construction and post occupation;
- The impact of the development on the capacity of Junction 27 of the M5;
- Other contributions to highways infrastructure.

### **Acceptability of the proposed points of access into the site, and capacity issues**

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

- From the new junction on the A361. As stated above detailed planning permissions have been granted for a new junction arrangement to provide access onto and from both carriageways.
- From a new roundabout on Blundells Rd. The roundabout is intended to be a 'Poynton' style roundabout with a diameter of 28m, and will provide the primary link for traffic to access the development proposed both north and south of Blundells Rd and to the new A361 junction;
- A new T junction on Blundells Rd east of main roundabout access to provide a secondary access to the development proposed south of Blundells Rd, and would potentially be to the east of the neighbourhood centre
- Seven smaller accesses into and out of the site from the southern) part of West Manley lane. These seven access points are on the east/west stretch of West Manley Lane toward the southern boundary of the application site. They are intended to serve lower density housing areas, with a different character to the development to the north. Three of these accesses are to single dwellings and one of the accesses would enable traffic from the development in the more northerly parts of the site to access West Manley Lane.

The plans submitted with the application include scaled drawings of the accesses onto/from Blundells Road as well as scaled drawings of the access points onto/from West Manley. The illustrative layout Masterplan also indicates the location of these accesses. In addition

to the illustrative Masterplan layout there is a street hierarchy plan which also shows proposed access points. The Masterplan layout and the street hierarchy plan while showing a combination of these access points are indicative only.

While the access points have been submitted for consideration as part of this application, conditions are also required to ensure that additional public pedestrian/cycle access is provided throughout the development in appropriate phases and in particular to the areas of Green Infrastructure.

The Highways Authority have no objections to the proposed points of access indicated as part of this application although conditions are required to ensure appropriate further detailing is provided and to control the timing of proposed means of access as proposed.

Letters of objection have been received regarding the traffic implications of the proposed development. These relate to impacts on residents of Uplowman Road and Pool Anthony Drive from the LILO junction, increased traffic through Post Hill and Halberton, and increased use of West Manley lane.

With regard to the concerns about the impact of increased traffic levels on the neighbouring residential streets and passing through Halberton. Given the proposed new junction arrangements onto and off the A361 (both westwards and eastwards) have been approved – see section below, it is not considered the application proposals should have a significant impact on capacity and safety issues on this part of the highway.

With regards to the potentially changing nature of the use of West Manley Lane this issue has been the subject of many letters of objection. It is claimed that the lane is used recreationally as well as by vehicles for access to properties. Objections have stated that walkers, joggers and horse riders all use the lane as well as school groups from Blundells School. Concerns have been raised that the proposed development will prevent this recreational use of the lane and increase danger to all users. While there will inevitably be an impact on West Manley Lane as some additional development is proposed, the Highways Authority have not indicated that the proposed development will have an unacceptable impact in terms of capacity or on the safety of road users, subject to ensuring that adequate provision is made within the application site for stopping and passing sections along West Manley Lane, (please see condition 9 of the recommendation). Finally given the structure of the application scheme, West Manley Lane would not be used as a primary route rather it would be used to access a lower density housing area toward the southern boundary of the site and the details of these smaller access points from West Manley Lane have been demonstrated on submitted plans.

The Highway Authority are aware of the concerns expressed by local stakeholders and have not raised any concerns on this basis.

In terms of future capacity the southern parcel of land included in this application will also need to make provision for access to Area B of the Tiverton EUE Masterplan area to the east of the site. The illustrative street hierarchy suggests that a primary route through the site would lead up to the boundary with Area B. It is important that this primary route is provided at a fairly early phase of development to encourage the development of Area B. It is also important that the road links toward Area B are provided up to and including the boundary between areas to ensure a comprehensive form of development

### **Planning permission for the new junction on the A361**

Planning permission has already been granted for a Left in Left junction (LILO) on the westbound carriageway, and also for a full grade separated junction (Cloverleaf) to provide a

link to the east bound carriageway access to and egress from the eastern he north of the application site (which also includes LILO details). The land to accommodate both these aspects of the Masterplan is owned by the applicant, and the provision of the land and a financial contribution proportionate to the scale of development proposed to ensure deliver of these critical infrastructure package is a requirement of the terms of the section 106 agreement as recommended.

Since the planning application for these infrastructure projects were considered by the Planning Committee towards the end of last year, an application to receive up to £7.5 million pounds of Central Government funding has been confirmed, by the Heart of the South West LEP, which will match fund the developer contributions (secured across the Masterplan area).

### **The impact on highway safety during construction and operation**

Permission and now funding is in place for the connections to and from the A361 and for improvements to Blundells Rd and Tidcombe Lane, and as stated this application proposes a distributor road to link Blundells Rd to the new junction on the A361.

The triggers set out in the adopted Masterplan require the delivery of the LILO section of the new junction to form a construction access prior to any development commencing, and the delivery of the LILO section and distributor road back to Blundells Rd to adoptable standards for public use prior to the commencement of occupation of any development. The completion of the full junction is required prior to the occupation of the 600<sup>th</sup> dwelling and or 10,000 square metres of employment floorspace.

Planning application 13/01616/MOUT for up to 330 houses has been approved on the basis that the development cannot be commenced until either the Blundells Road traffic calming and/or the southern section of the new junction for use by construction traffic has been delivered to ensure the impact of construction traffic is minimised (included as part of the Section 106 agreement). The reason why the southern section of the slip road was not required prior to commencement of development was given that the applicant did not own all the land necessary to build it out. Whereas in this case the applicant controls the land to deliver this infrastructure, in addition to the part of the junction on the north side.

Furthermore taking into account the developer contributions already negotiated and the contribution agreed from this application, the funding is available to deliver the southern section of the new junction and the link back to Blundells Rd, and also the northern section on the basis of Government infrastructure funding via the LEP.

Although DCC as Highway Authority are undertaking preliminary investigation regards construction and delivery of the northern section of the junction, and also potentially the southern section, there will need to be a control mechanism to ensure the delivery of the each aspect of the infrastructure.

The Masterplan triggers as set out above were set given the need to protect the general amenities of the area as well as highway capacity concerns. If the same approach to the negotiated triggers was to be the same as the decision on application 13/01616/MOUT, then the delivery of the LILO would not be guaranteed.

To conclude, this application is able to provide the land to deliver the strategic connections to the A361 (northern and southern sections), and a proportionate contribution toward the cost of the infrastructure as well as to the other traffic requirements set out in the adopted Masterplan (improvements to Heathcoat Way/Blundells Road roundabout and Heathcoat Way/Lowman Way roundabout).

Conditions 10- 12 are recommended to ensure the delivery of proposed the key infrastructure needed to make this development acceptable within the application site and/or on land which forms part of the Masterplan Area and it is controlled by the applicant. These contributions are as recommended by the Highway Authority.

In addition the terms of the Section 106 agreement will require the applicant to transfer the necessary land on the northern side of the A361 to enable DCC to deliver the northern section of the junction.

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

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

Junction 27 is considered to be the gateway to Mid Devon, North Devon and Torridge. The scheme at Junction 27 aims to increase the capacity at the junction, reduce delay to users of the trunk road network and improve safety by widening and adding part time signals, thereby removing queuing from the motorway mainline. The M5 Junction 27 improvement scheme has been identified by the Heart of the South West LEP as being a priority area required to improve access for the new Tiverton Urban Extension (TEUE) and Tiverton Parkway Station. Works on this scheme have now begun, with no further requirements arising from proposals within the Masterplan Area.

### **Developer contributions to highways infrastructure**

A summary of the contributions towards to highway infrastructure are set out below:

- A financial contribution of £921,053 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Prior to commencement of development.
- A financial contribution of £253,289 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Prior to the first occupation of the 200th dwellings on site.
- A contribution towards the provision of a full grade separated junction to and from the A361, including the LILLO section and the link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme. The total contribution towards this infrastructure from this development has been fairly calculated as £3,684,211. This is the total contribution sought on the basis the application does not deliver the southern slip, referred to as the LILLO above.
- A financial contribution of £851,974 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: 50% to be paid prior to first occupation of the 200th dwelling and 50% to be paid prior to the first occupation of the 300th dwelling on site.

In addition the terms of a travel plan will be required to be submitted as part of the section 106 agreement. This includes providing bus and cycle vouchers per dwelling and a contribution to enhanced bus service provision.

In summary taking into account the matters as considered above, the scope of the mitigation package as outline and the terms of the conditions as recommended the proposals are considered to be in accordance with policy COR9 Mid Devon Core Strategy, policy DM2 Local Plan Part 3 (Development Management Policies.

### **3. Implications of delivering the application scheme.**

An illustrative layout has been submitted as part of the supporting information to seek to demonstrate how the development could be achieved across the site. This is in addition to the design and access statement document.

The illustrative layout has been designed to demonstrate how all the land uses proposed could be accommodated. The layout illustrative includes:

- A site for a care home of 0.78 hectares.
- A site for a development comprising a neighbourhood centre to include shops and other community uses of 0.72 hectares.
- A site for a two form entry primary school and associated playing fields of 1.68 hectares.
- An area for an industrial estate comprising 22, 738 square metres of employment floor space.
- An area for residential development north of Blundells Road providing up to 88 units.
- An area for residential development south of Blundells Road providing up to 612 units.

This level of development can be achieved in building blocks generally accommodating 2 storeys of accommodation with 2.5 storeys employed at key nodal points such as the grouping of buildings around the new junction with Blundells Rd.

The residential development is proposed to include a variety of housing types, including 45 apartments split over four blocks, and a range of 2, 3 and 4 bedroom houses with predominantly on plot and on street parking. Provision is made for some courtyard parking which would clearly only be acceptable if it complied with the guidance in the LPA's adopted SPD on parking.

The layout for the northern development area has been shown to be compatible with the strategic highway infrastructure with low density development on the boundary with the existing housing on Poole Anthony Drive.

The layout for the southern development area, incorporates a network of informal and formal green spaces that further strengthen the links between the streets and development areas. The size and disposition of these spaces is reflective of the development densities proposed and the site characteristics. The layout shows denser housing towards the new junction with pockets of open space, including school playing fields and leading to a landscaped hub north of West Manley Lane, to include community allotments where the housing is at a lower density.

The one aspect of the layout of this area of the Masterplan that does require control at this stage is the suggested development of the area immediately to the east of Mayfair which is shown on the adopted Masterplan as part of the green network. Instead the indicative layout shows that it will accommodate 2 storey houses that would be positioned close to the boundary with the properties on Mayfair. Given the likely relationship it is not considered sensible to promote development in a location that in the adopted Masterplan is protected from accommodating development and this will be controlled by condition.

The indicative layout shows a landscape and community hub just north of West Manley Lane which would as stated above could include an area for allotments. Condition 2 as recommended requires the applicant to submit a strategy for the management and maintenance of all green infrastructure across the application site and the other relevant land owned by the applicant that falls within the boundaries of the adopted Masterplan Area. The strategy would need to include land adjacent to Glebelands and demonstrate its proposed use and function which could include use as allotments if the local community support such a use.

It is considered that the application satisfactorily demonstrates that the quantum of development proposed can be achieved at a scale and density which will be acceptable with the exception of the area directly adjacent to Mayfair. Although the supporting information provides some thumb nail visualisations to demonstrate the relationship between residential buildings, the surrounding spaces and highway provision which will provide guidance at the reserved matters stages, the scope of what is demonstrated is basic and is not considered to be sufficient to impose the level of control at the reserved matters stages that is required. Therefore prior to the submission of reserved matters further guiding principles will be required as set out at conditions 2 and 3 to ensure compliance with the Masterplan process as members have adopted, in addition to any guidance the LPA produce.

In summary the application scheme proposes a level of development that is compliant with the density parameters set out in the adopted Masterplan. At this stage of the process and on the basis of the information submitted and the conditions as recommended, your Officers consider that there is no justification to consider refusing the application on the basis that the application scheme would deliver an inappropriate, un-neighbourly and over dense form of development. The quantum of development set out within this application also reflects that envisaged within Policy AL/TIV/1 and the Adopted Masterplan SPD.

#### **4. Section 106 issues**

The scope of mitigation to be provided off site, and the scope of financial contributions that have been agreed to enable the delivery of new infrastructure to be provided off site is set out on the first page of this report. In terms of the triggers to deliver the key infrastructure packages, the triggers are to be set out which accord with the terms of the planning approval for application 13/01616/MOUT.

In terms of affordable housing provision, if the recommendation as set out is approved, on the basis of delivering 700 homes across the application site, 157 affordable of the dwellings would be occupied on an affordable rent basis (22.5% compared with a target of 35%), and in addition 3 serviced gypsy and traveller pitches are to be provided on the application site – exact location unspecified and would be established at reserved matters stage.

Given this is an outline application the applicant will be required to submit phasing proposals which will establish a delivery plan to ensure that the overall quantum of affordable housing is delivered in cluster groups of no more than 10 in any one phase of development and on the basis of the following mix in terms of unit size (BH = bedroom house) as a percentage of the overall number provided: 35% x 1BH, 40% x 2BH, 20% x 3BH and 5% x 4 BH. The phasing plan should also address the delivery of the serviced gypsy and traveller pitches.

Given the magnitude of the additional costs associated with bringing this site forward for development, (in excess of £8 million pounds) your Officers consider that this is an acceptable response to the relevant Development Plan Policies: Policy COR8 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/DE/3 of the Mid Devon Allocations and

Infrastructure Development Plan Document (Local Plan Part 2) and Policy AL/TIV/1-7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## 5. Other Issues

### i) Arboriculture

A tree survey has been undertaken on the application site with reference to BS5837 and this survey has established the significance of the trees and root protection areas found on the site. It has also derived RPAs (Root Protection Areas) for the trees. The survey indicates that most of the trees within the site are within hedge banks and consist of oak and Ash with some Beech, Sycamore, Birch, Elm and Willow.

The older Oak and Ash have been recorded as receptors that will potentially be affected by development. The careful laying out of development and allocating enough space to the Root Protection Areas should help to reduce any development/tree conflict post completion of construction.

The main impact of the proposed development is the loss of three mature trees for highway access into the employment land (to the north of Blundells Road), although the trees have been identified as of moderate quality, the loss of which is acceptable. The tree survey and impact assessment concludes that development of the site could have a negligible impact on surveyed trees subject to further information and mitigation submitted with detailed/reserved matters applications.

Since the submission of the application the MDDC Tree Officer has been to the site and reviewed the trees and hedgerows. A number of the Oaks and Ash have subsequently been protected by a Tree Preservation Order. This TPO will need to be taken into account when reserved matters for the development of the land are being considered.

On this basis this outline application is therefore in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

### ii) Biodiversity

Protected species and habitat surveys have been carried out on the application site. The surveys conclude that as long as mitigation and implementation of construction stage and long term ecological management plans are agreed with the Local Planning Authority and adhered to then the development will not have any significant adverse effects on biodiversity. The biodiversity report also concludes that the development will not have any residual effects on Culm Grasslands, Tidcombe Fen Site of Special Scientific Interest (SSSI), Grand Western Canal County Wildlife Site, dormice, hedgerows or badgers.

The MDDC Tree Officer has identified the potential importance of the hedgerows and the retention and improvement of these would have a positive impact on the habitats available within the site. Natural England were consulted on the application and an objection was initially submitted. Following their receipt of additional information including a revised Flood Risk Assessment and drainage Strategy Drawing C698/13 Rev D they withdrew their objection as they were satisfied that the revised surface water drainage strategy and SUDs will adequately maintain the existing hydrological regime of the Tidcombe Fen SSSI in terms of water quality and quantity and the potential impact on Tidcombe Fen SSSI.

In order to ensure that the water quality entering the SSSI is adequate conditions have been imposed to ensure the submission of a SUDs planting and maintenance regime as well as a water monitoring programme which needs to be linked to further mitigation where necessary. This information is required to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features.



Subject to the imposition of necessary conditions, with regard to impact on Biodiversity the application is in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

iii) Cultural heritage (archaeology/heritage assets)

Heritage survey works of the application site initially comprised of desk-based assessment, assessment of heritage asset settings and a geophysical survey in order to address below-ground archaeological resources, visible archaeological resource and historic buildings and landscape. The Devon County Council Historic Environment Service (DCC HES) indicated that the work carried out was not sufficient to determine what below-ground archaeological remains may be present and required a series of trenches to be dug in order to test the results of the geophysical survey. Trenches were dug on the relevant areas of the site as agreed with DCC HES and the County Archaeologist reviewed the trenches and the archaeological remains found within them. Prehistoric ditches were found as well as pits containing Neolithic or early Bronze Age flint and decorated pottery. A prehistoric pot with cremated human remains was also identified.

The archaeological evaluation demonstrated the widespread, but truncated, presence of prehistoric and possibly Romano-British activity across the proposed development site and ground works associated with the construction of this development will expose and destroy these heritage assets with archaeological interest. However, the HES have concluded that the significance of these heritage assets are not sufficient to require preservation in situ. On this basis the County archaeologist is able to support a positive decision on the application subject to further works which can be controlled by condition.

It is necessary for further archaeological work to be carried out on the site before any development takes place. The works would form a staged programme of archaeological investigation consisting of: excavation of further investigative trenches to refine the areas of archaeological sensitivity across the application area; a programme of archaeological investigation of areas identified by (i) where the development will have an impact upon archaeological deposits and where further more detailed archaeological investigation and recording is required. This will take the form of area excavation, as well as strip, map and recording of areas of archaeological activity across the site; production of an appropriately illustrated and detailed publication report detailing all of the stages of archaeological fieldwork as well as any post-excavation assessment and analysis undertaken; production and deposition of a digital site archive.

In addition to the additional archaeological work carried out the cultural heritage report submitted with the application also reviewed impacts on other types of heritage assets. The report concludes that the development of the site will not lead to 'substantial harm to or total loss of the significance of a designated heritage asset. English Heritage was consulted on the application and they initially objected as they did not feel the potential impact on the Knightshayes Estate had been appropriately considered and require representative photomontages of the proposed development to be submitted. Following discussions English Heritage have withdrawn their objection on the basis that any potential impact on Knightshayes could only be assessed when the layout of proposed development was submitted for consideration. A condition has therefore been included requiring this information with the receipt of a reserved matters application.

Subject to the imposition of the necessary condition regarding further archaeological works and photomontages, the development, with regards to cultural heritage issues is in accordance with the requirements of policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

iv) Landscape and visual impacts

The landscape and visual impact report considers the effects of the proposals on the physical landscape attributes of the site, visual amenity of views towards the site and the

consequential effects on the landscape character of the surrounding areas. The report indicates that measures to reduce the impacts of the development of the site form an integral part of the design. At this outline stage there is no proposed design to consider, however the visual impact of the future design will be assessed at the reserved matters stage of the planning process.

The retention of landscape features such as trees and hedgerows as well as new planting will help to reduce the impact of development on the character of the landscape and to reinforce the important landscape features.

The landscape and visual impact assessment submitted as part of the Environmental Statement concludes that the development of the site will not result in any significant adverse residual impact to wider landscape character. Further analysis of the landscape and visual impacts of the development of the site will be required when a layout and development design are proposed.

#### v) Flood risk and drainage

The flood risk and drainage assessment included in the Environmental Statement includes the baseline runoff of the site and calculates the existing (greenfield) and proposed (design) infiltration and over flow run-off rates.

A revised Flood Risk Assessment and surface water drainage strategy was received following the receipt of the application. These documents provided more information regarding the hydrological situation on and close to the site and resulted in Natural England as stated above, and the Environment Agency removing their objections to the development.

It is intended that surface water runoff from the proposed development will be intercepted by on-site drainage systems designed to contain the runoff from storms. During larger storm events rainfall will be held back within the development and discharged at greenfield (existing) rates into the receiving ditch and watercourse systems. The drainage arrangements are proposed to include Sustainable Urban Drainage Systems (SUDs) features such as swales, detention basins and ponds.

#### vi) Air Quality

The assessment methodology used to consider the impact of the development in terms of air quality is stated as broadly following the guidance by Environmental Protection UK. The air quality assessments have been carried out in phases: 1 baseline data used to establish existing air quality, 2 potential sources of air pollutants identified and quantified, 3 impacts of identified emissions on existing air quality arising from the development, 4 suggested mitigation, 5 residual effects predicted and significance evaluated.

Air quality at the development site is expected to be good and meet Air Quality (England) Regulations 2000 and 2002 amendment set for the protection of human health.

Air Quality assessment has identified that there is a high risk of dust impacts at nearby residential properties in the absence of suitable mitigation. Construction management and mitigation practices as recommended by the Institute of Air Quality Management can effectively control and minimise dust emissions. This can be controlled through a construction environmental management plan to be agreed prior to commencement of development which would reduce the risk of impact to slight adverse at its worst.

There are air quality impacts expected as a result of changes and increases to traffic flows. While the traffic flows will increase in the area, the new junction at the A361 will remove some of this traffic directly on to the A361. The Air Quality assessment that has been undertaken has concluded that the development will have the following effects on Air Quality:

- moderate adverse effect at four receptors, including two close to Blundells Road, Horsdon Road and receptor at Uplowman Road
- slight adverse effect at seven receptors including the existing houses close to the new distributor road linking the new southern section of the junction to Blundells Road and others on Blundells Road;
- negligible effects at other receptors across the application site and Masterplan area;
- negligible effect on ecological receptors;

While the assessment includes information on the predicted effects of the provision of both the southern section of the new junction and the junction in full, these impacts been previously considered as part of the assessment and decision to grant planning approval for the construction of this infrastructure.

#### vii) Noise

The Environmental Statement has considered impacts from noise and vibration through the development of this application site. The impacts on both existing and future residential properties have been considered.

The noise assessment is based on detailed environmental noise surveys undertaken on the site as well as noise modelling and noise predictions as well as traffic data. Within the assessment of noise, noise is considered as unwanted or undesirable sound derived from sources such as road traffic or construction works that interfere with normal activities such as conversation, sleep or recreation. Vibration is defined as transmission of energy through the medium of ground or air resulting in small movements which can cause discomfort or even damage to structures if movements large enough.

The potential for and impact of noise associated with the construction and use of the southern section of the new junction LILO/Cloverleaf have been previously considered during the assessment of planning application 14/00667/MOUT and this information has not been repeated in this report.

Construction noise predictions are based on assumptions about what plant would be used and that predicted noise levels have been based on a worst case scenario assuming no screening between source and receiver. Noise levels during demolition and construction are predicted to remain within the 65 dB(A) target for all works.

Vibration impacts are identified as likely to be worst during construction of the cloverleaf junction to the north of the application site, as this is the only place where piling will be required. The assessment indicates that there is low potential for vibration at any off-site receptor location to reach perceptible or significant levels.

The impact of ambient noise on the proposed development area is based on the 2026 future scenario, taking account of the 700 new homes and employment development. The predicted noise levels indicate that the majority of the site will require no specific acoustic treatment, in terms of future mitigation. The noise assessment indicates that a majority of the new dwellings within the site will experience good to reasonable internal noise levels (with

windows partially open). The properties overlooking Blundells Road will require an updated facade treatment through acoustically rated glazing and ventilation components to achieve good internal noise levels. Therefore it is considered that any impact on residential amenity of proposed development would be negligible.

The noise assessment also calculates that the noise impacts from change of use of the site to residential uses will have a negligible to minor change in road traffic noise generation on local road links. The increase in use of the A361 would have barely any impact of negligible significance on noise associated with this road.

As the employment uses have not yet been determined no mitigation has yet been proposed. A noise controlling condition, in conjunction with advice from Environmental Health will be imposed to ensure that any residual commercial noise impacts would be maintained at a level of negligible to minor impact significance. Overall it is considered that subject to conditions being imposed on the future development regarding noise levels, the development of the site will be in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).

*a specific noise limiting/controlling condition will be required to control noise from future employment uses....environmental health have not offered an advice on maximum dB(A) levels and they will need to provide this...*

#### viii) Ground conditions and Contamination

A combination of desk study, walkover study and some 'on site' intrusive investigation has been carried out and this has indicated that there are unusual impacts associated with the proposed development. Any potential impacts are stated to be able to be mitigated against through further investigation, design and managed construction. The ground conditions are suitable for surface water drainage. The site has predominantly been in use for agricultural purposes and there are no known contaminants of the land. The metal levels found are below guideline values for residential development. With regards to ground conditions and contamination the application is in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

#### iv) Green Infrastructure

As set out at point 3, the illustrative Masterplan layout for this application indicates possible areas for different types of green infrastructure including play areas, recreational space and allotment space to the north of the SUStans route, the provision of this can be controlled via condition.

In addition as stated above the applicant has also agreed to dedicating land to the east of Glebelands for use as Allotments. This use would be in accordance with the Green Infrastructure requirements for Part A of the Tiverton EUE Masterplan SPD which identifies that 2 ha of allotments should be delivered. Access to the allotments could be obtained for pedestrians from the SUStans route to the north and vehicular access potentially from Glebelands. However, some of the green infrastructure area under the control of the applicant has not been included in the red line application site. In order to ensure its delivery in a co-ordinated way, a green infrastructure strategy for this area under the applicant's control will be required by condition.

#### xi) Utilities

A number of comments have been raised by local stakeholders regards the capacity of the existing sewage works to accommodate the amount of new development proposed. Members will note from the comments from South West Water as set above that they also express concern about this issue as in their view they consider that development above 650 homes in the Masterplan area will exceed existing capacity levels. SWW are of the view that the scope of investigation and subsequent schedule of works will need to be at the applicant/developer's full cost, and this should be secured as a planning obligation within the Section 106 agreement.

There is case law on this matter, and the in terms of whether it would be lawful to require the applicant make any contribution towards any infrastructure it is necessary to consider SWW's statutory powers and duties.

The Water Industry Act of 1991 ("the 1991 Act") plainly intends to set out a comprehensive statutory scheme pursuant to which a sewerage undertaker can charge users of the sewerage infrastructure for services provided. In particular, it specifically sets out the charges that can be imposed in respect of the connection of a new development to the public sewer network. It also includes the important safeguard of regulation/supervision by Ofwat of undertaker's charging schemes. Case law suggests that, it is not legitimate for a Local Planning Authority considering a planning application to duplicate, bypass and/or impose more onerous requirements than the costs recovery provisions set out in the 1991 Act by requiring a section 106 obligation to pay the sewerage infrastructure costs arising out of a new development. This would frustrate the operation and objectives of the 1991 Act.

Furthermore, one of the requirements of the section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is "relevant to planning" and it is not considered that this requirement would not be met. The reason being that the costs necessitated by the development's connection to the public sewer network are not "relevant to planning" since they are dealt with by non-planning legislation, i.e. the 1991 Water Act.

A further requirement of Section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is it is "necessary to make the proposed development acceptable in planning terms. It is not considered necessary for SWW to recover those costs by means of a section 106 obligation since it is able to impose charges under the 1991 Water Act.

A further requirement of Section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is "reasonable in all other respects". It is not considered reasonable to seek a contribution that would duplicate, bypass and/or impose more onerous requirements than the costs recovery provisions specifically set out in the 1991 Water Act.

Therefore in summary it is not considered reasonable to seek to require the developer to make provision to fund infrastructure, given that SWW will be able charge the developer who implements the application scheme to use their sewerage infrastructure in accordance with the costs recovery provisions set out in the 1991 Water Act.

Following consideration of the points as set out above, SWW have provided further comments (rec'd 18 March) as to how they plan for and ensure there is sufficient capacity to accommodate new development, as set out below:

SWW do not automatically include an allocated site in our business planning process as there is no guarantee that anyone site will be promoted and built out. Once developer interest has been expressed and there is some certainty with regard to the commencement

of development of a site a detailed evaluation process can be undertaken, and then utilising the Requisition process for network upgrades, (after a developer has certainty of timing), we can provide certainty to the developer and LPA that the extra flows can be accommodated. In order to make this work though we may need to have planning conditions suitable for the development of a site to be controlled until any necessary network upgrades can be provided.

Given that SWW have confirmed that they know that the extra flows from up to 650 houses across the masterplan area can be accommodated before they may need to undertake any further capacity work, and a resolution has been passed approving up to 330 houses under LPA ref: 13/01616/MOUT, the following conditions is recommended as condition 19 for consideration by the committee to redress this issue:

No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity within the public foul sewerage network to accommodate the foul sewage discharge from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

Reason: To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

.....

With regards to other utilities, as part of the application process the application has commissioned a review of the other utilities that will be needed by future occupiers (water, gas and electricity). The results of this study demonstrate that a £2,969,988.00 investment off site will need to be made in order to develop out the application site and also area B which is promoted for approximately 500 dwellings in the adopted Masterplan. At the time of writing your officers are reviewing this information in order to validate the scope of the investment that is set out by the applicant to be required.

The applicant has advised that the works are not proposed on a phased basis, and will need to be completed in full prior to any further development within the Masterplan area, over and above that approved under application ref: 13/01616/MOUT. Furthermore the applicant has advised that in order to develop out the development as submitted in this application the entire investment programme for the three utility providers would need to be completed in full. This effectively means that this applicant will be subsidising the future development of Area B (up to 500 units). On the basis of the proposed number of units across the application site and area B (700 + 500) this equates to a unit cost of £2,475.00 per unit. Obviously if the number of units delivered across area B increases the unit cost would decrease and vice versa.

Whilst not a matter in the determination of the application scheme, the Section 106 Agreement provides a legal mechanism to establish that the Local Planning Authority will secure a proportionate contribution towards the investment required towards providing water, gas and electricity across Area B of the Masterplan by imposing a levy of approximately £2,500.00 per dwelling towards such services only.

## **6. New Homes Bonus**

Sections 143 of the Localism Act amends Section 70 of the Town and Country Planning Act 1990 so that when determining planning applications, Local Planning Authorities should also

have regard to any local finance considerations, so far as material to the application. Local finance considerations means a grant or other financial assistance that has been, or will or could be provided to the relevant authority by a Minister of the Crown, or Sums that a relevant authority has received, or will or could receive, in payment or a Community Infrastructure Levy.

In respect of this application consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £4,317,600.

## **7. Summary/Planning Balance**

The principal of developing the site for up to 700 dwellings, 22,000 square metres B1/B8 employment land, primary school, neighbourhood centre and care home, including details of the means of vehicular access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Tiverton Eastern Urban Extension Masterplan, and the submissions provided with the application suggest that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process and this will be supplemented by further guidance to be approved by the Local Planning Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

The arrangements regards providing access into the site have been assessed and are considered capable of ensuring an acceptable means of access into the site subject to various restrictions. Planning permission has already been issued for the construction of a new grade separated junction on the A361 and distributor road linking back to Blundells Road, on land which is owned by this applicant. The level and tenure of affordable housing is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

In terms of delivering the key highway infrastructure the applicant has agreed to make the necessary land available and this will be controlled as part of the Section 106 Agreement. The applicant has an option to deliver the infrastructure or make a proportionate financial contribution towards it's delivery by the Highway Authority. Overall it is considered that the application scheme can be constructed and then operate without having severe impacts on the transport network. The Highway Authority has confirmed their support for this application and the means of access that have been proposed.

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

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

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application is capable of being delivered in accordance Policies AL/TIV/1-7 and the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document. The delivery of the new A361 junction and primary school is on land controlled by the applicant and financial contributions towards highway infrastructure, education and other community facilities are agreed as part of the obligations under Section 106 of the Act. Therefore application is recommended for approval with a series of conditions to control many aspects of the development of the site.

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:
  - i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,
  - ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other relevant land owned by the applicant that falls with the boundaries of the adopted Masterplan Area. The Strategy document shall set out the management, maintenance, access and use arrangements for each land parcel and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels.
  - iii) A low emissions strategy.

Reserved matters applications for the site shall incorporate the approved details.



3. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan.
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
5. The detailed drawings required to be submitted by condition 3 shall include the following information:
  - i) Boundary treatments, existing site levels, finished floor levels, long and cross sections through the site indicating relationship of proposed development with existing adjacent development with Properties in Poole Anthony Drive and Mayfair where appropriate
  - ii) Provision of a landscaped buffer where the application site shares a party boundary with existing properties on Mayfair and Poole Anthony Drive in accordance with the adopted masterplan.
  - iii) Protective measures for all Grade A trees on the site.
  - iv) Measures to demonstrate compliance with the carbon footprint targets as set in the policy AL/IN/6 and AL/TIV/5.
  - v) Single image photomontage of the proposed development from Knightshayes and Knightshayes Estate;
  - vi) Heritage asset setting protection statement. The submission shall include an assessment of the impact of the proposed development on Knightshayes and Knightshayes Estate; and details of hedgerow provision and retention or other measures to reduce any visual impact of the proposed development.
  - vi) A habitat assessment and mitigation plan
6. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
7. 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.

- 8 The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
- 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:
  - 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 No development shall take place on site until the Left in Left out junction onto the A361 previously consented under LPA ref: 1400667/MFUL has been constructed and made available for use.
- 11 No development hereby approved shall take place on land to the south of Blundells road and/or the employment land until the roundabout at the junction of Blundells road and the link road hereby approved has been constructed and made available for use.
- 12 The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundells Road to the boundary of the site adjoining Phase B of the Masterplan Area shall be constructed and made available for use in accordance with a delivery programme that will be submitted to and agreed in writing by the Local Planning Authority and prior to commencement of any development. The highway works shall be provided in accordance with the agreed delivery programme.
- 13 No development shall take place on site until the off-site highway works for the provision of passing places, highway mitigation measures, transport strategies on West Manley Lane have been submitted to and agreed in writing with Local Planning Authority. The approved proposals shall be implemented and made available for use according to an approved program of works.
14. Prior to commencement of development of each phase of the site a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
  - (a) The timetable of the works;

- (b) Daily hours of construction;
- (c) Any road closure;
- (d) Hours during which delivery and construction traffic will travel to and from the site;
- (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) The means of enclosure of the site during construction works;
- (i) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (j) Details of wheel washing facilities, road sweeping and strategies to mitigate against any dust, noise, fumes, odour and waste that arise from the development hereby approved;
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (l) Details of the amount and location of construction worker parking;
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

15. No development should take place until a long-term water quality management and maintenance programme in respect of the proposed sustainable urban drainage scheme (SUDs), both during and post construction, including arrangements for a timetable of monitoring and reporting, is submitted to and approved in writing by the Local Planning Authority. Such water quality management and maintenance programme shall be designed to ensure that surface water quality leaving the application site will not have a detrimental impact upon Tidcombe Fen SSSI. The submission shall identify where remediation / mitigation is necessary as a result of inadequate operations of the SUDs resulting in an inadequate quality of water leaving the SUDs system and entering the Tidcombe Lane Fen SSSI. Any necessary remediation / mitigation measures shall be carried out in accordance with the details in the approved submissions. On completion of the monitoring specified in the approved programme a final report demonstrating that all long-term remediation / mitigation works have been carried out shall be submitted to and approved in writing by the Local Planning Authority.

16. 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.

17. No development shall begin until a detailed methodology for the formation and construction of both the retention ponds and swale as shown on drawing PFA consulting drawing C/698/24, including the timing of delivery and an inspection schedule, has been submitted to, and been approved in writing by the Local Planning

Authority. The approved methodology, timing of delivery and inspection schedule shall be strictly adhered to for the completion of the development.

18. Noise from operations conducted at any of the employment premises on the application site shall not at any time exceed a decibel level of LAeq (1hour) 55 dB as measured on any boundary of the site with adjoining residential properties, between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays, and LAeq (15min) 45 dB(A) during any other time including Bank Holidays.
19. No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity within the public foul sewerage network to accommodate the foul sewage discharge from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

## **REASONS FOR CONDITIONS**

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. To ensure the site is developed in accordance with the adopted Masterplan for the Tiverton Eastern Urban Extension and Policies AL/TIV/1-AL/TIV/7 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To protect water quality and minimise flood risk and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with policy DM2.
8. To ensure the proper development of the site and to safeguard with Policy DM2 of the 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 with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents, and in accordance with policy in National Planning Policy Framework.
11. To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework.
12. To ensure that adequate facilities are available for construction traffic and the delivery of the Allocated site in its entirety to satisfy the requirement of the adopted Masterplan.

13. To minimise the impact of the development on the West Manley Lane and in accordance with the National Planning Policy Framework.
14. To minimise the impact of the development on the highway network during the construction phases, and in accordance with policy in National Planning Policy Framework.
15. In order to ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen, and in particular to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features, in accordance with Policy DM30 of the Local Plan Part 3 (Development Management Policies).
16. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).
17. To ensure that this part of the scheme drains effectively in order to maintain the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
18. To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.
19. To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The principal of developing the site for up to 700 dwellings, 22,000 square metres employment floor space, primary school, care home and neighbourhood centre and the proposed means of access to service the application site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process and this will be supplemented by the publication of a Design Guide prepared by MDDC with feed in from key stakeholders. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The delivery arrangements for improvements to the existing and new highway infrastructure, including via a new junction onto and off of the A361 as already permitted, are controlled by condition and/or as part of the Section 106 agreement as recommended. The level and tenure of affordable housing as recommended is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

The delivery of development on this application site can be achieved in line with the highways infrastructure triggers as set out in the adopted Masterplan, and the triggers and phasing within AL/TIV/6, as permission has already been granted for the provision of the LILO and Cloverleaf junctions, plus they are to be provided on land within the applicant's ownership. It is considered that the application scheme can provide safe access to the site during construction and post occupation without having severe impacts on the transport network. The Highway Authority has confirmed their support for this application and the

means of access that have been proposed.

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application is generally in accordance Policies AI/TIV/1-7 and the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document in respect of the phasing and delivery of highway infrastructure. The delivery of the new A361 junction (both LILLO and Cloverleaf junction is within land controlled by the applicant and external government funding has been granted toward the cost of the provision of the full grade separated junction (Cloverleaf). Financial contributions towards highway infrastructure, primary school etc. are required via the S106 agreement. The application is recommended for approval with a series of conditions to control many aspects of the development of the site.

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

<b>Contact for any more information</b>	Mr Simon Trafford (Area Planning Officer) – 01884 234369
<b>Background Papers</b>	13/01616/MOUT 14/00667/MFUL 14/01168/MFUL
<b>File Reference</b>	14/00881/MOUT
<b>Circulation of the Report</b>	Cllr Richard Chesterton Members of the Planning Committee

## PLANNING COMMITTEE AGENDA – 1 April 2015

### Enforcement List

<u>Item No.</u>	Description
1.	11 New Street, Cullompton, Devon, EX15 1HA Unauthorised development namely the installation of a satellite dish on the front elevation facing New Street within the Conservation Area of Cullompton contrary to Section 171A(1) of the Town and Country Planning Act 1990 (as amended).

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Case No. ENF/14/00177/UDUR

Grid Ref: 301978 107090

**Address:**

11 New Street, Cullompton, Devon, EX15 1HA (as outlined in black on the attached site plan).

**Alleged Breach:**

Unauthorised development namely the installation of a satellite dish on the front elevation facing New Street within the Conservation Area of Cullompton contrary to Section 171A(1) of the Town and Country Planning Act 1990 (as amended).

**Recommendations:**

To delegate authority to the Legal Services Manager to take legal action to include the service of an Enforcement Notice or Notices which would require that the unauthorised satellite dish is removed. In the event of a failure to comply with any Enforcement Notice or Notices the consideration of prosecution proceedings, the issue of Injunction proceedings, or Direct Action.

**Site Description:**

11 New Street, Cullompton, is an end terraced residential property situated within the Cullompton Conservation Area and covered by an Article 4 Direction. The dwelling is situated on the north eastern side of New Street. New Street is quoted within the Conservation Area Appraisal as having special architectural interest in that the properties are typical artisan cottages with an appearance of a densely developed continuous frontage.

**Site Plan:**



### **Site History:**

83/00040/FULL Alterations by means of raising existing eaves and ridge to provide bathroom and bedroom Approved

### **Development Plan Policies:**

#### **National Planning Policy Framework**

Paragraph 131- requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage, the positive contribution that heritage assets can make to sustainable communities including their economic vitality.

Paragraph 132- requires that weight be given to the conservation of a designated heritage asset when considering the impact of proposed development on its significance, noting that significance can be harmed or lost through alteration.

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

COR2- seeks to achieve development that sustains the quality, character and diversity of Mid Devon's environment assets through high quality design and preserves or enhances the areas cultural and historic environment.

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

DM/27 - requires that development including alterations affecting heritage assets (in this case a designated conservation area) should consider their significance, character, setting and local distinctiveness together with opportunities to enhance them. Harm should be weighed against public benefit.

### **Reasons/Material Considerations:**

In December 2014 a complaint was received in relation to the installation of a satellite dish on the property. A site visit confirmed the placement of a satellite dish on the front elevation facing the highway, (photo) within the Conservation Area of Cullompton which is also now covered by an Article 4 Direction. In most cases the installation of a satellite dish on a residential property would be considered as permitted development under the provisions of Class H of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. However this type of development is not permitted in the case of the erection of a satellite dish on a property within a Conservation Area **if** the installation is on the front elevation and visible from the highway.

Correspondence has been forwarded to the owners of the property who have not responded. Repeated calls at the property have failed to identify who occupies the property.

The opinion of the Senior Planning Officer (Design and Conservation) has been sought which is as follows:

"The retention of a satellite dish on the front elevation of 11 New Street would be contrary to Mid Devon Local Plan Part 3 (Development Management Policies) DM/27, Mid Devon Core Strategy (Local Plan Part 1) COR2 and National Planning Policy Framework (NPPF) Paragraph 131 and 132 in that it would detract from the particular sensitivities of New Street which is one of the oldest (complete) residential streets with a notably unspoilt linear character".

Views along this street are important and satellite dishes erected on front elevations are particularly prominent, and therefore spoiling the otherwise clean lines of the terraces. Your officers would resist any application to retain this satellite dish as it would be difficult to object to future applications, thereby resulting in an adverse cumulative effect.

"As a result of the above a retrospective application to retain the satellite dish in its current location would be recommended for refusal"

The unauthorised satellite dish has not been in place for more than 4 years.

**Human Rights and Equality Issues:**

Any enforcement action could be considered to affect the land/property owners' human rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, the Local Planning Authority feels it is pursuing a legitimate aim in seeking compliance with the Town and Country Planning Act 1990 so as to prevent demonstrable harm in the interests of acknowledged importance and protect the environment. The current unauthorised satellite dish is also felt to be contrary to the policies referred to earlier in this report and that the action proposed would not have any detrimental effect on the above human rights of the property owner or occupier.

**Options for action or remedy:**

The list of options available is as follows:

**Take no action:**

A no action option is not thought to be appropriate in these circumstances as the unauthorised development is in conflict with policies and could not be addressed by way of a conditional grant of planning permission.

**Formal enforcement action**

To issue and serve an Enforcement Notice to require that the unauthorised satellite dish is removed.

**Reasons for Decision:**

As detailed in Material Considerations section.

**Steps Required:**

Remove the unauthorised satellite dish from the front elevation.

**Period for Compliance:**

3 months after the date on which the Notice takes effect.

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## PLANNING COMMITTEE AGENDA - 1st April 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u>  |
|-----------------|---|
| 1.              | <p>14/02116/FULL - Erection of retail store, formation of access, car parking and service area, with landscaping and associated works at Land at NGR 303843 111382 (Mid Devon Business Park), South View Road, Willand.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>                                |
| 2.              | <p>14/02132/FULL - Conversion and extension of former public house into six dwellings at Former Hare &amp; Hounds, 138 Chapel Street, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 3.              | <p>15/00011/FULL - Erection of dwelling following demolition of existing partially demolished barns at The Old Forge, (Adjacent To Hill View Farm), New Buildings.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>  |
| 4.              | <p>15/00197/FULL - Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme) at 52 Oak Close, Tiverton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p> |
| 5.              | <p>15/00280/FULL - Erection of single storey side extension and veranda to front (Revised scheme) at Thurlescombe East, Ash Thomas, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |



## **Application No. 14/02116/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

This application was deferred at planning committee on 18th March 2015 to enable discussions to take place with the applicant regarding the provision of a formal crossing facility i.e. zebra crossing on South View Road and/or to improve lighting at the existing crossing point

Following that committee the applicant has advised

My client has confirmed that they intend to progress on the basis of the zebra crossing to South View Road. We will liaise directly with Ian Sorenson (DCC Highways) and produce a plan of the works.

An update on the situation will be provided to the Planning Committee with any necessary conditions

Also reported at the 18th march 2015 committee were the following updates:

Further correspondence from DCC Highways - Email dated 3rd March 2015 to Local Ward Member and copied to MDDC - I have spoken to the safety team and given the Traffic flows and the existing facilities, it is felt to be adequate for the development and it would be unreasonable to impose a condition for controlled crossings and given the evidence I could not justify such a condition at appeal. I will look at the existing crossings to ensure they are adequately constructed, e.g. tactile provision etc. and if they fall short their upgrade to current best practice would I feel be reasonable.

Email dated 4th March 2015 - Further to My email yesterday I visited the site and can confirm that the current crossing facilities are to current standards and no additional works will be required. If the developer wishes to make a magnanimous gesture and offer zebra crossing facilities they will probably be feasible from a technical perspective. But would need to be a good will gesture by the developer. I would be happy to work with the developer if they so wish to make the gesture

Update on drainage - following the consultation response from the Environment Agency, the applicant has confirmed that the finished floor level will be 82.35AOD and the EA have confirmed that this is acceptable. There are no outstanding drainage issues.

Update on amenity of nearby residents - The formal response of Environmental Health was received just as the agenda was published so consultation response was able to be published on the agenda. EH were specifically asked to consider the noise from generators, deliveries etc. They have advised that they have no objections to the proposals and therefore the impact on amenity is considered to be acceptable.

### **COUNCILLOR B EVANS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider the concerns around pedestrian access

### **PROPOSED DEVELOPMENT**

The application site is located on the north side of the Four Cross Ways Roundabout on the B3181 at Willand.

This is a full application for the erection of a 410sqm A1 retail store with a net sales area of 232sqm, on currently undeveloped land at the southern most end of the Mid Devon Business Park. The site is accessed from an existing arm of the roundabout which leads onto the service road into the Business Park. Access into the application site itself for service vehicles (deliveries etc) is proposed from an existing service road to the north of the application site with no direct vehicular access to the site from the roundabout itself.

The retail unit is shown to be accessed from the main service road running north/south through the site. The site is generally flat and there is an existing SUDS pond and hedgerow between the site and the roundabout and B3181.

The scheme includes the provision of new accesses (as set out above), car parking for approx. 29 vehicles and cycle stands to accommodate 12 bikes. The service area for deliveries and for the provision of refrigeration plant/air conditioning etc is located to the north east of the store and is enclosed by steel fencing.

The application is accompanied by landscaping and drainage proposals

Outside of the site but adjacent to it an existing oak tree subject to a TPO.

The proposed store is a maximum of 5.6m high with a flat roof sloping down to 4.3m towards the service area end of the site. The main elevation of the store is render with a glazed entrance whilst the remainder of the elevations have composite insulated cladding and some timber cladding

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Planning and Retail Statement  
Transport Assessment and Travel plan  
Phase 1 Ecological Survey  
Arboricultural Survey  
Drainage Statement  
Employment marketing history report (held confidentially)

## **PLANNING HISTORY**

05/02177/OUT - Outline for the development of land for employment within Use Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) - APPROVED

06/01410/arm - Reserved Matters application for highways and drainage for phase 1 of industrial estate following outline consent 05/02177/OUT - APPROVED

N.B - Application 14/01938/MOUT (Outline application for up to 97 dwellings to include the importation of inert waste to raise land with details of access onto the public highway provided and with all other matters reserved for future consideration) is currently being considered by the Local Planning Authority on the adjacent land).

## **DEVELOPMENT PLAN POLICIES**

W11 - Willand Industrial Estate

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR11 - Flooding  
COR17 - Villages

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

DM2 - High quality design  
DM17 - Development outside town centres  
DM19 - Rural shopping  
DM21 - Protection of employment land

## **CONSULTATIONS**



HIGHWAY AUTHORITY - 16th January 2015

The Highway Authority has considered the applicants transports statement and while some assumptions have given rise to small changes in transport figures from that of the residential application on the adjacent site the finding are less than 1% different and as an application considered against the Commercial allocation of all the land is acceptable. However the application proceeds an application for a substitution of commercial land to residential land for 97 dwellings and a revised assessments should be submitted taking this into account and demonstrating that the roundabout still retains sufficient capacity which given the calculated figures is likely to be the case.

The Highway Authority is happy with the layout of the site and the parking provision is in keeping with the Local Plan.

The Highway Authority is happy with the location of the access and its visibilities and can confirm that should the road be adopted then the gates will be permanently removed.

The applicant has submitted a travel plan for the site which is welcomed and should be conditional of any consent. The proposed development should consider the application for the residential development in its assessment of the drainage given the likely hard surfaces delivered from the roads and roof coverage. And ascertain whether or not the balancing pond is sufficient or additional attenuation is required.

Therefore subject to approval of amended figures the following conditions should be imposed.

Recommendation:

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

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

REASON: To protect water quality and minimise flood risk.

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

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

3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

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

4. 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.

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

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 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.

6. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway.

REASON: To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway.

ENVIRONMENT AGENCY - 3rd March 2015

I refer to the above application and my response dated 25th February 2015, additional information was received on the 26th February 2015.

ENVIRONMENT AGENCY POSITION.

We welcome the use of permeable paving on the car park bays as shown on drawing INC-SA[20]0003 Rev P05, 'SITE PLAN AS PROPOSED'. Inclusion of permeable paving would ensure that the surface water scheme would align with that previously agreed.

A finished floor level of 82.35m A.O.D is sufficient to ensure the store would be free from the risk of flooding from the suds pond, for example in a scenario of the ponds capacity being exceeded.

26th February 2015 - This proposal falls outside the scope of applications which we would normally provide comment on.

The information contained with the applicants 'Drainage Statement dated Nov 2014, are somewhat of a departure from the agreed Peter Brett Associates strategy, we advise that the applicant revises the scheme so as to align with that previously agreed. An element of permeable paving must be incorporated into the design to achieve this, rather than reliance on an underground storage tank. The provision of permeable paving is quite feasible and has been delivered on the existing developed plots within the business park.

The finished floor level of the store should be sufficiently high so as not to be at risk of surface water flooding should the suds schemes capacity, in particular the attenuation pond, be exceeded.

5th January 2015

The site is under 1ha and in Flood Zone 1, therefore standing advice applies.

<http://www.devon.gov.uk/highways-standingadvice.pdf>

WILLAND PARISH COUNCIL - 13th January 2015

Although the current site is designated as business/employment use for B1, B2 and B8 and the current application relates to A1 use the Parish Council take the practical view that this is still a business use which will provide employment on the site which is designated for employment.

It will provide another retail outlet in the village which will make up for the fact that at least two other retail outlets promised on earlier developments in the village did not materialise and developers were permitted to build market housing on the sites instead.

The Parish Council support this application provided attention is given to the following concerns/observations:

1. There are local observations and concerns in relation to drainage and surface water from the site of the Business Park causing issues to nearby properties. The suggestion of importation of inert waste on areas of the Business Park to raise ground levels adds to this concern. Satisfactory drainage provisions which will reassure local residents on this point are sought/required.
2. Pedestrian access to the site from any existing housing will require people crossing one or two busy roads each of which only has a pavement on one side. Parish Council would urge conditions to enhance the pedestrian crossing provision on the roundabout to either have full Zebra or Light controlled crossings. Apart from the daily heavy commercial traffic this roundabout features heavily in diversions from the M5 when there are closures.
3. Consideration is given to any illuminated sign advertising the business being proportionate to a village location and not 'overpowering' the area or aggravating light pollution or road safety issues.

In supporting this application for a retail shop the Parish Council wish it to be noted that under no circumstances should this be seen as in any way supporting or indicating approval, in any form, of the proposed housing on the rest of the Business Park as it is totally opposed to that application.

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 26th February 2015

I am still not quite sure what is happening with the ditch.... I haven't had a chance to look properly, if there is to be no alterations to the ditch and the car park is being built on the other side of it I see no problems, if the ditch is being filled in and car parking put immediately under the tree that is something a little different....

ENVIRONMENTAL HEALTH - 9th March 2015 -

Contaminated land - I have no objections to this proposal

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - N/A

Licensing - No comments

Food hygiene - No objections

Private water supplies - N/A

Health and safety - No objections

HALBERTON PARISH COUNCIL - 16th January 2015

No objections to the proposed application subject to suitable safe pedestrian walkways being provided from the existing housing development (Unanimous)

## REPRESENTATIONS

8 letters of objection have been received summarised as follows:

- Designated for B1, B2, B8 use - A1 flies in face of policy and previous outline consent
- 4 existing outlets, another store is not necessary
- Timing of application is cynical - consultation period falling over Christmas
- The new store will reduce choice for customer as one or more existing outlets in village will close, so will actually mean more people travelling out of village and this disadvantages elderly and those without cars
- Business park not land for retail or housing
- Only 5 min drive to Cullompton shops
- Existing development on Business Park has caused considerable damage to sewerage systems of neighbouring properties by blocking watercourses and building up ground level affecting water table
- Noise nuisance from early morning and late night deliveries and on-site bakery - refrigerated units, reversing warning siren, metal cages being dragged along, back-up generator noise.
- How will pedestrian safety traverse through the 5 spur roundabout to reach the site?
- Need for hydrology report with any future applications

- TV signal has already been interrupted by existing units on site and generators - this application would compound the problem
- Run the risk of losing the Post Office, making life difficult for elderly residents

1 letter of support has been received summarised as follows:

- Convenience of cycling up the road to shop rather than travelling to Cullompton
- Business Park has been empty so this is a good community use

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The primary material considerations in the determination of this application are:

- Is the development of non B-class use on an allocated employment site acceptable?
- Is a main town centre use acceptable in this location?
- Highway safety
- Impact on the amenity of nearby residents
- Other issues

- Is the development of non B-class use on an allocated employment

The site is located within the defined settlement limit of Willand and is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. More specifically, Policy WI1 states:

A site of 11.7 hectares is allocated for Business, General Industry and Storage and Distribution uses (classes B1, B2 and B8), subject to the provision of;

- Adequate access into the site for existing units immediately adjacent to the proposal; and
- Provision of a cycle link from Muxbeare Lane to the existing Industrial estate; and
- Provision of a footbridge along the north side of the South View Road bridge over the former railway line

In the case of the current application the proposal is one which will generate in the region of 20-25 jobs. Paragraph 3.13 of LP3 (under the heading 'Employment development within settlement limits') states that whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and that the council will accordingly take a 'flexible approach' towards the meaning of employment within Mid Devon. Policy DM21 states that other uses will be permitted, subject to a number of tests, where there is no prospect of employment coming forward. However, given the application falls within the broader definition of employment it is not considered that the provisions of DM21 need to be met, and accordingly the proposed use is acceptable on employment land.

Furthermore, the application area is 0.21 hectares (ha), of a total allocation of 11.7ha, and the development for an alternative employment generating use would not substantially negate opportunities for B-class employment on the remainder of the site. Also, even if the allocated site is reduced in size as per the proposal within the emerging Local Plan Review, there would still remain 2ha undeveloped for future employment development. It is considered that the application is capable of being considered under policy WI1 as employment development. The remaining parts of the Policy (i - iii) are considered further under 'Highway Safety'.

- Is a main town centre use acceptable in this location?

The proposed retail unit falls within the Use Class A1, which is categorised as a 'main town centre use'. National and local policy requires a sequential test to be undertaken for main town centre uses in edge of centre or out of centre locations. Willand is a designated village within the Core Strategy, and does not have a defined town centre, with the nearest being at Cullompton. The applicant states that the purpose of the facility is to meet local needs, with a proposed catchment which primarily covers Willand and some of the surrounding area. It would be an illogical application of the sequential test to require a facility designed to meet local needs to justify why it should not be located elsewhere, e.g. in Cullompton. National planning guidance also notes that certain main town centre uses also have specific market and locational requirements which mean a town centre location is inappropriate. This point would apply to this case. Retail applications are often required to be accompanied by an impact assessment to examine impact on other

similar uses within the catchment area, and on town centre viability and vitality. However, the application, falls below the policy threshold of 500 gross square metres and therefore no assessment can be required. DM19 states that retail development will be permitted within defined villages, providing it meets local needs and is accessible to a range of transport modes. In considering the former point reference can be made to Mid Devon's Retail Study. This was commissioned in 2012 to provide an evidence base to assist in plan-making and decision taking. The study focused primarily on the retail function of the three towns of the district, and did not specifically consider any of the villages. The study divided the district into retail catchment areas, Willand being within Zone 7, along with Cullompton. In examining retail expenditure within Zone 7 it presents a number of findings. About 54% of both main and top up shopping by residents of Zone 7 is undertaken in Cullompton. Only 1% of main shopping is undertaken at stores within the district's villages, this being 29% for top up shopping. These findings indicate that there is scope for increasing opportunities for main shopping at other locations within Zone 7, to draw back trips being lost to Cullompton or elsewhere. This indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for local needs. Furthermore, the fact that the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) is a further indicator of the modest scale and likely impact of the proposal. With regards to the location of the site and its access to a range of transport modes, the Mid Devon Business Park is located within an easy walking distance of bus stops on 2 different bus routes with a regular service. There are designated cycle routes to and from the Four Cross Ways roundabout serving Tiverton Parkway Station and Willand Old Village. The site is also in close proximity to a residential housing estate and industrial estate where residents and employees will be able to travel on foot to the proposed shop facility. The Highway Authority have not raised any objection on the grounds of available transport modes. Accordingly, it is considered that the application is acceptable in terms of national and local planning policy with regards to main town centres uses.

#### c) Highway safety

Concern has been expressed by Willand Parish Council and in some letters of objection regarding the safety of pedestrians crossing the roads leading to the Four Cross Ways roundabout, to access the site. There is also a suggestion that further enhancements be made (such as zebra crossings) to assist pedestrians. The Highway Authority have not indicated that they have any concerns regarding pedestrian safety and in fact, each arm of the roundabout (including the one in to the Business Park itself) has a dropped curb with tactile paving and a central pedestrian bollarded refuge area. There are pavements right up to and around the roundabout and therefore on this basis, it is considered that pedestrians are adequately catered for. However, at the time of writing this report, a response was awaited from the Highway Authority on this particular issue and it is anticipated an update on this can be provided at committee.

On the South View Road arm of the roundabout, a pedestrian walkway has recently been provided (as required by policy W11 III) which enables pedestrians to reach the Business Park from South View Road, without the need to walk on the road. With regard to the remainder of the provisions of policy W11, the application does not prevent but nor could it assist with 'Adequate access into the site for existing units immediately adjacent to the proposal;' (as required by criteria I) of W11 and 'Provision of a cycle link from Muxbear Lane to the existing Industrial estate' (as required by criteria II) of W11. Subject to no adverse comments being received on pedestrian safety from the Highway Authority, the proposal is considered to be acceptable. An update on this will be provided to committee.

#### d) Impact on the amenity of nearby residents

Concern has been expressed about the impact of the development, particularly from the noise of deliveries etc, on the amenity of local residents. The functioning of a retail unit will undoubtedly necessitate early morning and late night deliveries, reversing sirens, customer vehicles arriving and departing, refrigeration units, air conditioning units, metal wheeled delivery cages being pulled across the service yard etc. The closest residential property to the site is 'Toodle Pip' which is 35m away to the north east. After that, the nearest residential properties are those in Campion Court on the opposite side of the roundabout at 91m distant. It is accepted that there will be noise associated with this development but consideration needs to be given to the level of noise generated, the type and times of noise generated and whether any suitable measures can be put in place to mitigate against any adverse impact of them on the occupiers of neighbouring residential properties. The consultation comments from Environmental Health on this specific

issue were awaited at the time of writing this report and an update will be provided to planning committee.

e) Other issues

There is an existing substantial oak tree adjacent to (and outside) the southern eastern corner of the site. The Tree Officer has advised that there is unlikely to be any adverse impact from the development works on the tree itself given the large drainage ditch located between the base of the tree and the edge of the site. Concern has been expressed that the provision of this additional retail facility in the village may result in the closure and loss of existing retail facilities. However, this is a 'competition' issue and is not a material planning consideration which carries weight in the consideration of this application. Concern has been expressed that existing developments at the Business Park have resulted in 'considerable damage to sewerage systems of neighbouring properties'. However, it is proposed that the application scheme is linked to the existing mains drain and there are no proposals to block existing watercourses or raise the land, with site and floor levels being subject of a pre-commencement condition.

Concern has been expressed that television reception to one property has been affected since the development of the Business Park and it is claimed, relates to the use of generators. However it is not considered that this is a material planning consideration which carries weight in the consideration of this application. Back in 2009/10 a series of meetings were held with the landowner, residents, elected members, parish council and Environment Agency (EA) regarding the concerns of residents of Muxbear Lane about changes to the water table etc since the site has been developed. This is an application where the Environment Agency usually advise the Local Planning Authority to consider their standing advice. However, a bespoke response on this proposal has been requested and at the time of writing this report the applicants were seeking to address the concerns raised by the Environment Agency in that response.

## 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 surface water drainage scheme together with details of how it will be managed and maintained post-construction have been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out, managed and maintained in accordance with the approved scheme.
4. In accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the existing Mid Devon Business Park estate road.
6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the existing Mid Devon Business Park estate road
  - B) The ironwork has been set to base course level and the visibility splays required by this permission

laid out

C) The footway on existing Mid Devon Business Park estate road 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.

8. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using any public highway.
9. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. No development shall commence until existing and proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Work on site shall thereafter be carried out in accordance with the agreed details.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect water quality and minimise flood risk.
4. In the interest of public safety and to prevent damage to the highway.
5. To prevent mud and other debris being carried onto the public highway.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. 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.
8. To ensure that the floodlighting associated with the does not result in detriment to the safety of drivers using the public highway.
9. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that there is no raising of levels on site which may affect the overall drainage strategy for the site but to ensure the building is sufficiently high so as not to be at risk of surface water flooding should the SUDS schemes capacity, in particular the attenuation pond, be exceeded.

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The site is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. Whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and accordingly the Local Planning Authority have taken a 'flexible approach' towards the meaning of employment within Mid Devon. The principle of this development which will create in excess of 20 jobs is considered to comply with policy WI1. Mid Devon's Retail Study indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for

local needs. Furthermore, the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) indicating the modest scale and likely impact of the proposal. Highway safety and amenity together with other issues raised in letters of objection and consultee responses have all been considered and with appropriate conditions, the Local Planning Authority consider that any significant adverse impacts may be mitigated. Consequently the proposal is considered to comply with policies COR1, COR2, COR11 and COR17 of Mid Devon Core Strategy (Local Plan 1) and policies DM2, DM17, DM19, DM21 and WI1 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework



Application No. 14/02132/FULL

Plans List No. 2

Grid Ref: 296034 : 112953

Applicant: Trinity Moor Ltd

Location: Former Hare &  
Hounds 138 Chapel  
Street Tiverton Devon

Proposal: Conversion and  
extension of former  
public house into six  
dwellings

Date Valid: 19th December 2014



## **Application No. 14/02132/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **CLLR NEAL DAVEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

**To consider the impact the proposed plans will have on the amenity and safety of residents and pedestrians.**

### **PROPOSED DEVELOPMENT**

The application is for the conversion of a former public house into six dwellings. The main public house is to be converted into four 2 bedroom dwellings and the former skittle alley to the rear is to be converted into two 1 bedroom dwellings.

The frontage of the public house is to remain as exists. However, existing single storey extensions to the rear of the public house are to be removed and a small two storey extension erected to provide additional accommodation to plot 1. Part of the skittle alley is to be removed, reducing its overall length, and the existing mono-pitched roof is to be replaced with a new hipped roof over the remaining section.

To the rear within the former public house garden, each dwelling is to be provided with private amenity space. The two bedroom dwellings will be provided with two parking spaces each, and the one bedroom dwellings with one parking space each (10 parking spaces in total). Access will be via an existing private lane which serves a number of other dwellings and which will be upgraded.

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

Planning, design and access statement  
Flood risk assessment

### **PLANNING HISTORY**

A linked application for two dwellings on the former public house car park under reference 14/02129/FULL has been withdrawn.

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR11 - Flooding  
COR13 - Tiverton

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

DM2 - High quality design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes

### **CONSULTATIONS**

DEVON COUNTY EDUCATION - 7th January 2015

Following receipt of your letter regarding the above planning application. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within 1.5 mile radius of this development are deemed over capacity. This development of 6 dwellings is expected to produce 1.5 primary aged pupils which will increase the shortfall of pupil places. The contribution required is £17,043.75 which would be used to increase education facilities in the area of development which includes a contribution towards ICT equipment required.

The secondary schools within the development area is Tiverton High which currently has capacity for the 0.9 secondary aged pupils expected to be created by this development, therefore a contribution is not sought for Secondary School Places.

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

\*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

ENVIRONMENT AGENCY - 26th February 2015

I refer to my response dated 7th January 2015 and the additional information received on the 19th February 2015.

ENVIRONMENT AGENCY POSITION.

Whilst we welcome the proposed flood resilience measures we feel that the option of making the building resistant to flooding should very much be explored.

Flood resistant techniques intend to preclude water from buildings rather than resilience measures which aim to limit the amount of damage that could occur should water enter a building. The latest measures proposed are resilience measures. Bearing in mind that the usage sought in residential, and that potential flooding depths are likely to be shallow, it could be reasonably argued that flood resistant construction would better align with the NPPF.

We advise that the option of providing proprietary built flood doors, and other flood resistant construction measures, as highlighted in our letter of the 7th January 2015, be explored and implemented.

7th January 2015

We object to this proposal until such time that the applicants Flood Risk Assessment (FRA) better demonstrates the risk of flooding to the lower parts of the building, and that measures be proposed that would reduce the risk of internal flooding.

The site sits on the fringes of the floodplain (including Flood zones 3 and 2) of the River Lowman. It is also on the edge of an area at risk of localised surface water flooding, and flooding from the adjacent Moorhayes Stream. Indications are that the ground floor of plots 1 to 4 would be at risk of shallow flooding during a 1% annual probability event taking into account the effects of climate change. Whilst we would support the principle of raising the ground floor by '150mm' it is feasible that this may not remove the risk of flooding.

We advise that the building be made resistant to flooding to a level of 56.50m. This may involve techniques such as tanking, fitting non return valves, fitting flood gates and air brick covers, etc and/or raising the ground floor further if feasible.

11th March 2015 -

I refer to the above application and our responses dated 7th January 2015 and 26th February 2015, a document named Scheme for Resilience in Construction Rev A was received on the 10th March 2015.

#### ENVIRONMENT AGENCY POSITION.

We are able to withdraw our objection to the proposal providing development proceeds in accordance the submitted Flood Risk Assessment and the resilience measures proposed in the above document

#### HIGHWAY AUTHORITY - 15th January 2015

The Highway Authority have considered this application in conjunction with application 14/02129/FULL as they are linked in terms of existing traffic generations, in the same ownership, and have access over the same drive, and they should in highway terms be considered in the round. The existing public house has the benefit of a car park for some 10 vehicles and is accessed from a private road which is substandard in part due to its width and alignment. This road not only serves the pub but a number of other properties. The combined traffic generation of the two residential developments would be something in the region of 50 vehicle movements and the Public house would generate 296 movements when assessed by TRIC's data, the location and nature of this public house would suggest that a significantly lower generation would be applicable, but would with a parking court of 10 spaces be likely to equate to that generated by the proposals. Therefore the Highway Authority has no objection to the above proposals. The construction of the 8 dwellings is likely to attract Advanced payment code charges as it would be considered as the setting up of a private street to this end the existing road should be brought up to a standard suitable for adoption, and should it remain private a suitable maintenance company or regime set up to exempt the payment, therefore should consent be granted the following condition should be imposed.

#### Recommendation:

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

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

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

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

REASON: To protect water quality and minimise flood risk

#### TIVERTON TOWN COUNCIL - 21st January 2015

There is a major parking problem in the area and a potential flooding problem. Therefore Tiverton Town Council unable to support this application

ENVIRONMENTAL HEALTH - 7th January 2015  
Contaminated Land - no objections to this proposal  
Air Quality - no objections to this proposal

Waste & Sustainability  
Drainage - no objections to this proposal  
Noise & other nuisances - no objections to this proposal  
Housing Standards - no objections to this proposal  
Licensing - Not applicable  
Food Hygiene - Not applicable  
Private Water Supplies - Not applicable  
Health and Safety - No objections

## REPRESENTATIONS

1 letter of support summarised as follows:

1. The closed pub is currently an eyesore.
2. Since it has closed there has been a reduction in anti-social behaviour.
3. The objections of the Town Council with regard to flooding and traffic should be considered in a measured way.
4. Adequate parking is being provided for the proposal and the application should not be refused on that basis.
5. The pub should be put to a more productive use.

2 letters of objection summarised as follows:

1. The application (together with the associated application 14/02129/FULL) shows parking for 10 vehicles which would increase vehicular movements in Chapel Street as customers generally walked to the pub.
2. The junction is substandard with poor visibility and vehicles would be crossing a footpath which is used by students and pupils.
3. The sewerage system is inadequate and does not comply with current standards as both foul and run-off use the same drainage system.
4. The development would affect the right of access to adjacent properties.
5. If the development removes the area of garden of the pub that helps to absorb rainwater, surface water flooding may increase.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Loss of community facility**
2. **Design and layout**
3. **Highway safety and parking**
4. **Flood risk and drainage**
5. **Effect on neighbouring residents**
6. **Section 106**

### 1. Loss of community facility

Policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies) states that the loss of community facilities such as public houses will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community.

The Hare & Hounds is in a residential area approximately 0.5 km from Tiverton town centre where there is a range of community facilities, including a number of public houses. It is not considered that the loss of the public house would damage the settlement's ability to meet its day to day needs, and would not result in the total loss of public houses in the community.

The proposal is considered to comply with policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies).

### 2. Design and layout

The main public house building is to be retained as it currently exists although the existing single storey flat roofed extensions to the rear are to be removed. A considerably smaller two storey extension (4.5 metres x 4 metres) is to be erected to the rear to serve plot 1 and provide at kitchen a ground floor level and bedroom at first floor level. The extension will have a hipped roof to match the existing roof with a ridge height approximately 1.6 metres below the ridge line of the existing roof.

The skittle alley to the rear currently has a very shallow mono-pitched roof. The rear wall of the skittle alley forms the boundary with the neighbouring dwelling. Following discussions with the agent, it is now proposed to reduce the length of the existing skittle alley by approximately 4.7 metres by removing the part closest to the public house and to replace the existing roof with a shallow hipped roof. The rear wall will be retained along the length of the boundary.

Each dwelling will be provided with a private garden, plots 1-4 to have gardens to the rear of the main building and plots 5-6 to have gardens to front of the skittle alley. The gardens will be landscaped to provide patio and lawn areas.

Your officers consider that the conversion would retain the existing character and appearance of the public house and its appearance would be improved through the removal of the flat roofed extensions to the rear and by bringing the building back into use. The design of the development is considered to comply with policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) which requires high quality design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places, and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site.

Each dwelling would provide a reasonable level of accommodation and adequate amenity space. The development is considered to comply with DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes.

### **3. Highways issues and parking**

It is proposed that each dwelling will have off-street parking to the rear of the public house, accessed via a private lane which serves a number of other dwellings and the former pub car park.

The access lane is narrow at its entrance being between two buildings and has poor visibility onto Chapel Street and concern has been raised by objectors that the proposal will have a negative impact on highway safety.

The National Planning Policy Framework states that planning permission should only be refused on highways grounds where the residual cumulative impact is severe. The Highway Authority has considered the potential for traffic generation from existing (public house) and proposed (residential) uses. Having assessed the combined traffic generation of the two residential associated developments (one the subject of this application and one now withdrawn), the Highway Authority considers that the existing traffic generation is likely to equate to that generated by the proposals. It therefore has no objections to the proposals.

Policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) seeks a minimum car parking standard of 1.7 spaces per dwelling. The proposal is to provide a total of 10 parking spaces for the development (two parking spaces for each of the four two bedroom dwellings, and one parking space for each of the two one bedroom dwellings). Your officers consider this to be acceptable for the level of development being provided.

Although Chapel Street is reasonably close to the town centre and public transport, parking in this area is at a premium and this is not an area where parking provision that falls considerably below the standards in policy DM8 should be permitted.

### **4. Flood risk and drainage**

The site lies within Flood Zones 2 and 3 and is on the edge of an area at risk of localised surface water

flooding, and flooding from the adjacent Moorhayes Stream. COR11 of the Mid Devon Core Strategy (LP1) seeks to guide development to the most sustainable locations with the lowest flood risk by applying a sequential test, and locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding. The policy also seeks to ensure that development does not increase the risk of flooding elsewhere.

The proposal is to convert an existing building. The Environment Agency's guidance on applying the flooding sequential test states that changes of use such as the one proposed does not require application of the sequential test in respect of siting development in areas least likely to flood. However, it is still necessary to ensure that risks of flooding are understood and can be adequately mitigated for.

The Environment Agency stated that indications are that the ground floor of plots 1 to 4 would be at risk of shallow flooding during a 1% annual probability event taking into account the effects of climate change. They are concerned that the submitted Flood Risk Assessment does not adequately assess the risk of flooding to the lower parts of the building or adequately detail measures to reduce the risk of internal flooding. Whilst they would support the principle of raising the ground floor by 150mm, it is feasible that this may not remove the risk of flooding. The Environment Agency advises that the building be made resistant to flooding to a level of 56.50m. This may involve techniques such as tanking, fitting non return valves, fitting flood gates and air brick covers, etc and/or raising the ground floor further if feasible.

Revised drawings have been received raising floor levels by 200 mm and a revised Flood Risk Assessment has been received which outlines flood mitigation measures. The Environment Agency has confirmed that its initial objection has been withdrawn. The proposal is considered to comply with policy COR11 with regard to flood risk.

As the proposal involves the conversion of an existing building, discharge of surface water into the main sewer already takes place. As the footprint of the building is to be reduced, there would be a reduction in surface water discharge from the buildings and the amount of surface water discharging onto the ground will not increase. At present, the pub garden is part grass and part hard surfaced. The proposal shows the private gardens having grassed areas and permeable hard surfacing. Subject to permeable materials being conditioned, it is not considered that there will be an increase in impermeable hard surfacing such that it would cause any additional surface water run-off.

The proposal is considered to comply with policy COR11 with regard to flood risk.

## **5. Effect on neighbouring residents**

The main public house building is to remain very much as it exists and your officers do not consider that the development would lead to any unacceptable loss of privacy or amenity for neighbouring occupiers.

The initially submitted plans for the skittle alley had the potential to be overbearing on the neighbouring dwelling and to overshadow windows in the rear of the house and a private garden. Your officers have negotiated an improvement to the design of the converted skittle alley and the revised plans show part of the skittle alley closest to the neighbouring dwelling being removed, and the roof replaced with a shallow, hipped roof, rather than a steep pitched roof as previously proposed. These alterations are considered to reduce the potential impacts on the neighbouring residents to an acceptable level, in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) which does not permit new development that would have an unacceptably adverse effect on the privacy and amenity of neighbouring properties and uses.

## **6. Section 106**

The development is below the new Government threshold for the provision of affordable housing or a financial contribution towards public open space. However, Devon County Council has requested a financial contribution of £11,361.52 towards primary education to address a shortfall in provision which would be directly related to the increase in residential units provided by the development. The one bedroom units are exempt as they are not considered to be family-sized units. The applicant has agreed to provide this contribution by entering into a unilateral agreement directly with Devon County Council.

## 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. The proposed estate road, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, 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 together with a timetable for implementation shall be submitted to the Local Planning Authority.
4. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water run-off from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme which shall be thereafter permanently retained and maintained in accordance with a Maintenance Programme which shall be submitted to and approved by the Local Planning Authority prior to first occupation of any of the accommodation hereby granted.
5. The development shall be implemented in accordance with the submitted Scheme for Resilience in Construction Rev A dated 10 March 2015.
6. Before their installation on the development hereby permitted, details of the external windows and doors (including details of how the windows shall be recessed into the walls) shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the windows and doors shall be in accordance with the approved details and shall be so retained.
7. No hard landscaping works in the areas shown on the approved plan(s) shall begin until details/samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase)\* and shall be so retained.
8. No development shall begin until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
9. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D of Part 1, relating to alteration or extension to dwellings or their roofs, including new windows and door openings, shall be undertaken without the Local Planning Authority first granting planning permission.

## 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 adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To minimise flood risk in accordance with policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
5. To minimise flood risk in accordance with policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
6. To ensure details appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with:  
  
Local Plan Part 3 (Development Management Policies) DM2
8. To safeguard the character and amenities of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
9. To safeguard the visual amenities of the area and protect the privacy of neighbouring occupiers in accordance with  
  
Mid Devon Core Strategy 2 (Local Part 1) Policy COR2  
Local Plan Part 3 (Development Management Policies) DM2

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The principle of converting the former public house and skittle alley is considered to be acceptable in principle and is not considered to be an unacceptable loss of a community facility. The layout and design are considered to provide a good standard of accommodation and parking and amenity space is to be provided for each unit. The existing access will be upgraded and the proposal is not considered to materially increase traffic using the lane. Change of use of an existing building to residential use does not require the flooding sequential test to be applied however flood mitigation will be incorporated into the development and the proposal is not considered to lead to flooding elsewhere. The development is not considered to lead to an unacceptable impact on the privacy and amenities of neighbouring residents. The proposal is considered to comply with the relevant policies: COR2, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies).



## **Application No. 15/00011/FULL**

### **RECOMMENDATION**

Refuse permission.

### **CLLR MICHAEL LEE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:**

1. To consider the historic integrity of the street scene that was formed by the forge
2. To consider the character of the proposed dwelling in relationship to surrounding buildings
- 3 To consider the mainly residential nature of the surrounding area.

### **PROPOSED DEVELOPMENT**

The proposed development is for works to the remains of a redundant property known as 'The Old Forge' to construct a new chalet-style 2- bed dwelling in the same location.

The proposal is to demolish the remaining stone walls of The Old Forge, and a linked dilapidated small barn. The main building is understood to have at one time been occupied by the village blacksmith; more recently, it is stated that it has been used for general agricultural uses. In February 2014, the roof and most of the walls of the main building were removed from the main building due to safety concerns by Building Control. Since this date, the buildings have been left vacant, with the general footprint and height of the former Forge building still being partially evident.

The new dwelling has been designed to appear as a single storey by using a chalet bungalow building form with rooms in the roof. The size and mass of the new dwelling will generally match the dimensions of the former building: it is shown as measuring 10.2m x7m x 6.1m (height to ridge), with an additional rear lean-to extension to the rear (north east elevation), to incorporate ground floor utility/WC and extended dining room, all contained within the general footprint of the part-demolished building. The external walls will be finished with local natural stonework with exposed timber lintels over openings. A section of timber cladding has been incorporated within the principal (south west/road facing) elevation to reflect the former style of The Old Forge. The design also includes for 2 no. timber stained double glazed casement windows at ground floor level, front elevation, with 2 no. roof lights above. Other windows include similar style smaller casements to the north west and north east elevations, with an additional roof light in the north east roof plain.

Access to the development will be via a current vehicular access which will be widened and improved. The main entrance to the property will be to the side (north west elevation) to avoid opening directly on to the road. 2 no. pull-in parking bays will be created on this side to provide the required level of parking and to allow for vehicles to ingress and egress in a forward gear.

The stone wall along the immediate roadside boundary of the parking space will be 0.6m high: allowing for the parking, there will be a small area of curtilage approximating to the total footprint area of the property on this side, and to be paved or gravel-surfaced (to allow for an existing private right of way to be maintained to the neighbouring Dutch barn beyond the curtilage, to the rear), and with a small additional area set aside for garden with a 1.8m high stone built side boundary wall ;the curtilage also extends beyond the building, to the rear, to allow for access and for maintenance etc. An area of hard standing will also be provided behind the property for the storage of waste and recycling wheelie bins.

Surface and foul water will discharge into the mains sewer.

The site is located on the eastern side of the small hamlet of New Buildings being on a Class III country road (30 mph limit) through the settlement heading towards Sandford (approx. 3.5 kms to the south east). Copplestone lies approx. 2.5 kms to the south west. The hamlet consists of a mix of some 21 traditional thatched cottages and modern properties, including bungalows to the north west of the site.

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

Preliminary Contamination Assessment Report - received 4th March 2015  
Ecological Statement - dated 5th January 2015, prepared by Agent  
Additional Photographic Evidence  
Planning and Design Statement

## **PLANNING HISTORY**

None relevant.

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
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  
DM10 - Rural workers dwellings  
DM11 - Conversion of rural buildings  
DM12 - Replacement dwellings in rural areas  
DM27 - Development affecting heritage assets

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 15th January 2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SANDFORD PARISH COUNCIL - 10th February 2015

No objection subject to concerns over access on to the highway from the proposed dwelling. Also it was felt in view of the traffic issue it would be preferable if the two parking spaces were assessed off site rather than from the highway.

ENVIRONMENTAL HEALTH - 23rd January 2015

Contaminated land - There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot and the previous use of the building was as a blacksmiths workshop. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/vulnerable land-use, in this case a proposed residential dwelling (see Question 14 on 1App application form).

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

In the absence of the above we recommend refusal of the application on the grounds of insufficient information.

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - I have no objections to this proposal

Licensing - No comments

Food hygiene - N/A

Private water supplies - Further information is required prior to any comment. No record is held as being a private supply. However, if a private water supply is serving any other associated dwelling, the supply would become a small private supply and subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use.

Health and safety - No objections

19th March 2015 - Contaminated Land

I agree with the recommendations in the Ruddlesden Geotechnical report and the following will be required:

### 1. Site Characterisation

A Phase 2 intrusive investigation and risk assessment, as recommended in the report provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed

in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

## REPRESENTATIONS

There has been 1 general letter of support received from the occupiers of the following nearby properties:

Glenmuir; Fairfield Paddock; Rosebank; Howards Cottage; Sutton View; Ridgeway. Main points made:

The property has been an eyesore for 25 years prior to its collapse and then partial demolition as a dangerous building

The application provides an opportunity to not only tidy up the site but to provide modest accommodation for perhaps a young family

It is to be welcomed

2 other neighbour letters of objection have been received; main concerns relate to:

Traffic/highway concerns relating to proposed access arrangements: particularly given right of way access into the nearby Dutch barn.

The Old Forge is located in narrowest part of the road through the village: where regular (daily) traffic problems occur with regard to agricultural contractor vehicles, buses, general traffic etc.

Inaccuracies in the submitted Design and Access Statement: the former use of the site was as a store and workshop and so it added very little traffic to the village: the proposed development will add to traffic to the local area

Loss of privacy/amenity to adjoining property: road facing windows will look directly into the rear garden of house opposite.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Development in the open countryside.**
- 2. Other impacts**

### Development in the open countryside

The site is located in the small hamlet of New Buildings which has no settlement boundary and is classed as being the open countryside.

The Mid Devon Local Plan Part 3 (Development Management Policies) and Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) restricts new dwellings in the open countryside with only limited exceptions. That is, for the provision of a rural worker's dwelling (see Policy DM10), the conversion of rural buildings (see Policy DM11), and for the replacement of existing dwellings in rural area (Policy DM12 relates). This report will consider the proposed development against each policy in turn.

## Policy DM10 - Rural workers dwellings

The policy notes that, in order to promote sustainable patterns of development, rural workers will unusually be expected to find housing in existing rural communities. However, the policy allows for an exception to this rule in certain limited cases.

Policy DM10 states that applications for rural workers dwellings will be permitted where 4 key criteria are met, summarised as follows:

- a) The demonstration of an essential need for a full-time rural worker to live permanently at or near their place of work
- b) A demonstration that such a need cannot be met within a nearby settlement at or near the site or through conversion of a suitable redundant or disused rural building at the site
- c) That the size and scale of the dwelling is commensurate with the scale of the rural business operation and its location
- d) That the rural business has been established for at least 3 years and is financially sound and has a clear prospect of remaining so.

In terms of the current proposals, it is evident that the detail of that policy and the specific criteria as set out are not addressed in the application, nor is this policy discussed in the policy consideration provided by the applicant. The application simply states that the proposed dwelling is intended to utilise a redundant brown-field site within the small village to provide a new chalet-style bungalow and that the previous agricultural use will be changed to residential: the development is understood to be intended to simply provide for a new open-market dwelling in this rural location.

No evidence has been presented by the applicant to justify the dwelling in the context of the nature and demands of an existing rural business. The proposal cannot therefore be justified as an exception to the control of new dwellings on this basis and is accordingly contrary to Policy DM10.

## Policy DM11 - Conversion of rural buildings

Policy DM11 allows for the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential use where 4 criteria are met:

- a) That a suitable access to the building is in place or can be created without damaging the surrounding area's rural character and that the road network can support the proposed use
- b) That the building can be converted without significant alteration, extension or rebuilding
- c) That the design retains the original building character and its surroundings
- d) That the development retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

In considering the application against this policy, it is evident that the original building known as The Old Forge has occupied the site since at least the late C19 (it is referred to as 'The Smithy' on the 1889 OS Map) and would have contributed to the general built historic form and character of the area. Historically, it is understood that the village formed a coaching-inn stop on the Exeter to Barnstaple route, and which necessitated the formation of the smithy and also a separate wheelwrights, close by.

At this time, The Old Forge site comprised two buildings separated by a central access way. The building (previously known as The Smithy and reflecting its original function) is labelled as such on OS maps up until as late as 1970, when it seems to have become known by its present name. The building - based on the submitted photographic evidence together with the physical evidence of remaining sections of structure - was clearly of stone masonry construction with concrete flooring. It would previously have had a corrugated iron roof and the site also appears to have contained a well. More recent photographs indicate that the roofing was subsequently changed to natural slate. It seems likely that, as a redundant traditional-style rural building, it would have been eligible for more positive consideration for conversion to a dwelling, under Policy DM 11, subject to all other material considerations being also met.

In considering the present application against criterion a), above, note has been made of the concerns expressed by objectors to the access arrangements and impacts on the highway network. The access to the

proposed development will remain via the existing access serving this site, which will be suitably widened and improved to allow for sufficient sight-line visibility. As is noted in the supporting statements, by removing the dilapidated barn and creating two new parking bays within the site, will help to improve road safety by increasing the line of sight of on-coming vehicles. The stone wall along the boundary of the proposed parking spaces will be below 0.6m high. The scheme is considered to satisfy the requirements as set out in the DCC/Highways Authority Standing Advice, and - in terms of proposed access arrangements- would sufficiently comply with this policy test.

In terms of criterion b), however, much of the original building has now already been removed. As noted above, whilst it was clearly the case that The Old Forge formed what might reasonably have been regarded as a traditional vernacular building on this site, its partial demolition in 2014 (due to its then dangerous structural condition) has effectively meant that it can no longer meet with the primary policy requirement as set out: as the works will now require a substantial new build on this site. This clearly does not accord with the requirements of Policy DM11 criteria b) which seeks conversion 'without significant alteration, extension or rebuilding'. The application therefore fails this policy test: the proposed development represents a significant rebuild in this context.

In considering other related policy aspects, note has been taken of the fact that the design seeks to retain the effective 'new build' within the same footprint of the previous building. The design also clearly aims to reflect the traditional character of the earlier building, both in terms of its scale and massing. The proposed chalet-style design will limit the roof height to approximate with that of the previous structure, whilst the walls will be rebuilt using natural stone, and under a new natural slated roof and other vernacular detailing. However, such general design considerations are not considered sufficient to outweigh the principal concern as noted above, in respect of criterion b).

Beyond the matter of structural stability and the extent of the repairs and works required to establish a habitable dwelling on this site, Policy DM11 also requires that the building as it stands, positively contributes to an area's rural character. Whilst the proposed development might represent an improvement of the immediate site by 'tidying up' an otherwise derelict site within the street scene, a key test in the policy is that the building that is proposed for conversion should already positively contribute to the rural character of the area. Given that the original building, in this case, has already largely been demolished, in this respect this particular policy test is also failed.

Turning to criterion d), the application has been supported by an Ecological Statement prepared by the Agent (who is not understood to be a wildlife expert). It is not clear what - if any- 'ecological assets' existed within the site prior to the demolition of much of the building. However, the present Statement makes clear that "as the existing building has been previously demolished there are no roosting sites or existing vegetation to support protected species. Therefore the proposal will have no ecological impact as there are no signs of bats associated with any element of the structures to be affected. The open nature of the barn and the exposed remaining walls offer little crevice dwelling opportunities. The open nature of the barn can provide potential nest sites for birds such as house martins. To mitigate the loss of these potential sites, new bird boxes can be incorporated within the new north east or north-facing elevations".

It is also proposed that any proposed building works that might affect any breeding birds would not commence during the nesting season (April- September).

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

Natural England guidance also points to the opportunities any scheme may provide 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. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, Section 40 of the Natural Environment and Rural Communities Act (2006) requires 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'.



In considering the application against such guidance, and having regard to the existing condition and nature of the site, the submitted Ecological Statement and its proposed mitigation would appear satisfactory in this instance and does not raise any concerns relating to impact on wildlife at this site. In this regard criteria d) of Policy DM11 is met.

Policy DM12 - Replacement dwellings in rural areas.

This policy allows for the construction of replacement dwellings outside defined settlement limits where certain criteria can be met. In considering such cases on their merit, it is accepted that the principle of such development can be established by an existing dwelling on the site. It therefore allows for, essentially, a 'one-for one' replacement dwelling, within certain prescribed size limits.

In this instance, it is clear that The Old Forge does not comply with the requirements of this policy: it is not - and has not - been occupied as a dwelling. The building was first operated as a smithy; the Phase 1 Preliminary Contamination Assessment report also makes reference to the fact that a garage inspection pit within the building points to it having been used at one time as a vehicle repair/servicing workshop, and more recently by agricultural storage uses. The site - following the partial demolition works in 2014 - now represents a derelict site.

The application does not therefore fall to be considered under Policy DM12.

### **Other impacts**

The site is bordered to the north west and south east by residential properties - including the adjacent 2-storey, Hill View Farm (constructed circa 1970s) - and associated gardens. It is also bordered to the immediate north by a large Dutch barn and concrete surfaced yard, and to its immediate south by the Class III public road through the village. On the opposite side of the road, and set back at a slightly oblique angle, and further from the road, is a 2-storey dwelling - The Old Wheelwright's - which was formed from the conversion of an earlier building understood to have once been associated with the original smithy building: this is a Grade II listed building.

Policy DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) seeks to protect heritage assets and their settings, recognising that they are an irreplaceable resource. The planning application makes the argument that the redevelopment of this site will "be in keeping with its surroundings and have no adverse effect on neighbouring dwellings" However, no assessment of the impact on setting has been provided by the applicant as required by criteria e) of Policy DM27.

Note is also taken of the concerns expressed by the occupier of another nearby dwelling, Beacon House - on the loss of privacy/amenity that may be caused by the occupiers of the new dwelling looking directly into their garden, which is positioned directly opposite The Old Forge and in a more elevated position above the roadside. However, given the existing boundary hedge (which can be easily allowed to grow), and the position of other garden buildings, it is considered that such impacts will be slight and not, on their own, sufficient to justify refusal.

Note is also taken of objector concerns relating to the proposed right of way access to the Dutch barn, sited to the rear: the scheme does however seek to maintain such direct access, as shown on the submitted plans and in any event such matters are considered a separate civil issue. It is unclear to what extent the nature and frequency of separate agricultural traffic movements running through the site, in order to access the Dutch barn belonging to the neighbouring Hill View Farm, would lead to potential nuisance and possible danger to the occupiers of the new building. This has not been further addressed by the applicant other than to acknowledge that the site layout will enable the right of way to be maintained and remain unobstructed at all times.

In terms of other potential environmental constraints, the applicants have now submitted a Phase 1 Preliminary Contamination Assessment Report, and in the light of earlier concerns expressed by the CEHO. The results of this conform that there is the possibility that the historical uses of the site may have caused some ground contamination (smithy and separate vehicle repair./servicing workshop). The report therefore recommends site investigations (e.g. through bore holes), in order to determine more precisely the likelihood of any ground contamination. At the time of this report, the further comments of the CEHO have

yet to be received, and will be reported to the Committee, although such matters can normally be controlled by suitable conditions requiring remedial or other works as may be necessary.

As previously noted, it is accepted that there is a suitable access to the site and adequate space within the site boundary to provide parking to serve the property - accordingly Policy DM8 and criteria a) of Policy DM11 Mid Devon Local Plan Part 3 (Development Management Policies) are satisfied.

No negative impact upon nature conservation interests is identified in the submitted Ecological Appraisal and so criteria d) of policy DM11 is also satisfied.

Policy AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the Council's Supplementary Planning Document (SPD) on 'The Provision and Funding of Open Space through Development' requires new dwellings to make a contribution toward such provision.

However, this policy has since been superseded by more recent Government policy on 28 November 2014 removing the requirement for developers to make such S106 payments on schemes involving 5 houses or less in rural areas.

If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years if it were approved is therefore estimated to be £6,168.

## **Summary**

The proposed development is located outside settlement limits, in the countryside where new development is strictly controlled. The application has not addressed and does not meet the requirements of Policies DM10 or DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies) which allow for limited development in rural areas where it meets strict criteria. As such the proposal is considered to be contrary to Policies COR1, COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM10, DM11 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and Government guidance in the National Planning Policy Framework.

## **REASONS FOR REFUSAL**

1. The site is located in the countryside where policies and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The application has not addressed and does not meet the requirements of Policies DM10, DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies) which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker nor can it be converted without significant alteration, extension or rebuilding. Neither does it involve the replacement of an existing dwelling. In the opinion of the Local Planning Authority the proposal is therefore for the erection of a new dwelling for which no special circumstances exist that would override the policy objection.
2. The development has also not considered the impact of the development on the setting of the nearby Grade 2 listed building. The proposal is therefore accordingly considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM10, DM11, DM12 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 15/00197/FULL**

**Plans List No. 4**

**Grid Ref:** 295892 : 113404

**Applicant:** Mr & Mrs J A Tolly

**Location:** 52 Oak Close Tiverton  
Devon EX16 6ET

**Proposal:** Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme)

**Date Valid:** 6th February 2015



## **Application No. 15/00197/FULL**

### **RECOMMENDATION**

Refuse permission.

### **MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION**

### **PROPOSED DEVELOPMENT**

The proposal is for the erection of extensions to the front, rear and side of a semi-detached bungalow, situated at 52 Oak Close, Tiverton. The proposal will be constructed of block and render, with a grey Redland tile to match the existing tiles, and white UPVC fenestration. The specific dimensions of the proposal are detailed below;

#### **Front Extension**

The proposed front extension will protrude forward from the original wall of the property by approximately 2.3 meters, with a width of 5metres. The proposal will include a hipped roof, and will create a 3rd bedroom and new porch.

#### **Side Extension**

The proposed side extension extends approximately 3.1metres, forward of the existing garage, with a width of 2.9metres. The proposal extends above the existing garage to include a first floor, and contains a mono-pitched roof on the principle elevation, with a large section of flat roof (5metres) to the rear. The proposed side extension abuts the neighbouring boundary, and has an overall height of 5 metres.

#### **Rear Extension**

The proposal extends at various lengths across the whole rear elevation of the property. Starting from the west of the property, the proposal extends approximately 4.2metres in length, with a width of 4.4metres, including a dual pitched roof with an eaves height of 2.2metres, and a height to the ridge of 4metres. The proposal includes patio doors on the north elevation, and two roof lights on the eastern elevation. The proposal extends 2.3metres for the remainder of the rear elevation, and links up with the proposed side extension. At this point, the proposal will have a mono-pitched roof, with an overall height of 5 metres.

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

None.

### **PLANNING HISTORY**

12/01073/FULL Erection of extension - PERMIT - 14th September 2012

14/02065/FULL Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles - WDN - 8th January 2015

15/00197/FULL Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme) - PCO

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR13 - Tiverton

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

DM2 - High quality design

DM8 - Parking

DM13 - Residential extensions and ancillary development

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 12th February 2015

standing advice applies <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 3rd March 2015

Support.

### **REPRESENTATIONS**

None received on the date of officer report (09/03/2015).

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Design and Visual Impact**
- 2. Impact on neighbouring occupants**
- 3. Parking**

#### **1. Design and Visual Impact**

Policy DM2 and DM13 of the Local Plan Part 3 (Development Management Policies), notes that new developments should be well designed, respecting the character scale setting and design of the existing dwelling, whilst creating visually attractive places that are well integrated with surrounding buildings, streets, and landscapes. The front extension is relatively small and will have little impact upon the street scene, whilst a proportion of the rear extension (situated to the east) is considered acceptable, and due to its location within an enclosed garden, will have little visual impact on the locality of the area.

The proposed two storey side extension is not considered to respect the character or design of the existing dwelling or its surroundings and is likely to create negative impacts on the street scene, and the character and appearance of the area when assessed from the neighbouring gardens. This is due to the large and somewhat dominating two storey flat roof design, which would detract from the dwelling and the surrounding area.

It is considered that there is some scope to extend the dwelling, and the applicant has an existing planning approval for a similar proposal, without the side extension. The applicant was made aware of the planning officers concerns, and some changes were made to the proposal, which includes a pitched roof to the front of the garage, reducing the impacts of the proposal from the street scene. The applicant voiced that a neighbouring dwelling situated to the north of the proposal had previously constructed a large, flat roof dormer window, which would be similar to this proposal. This dormer window was not an application considered by planning policy, and it is likely the residents of that property utilised permitted development for its construction.

Due to the dominance of the proposed side extension, it is deemed that the proposal would be contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and refusal is therefore recommended.

#### **2. Impact on neighbouring occupants**

Policy DM13 of the Local Plan Part 3 (Development Management Policies) notes residential development should not have an adverse impact on the living conditions of the occupants of neighbouring properties.

It is considered that the proposed extension will create significantly overbearing effects on the neighbouring dwelling situated to the west of the proposal. In particular, the overbearing effects will be created by the two storey element of the proposal, situated on the neighbouring boundary. Whilst no letters of representation have been received, due to the size and scale of the proposal, it is likely to create unacceptable impacts on the adjoining property.

As the development is likely to create a significantly adverse impact on the neighbouring dwelling, it is deemed that the proposal would be contrary to policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

### **3. Parking**

The proposal includes the addition of a widened driveway to militate against the loss of parking for the proposed side extension. The proposed parking area is considered to be adequate for the parking of two vehicles, and therefore, is in accordance with policy DM8 of the Local Plan Part 3 (Development Management Policies).

### **Conclusion**

In the opinion of the Local Planning Authority, the proposed extension does not respect the scale, character, setting and design of the existing dwelling or its surroundings. Furthermore, the proposal is likely to result in overbearing effects on the neighbouring dwelling, and is contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), and policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies). Considering the above points, refusal is recommended.

### **REASONS FOR REFUSAL**

1. Mid Devon District Council requires new development to respect the character and appearance the area and to demonstrate a clear understanding of the site and its context. Extensions to existing dwellings should respect the character, scale, setting and design of the existing dwelling. In the opinion of the Local Planning Authority, the proposed side extension does not respect the scale, character, setting and design of the existing dwelling, or the surrounding area, contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).
2. In the opinion of the Local Planning Authority, the proposed side extension is considered overbearing in relation to the adjoining property thereby causing a significant loss of amenity and outlook to the neighbouring dwelling, contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

**Application No. 15/00280/FULL**

**Plans List No. 5**

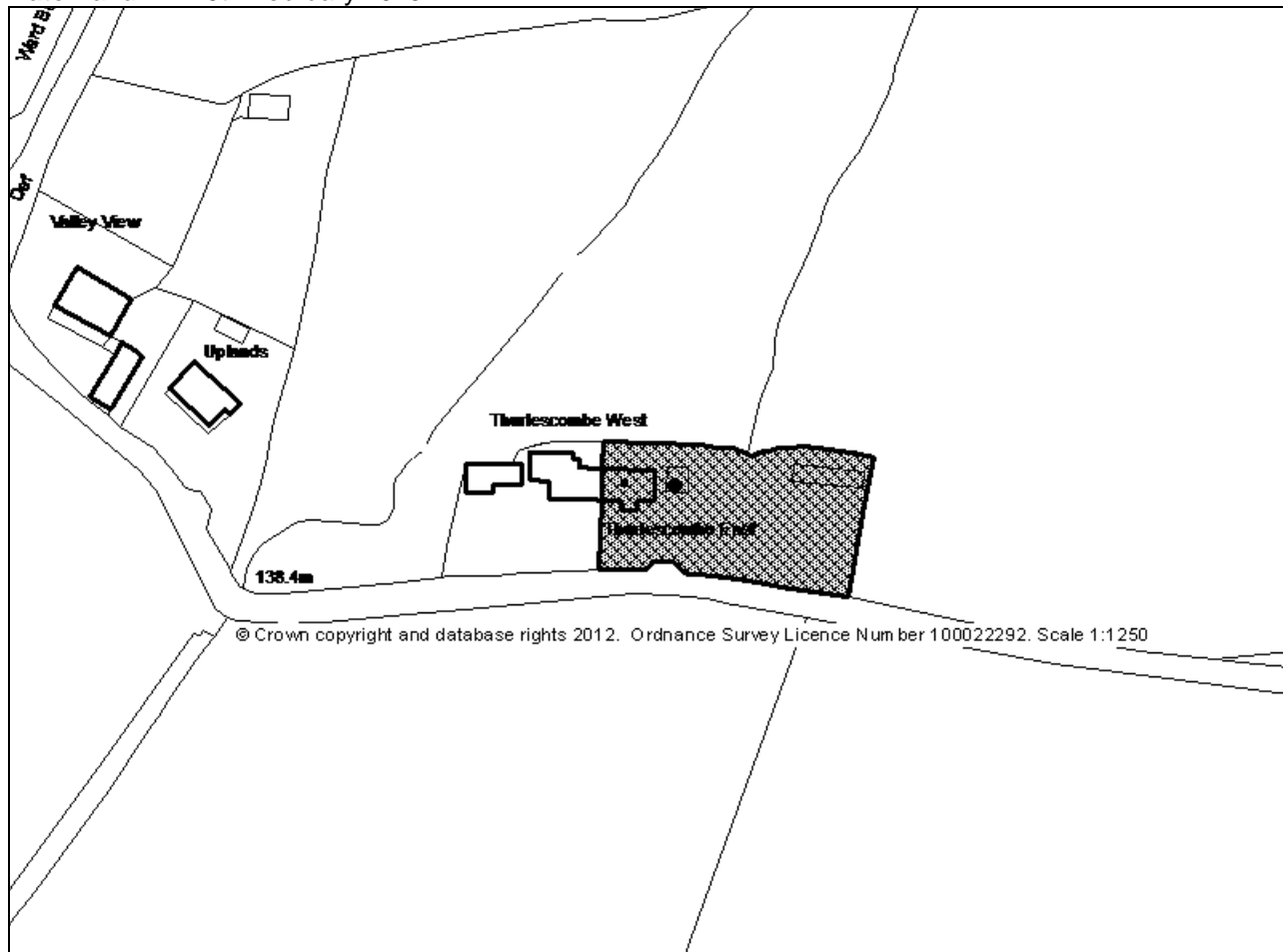
**Grid Ref:** 298562 : 111449

**Applicant:** Ms S Magne

**Location:** Thurlescombe East  
Ash Thomas Devon  
EX16 4NY

**Proposal:** Erection of single  
storey side extension  
and veranda to front  
(Revised scheme)

**Date Valid:** 19th February 2015



## **Application No. 15/00280/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the erection of a single storey side extension on the eastern elevation and the erection of a verandah on the front, southern elevation.

The side extension would have a width of 6.7m and would be the full depth of the house at 6.5m, with a dual pitched roof of maximum height 3.3m. The extension is proposed to be constructed in materials to match those on the existing house, namely rough rendered walls under an artificial slate roof and with uPVC windows and doors. The open verandah would be situated adjoining the existing porch and would have the same depth as the porch (1.9m) and be 3.2m long.

The property is located in the countryside, approximately 1.5km south east of Tiverton and approximately 0.7 m south of the Grand Western Canal. The site is positioned on a narrow lane. The site slopes downhill from the south to the north, from the highway toward the property.

The application is a revised scheme following planning permission having been granted in late 2013 for the erection of a two storey extension to the east, verandah to the south and a conservatory extension on the northern elevation.

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

Foul Drainage Assessment form.

### **PLANNING HISTORY**

90/00920/OUT Outline for the erection of bungalow and construction of vehicular access - Refused - June 1990

11/01152/FULL Erection of an extension following removal of existing garage - Permitted - September 2011

13/01322/FULL Erection of a two storey extension and conservatory - Permitted - November 2013

### **DEVELOPMENT PLAN POLICIES**

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

COR18 - Countryside

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

DM2 - High quality design

DM8 - Parking

DM13 - Residential extensions and ancillary development

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 5th March 2015 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HALBERTON PARISH COUNCIL - 11th March 2015 - No objections

### **REPRESENTATIONS**



None received.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Quality of design**
- 2. Impact upon neighbouring properties**

### **1. Quality of design**

Policy COR18 of Core Strategy (Local Plan Part 1) permits appropriately scaled and designed extensions to existing buildings in rural locations. This is expanded upon in Local Plan Part 3 (Development Management Policies) with policy DM13 relating specifically to domestic extensions (not just in rural locations) which states that extensions to existing dwellings and other ancillary development will be permitted provided that they:

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

In addition, policy DM2 of Local Plan Part 3 (Development Management Policies) seeks to ensure a high quality of design from all development proposals.

The works will provide additional living space for this modestly sized cottage. The single storey extension will be subservient to the original cottage and will maintain a ridge level below first floor window level of the cottage. The scale and massing are considered appropriate for this location and site. The property has a sizable garden which extends mainly to the south and east of the property and provides adequate space for extension while leaving a suitably sized garden and space for cars to park. It should also be noted that the neighbouring property, Thurlescombe West, has already been extended to the west. The proposed extension at Thurlescombe East is smaller than that built next door and it has a larger remaining garden area. For this reason, the development is not considered to represent over development within the curtilage of the dwelling and accordingly is considered to meet the requirements of Local Plan Part 3 (Development Management Policies) Policy DM13 and Core Strategy Policy COR18.

The materials proposed for the extension to the east are white roughcast render, artificial slate roof tiles and white UPVC doors and windows to match the existing building. In addition, a safety glass canopy on wooden supports is proposed on the principal (southern) elevation. While this is a new design feature it is considered an appropriate design for this building. The glass will provide shelter while retaining light to the internal south facing rooms. The materials, scale, massing and fenestration proposed all accord with the requirements of policies DM2 and DM13 of Local Plan Part 3 (Development Management Policies) in as much as they respect the character, scale and massing of the exiting dwelling and its surroundings.

### **2. Impact upon neighbouring properties**

The position of the main extension on the eastern elevation means that it presents no amenity or privacy issues for the neighbouring dwelling. The small verandah would be on the opposite side of the existing porch, away from the neighbouring property and would also present no amenity or privacy issues for the neighbouring dwelling.

The proposal will have no other impacts on amenity for example with regard to noise or traffic and there are no other neighbouring properties in the vicinity which would be affected by the proposal.

In this respect the application meets with the requirements of policy DM13 of Local Plan Part 3 (Development Management Policies).

## **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.

## **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.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed single storey extension and glazed verandah by virtue of their scale, massing, design and location is not considered to harm the privacy or amenity of the occupiers of another dwelling, or its surroundings within this countryside location. As such the proposal is considered to comply with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of Mid Devon Local Plan Part 3 (Development Management Policies).

Jonathan Guscott  
Head of Planning and Regeneration

**PLANNING COMMITTEE - 1 April 2015**

**REPORT OF HEAD OF PLANNING AND REGENERATION - APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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**PURPOSE OF REPORT**

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

**RECOMMENDATION**

That the report be noted.

**DETAILS OF DECISIONS**

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEVELOPMENT</b>	<b>PARISH/AREA</b>
20.01.2014	19.03.2014 Grant permission	14/00122/FULL	Mr L Griffiths Land and Buildings at NGR 282745 103230 (Sturridge) Sandford Retention of access	Sandford 43
04.02.2014	18.03.2014 Development Acceptance	14/00204/PNHH	Mrs S Bodilly 4 Somerville Park Willand Prior notification for the erection of a householder extension, extending 4.5m to the rear, maximum height of 4.5m to the rear, maximum height of 3m with eaves height of 2.4 metres	Willand 59

20.02.2014	18.03.2014 No Objection	14/00265/CAT	Mr Christopher Johnson 60 High Street Crediton Notification of intention to fell 1 horse chestnut tree, 2 conifer trees and reduce the height by 1m of one eucalyptus gunnii tree within a conservation area	Crediton Town 18
04.09.2014	19.03.2015 Grant permission	14/01498/FULL	Mr D Authers Land and Buildings at NGR 306726 119296 (Battens Cottage) Conversion of redundant building to single dwelling	Holcombe Rogus 29
10.09.2014	20.03.2015 Grant permission	14/01547/FULL	Mr M Hill 1 Maple Close Willand Erection of 2 dwellings	Willand 59
18.09.2014	18.03.2015 Grant permission	14/01526/FULL	Mr Jason Milton Land at NGR 288081 107001 (Orchard Farm) Change of use of garage/store/office to holiday cottage	Cheriton Fitzpaine 12
03.10.2014	20.03.2015 Grant permission	14/01675/FULL	Mr M Payne Woodlands Gables Road Erection of 2 dwellings and a detached garage	Willand 59
13.10.2014	20.02.2015 Withdrawn	14/01695/FULL	Mr & Mrs A Skitt Furze Farm Shute Conversion of barns to 5 two-bedroomed dwellings	Shobrooke 44
21.10.2014	10.03.2015 Grant permission	14/01759/OUT	J Headon & Son Land and Building at NGR 292345	Tiverton 52

			110799 (Huntland Farm) Tiverton Outline for the erection of an agricultural worker's dwelling	
14.11.2014	27.02.2015 Grant permission	14/01909/FULL	Mr Harry Wilson 12 Elmside Willand Erection of a single storey extension (Revised Scheme)	Willand 59
02.12.2014	27.02.2015 Application Part Granted/Part Refused	14/02022/TPO	Mr D Clark 11 Hanover Gardens Cullompton Application to remove 1 Beech tree and reduce crown by 1.5m of 1 Beech tree protected by Tree Preservation Order 83/00003/TPO	Cullompton 21
02.12.2014	24.02.2015 Grant permission	14/02028/FULL	Bow Parish Council C/O Bow Recreation Group Land at NGR 271285 101870 (Adjacent to Burston Cross) Burston Lane Creation of football pitch with associated car parking, and the placement of a temporary building	Zeal Monachorum 61
03.12.2014	19.02.2015 No Objection	14/02025/CAT	Mrs A Webster Prispen House Prispen Drive Notification of intention to fell 3 Italian Alders, 1 Tulip and 2 Norway Maples, coppice to ground level a group of Hollies and Laurel and carry out works to 1 Sycamore tree within a Conservation Area	Silverton 45
08.12.2014	11.03.2015 Grant permission	14/02044/MFUL	Mole Avon Trading Limited, C/o Mr A Hughes Land at NGR 284608 99421	Crediton Town 18

			(Wellparks) Joseph Locke Way Erection of new head office comprising offices, warehouse, country store, external storage area, parking, new access and associated works	
10.12.2014	06.03.2015 Grant permission	14/02047/FULL	Mrs W Westlake Age UK Mid Devon Haven Centre Erection of conservatory	Tiverton 52
10.12.2014	23.02.2015 Grant permission	14/02053/LBC	Miss M Savin Shoplands Barn New Buildings Listed Building Consent for replacement door with French doors on rear elevation	Sandford 43
10.12.2014	23.02.2015 Refuse permission	14/02058/LBC	Miss M Savin Shoplands Barn New Buildings Listed Building Consent for replacement of door with French doors, and installation of a new window on rear elevation	Sandford 43
11.12.2014	09.03.2015 Grant permission	14/02062/TPO	Mr Keith Dawson Howden Heyes Tiverton Application to crown thin by 25% 1 Oak tree protected by Tree Preservation Order 06/00016/TPO	Tiverton 52
15.12.2014	19.02.2015 Grant permission	14/02073/FULL	Mrs A V Rawlings Pitt Farm Cadbury Retention of domestic oil tank	Cadbury 08
15.12.2014	19.02.2015 Grant permission	14/02074/LBC	Mrs A V Rawlings Pitt Farm Cadbury Listed Building Consent for the	Cadbury 08

			installation of a domestic oil tank	
15.12.2014	23.02.2015 Grant permission	14/02094/LBC	Mrs S Searle Flat 2 The Victoria Rooms Listed Building Consent for the erection of a slate plaque	Tiverton 52
15.12.2014	04.03.2015 Grant permission	14/02099/ARM	Mr J Mount Land Rear of 1- 4 Station Terrace Coplestone Reserved Matters for the erection of 5 dwellings following Outline approval granted under application 12/00109/OUT	Coplestone 62
16.12.2014	27.02.2015 Grant permission	14/02115/FULL	Mr H Phillips Land at NGR 300056 104060 Hornbeam Gardens Erection of a dwelling (revised scheme)	Bradninch 04
17.12.2014	11.03.2015 Grant permission	14/02119/FULL	Mrs G Gillbard Land at NGR 279169 111524 (Hele Barton Farm) Road from Thelbridge Cross to Hele Barton Cross Erection of a poultry unit (823.65 square metres)	Thelbridge 50
17.12.2014	20.02.2015 Grant permission	14/02120/FULL	Mr David Chambers Westlake Blundells Road Erection of an extensions and internal alterations	Tiverton 52
18.12.2014	13.03.2015 Grant permission	14/02096/FULL	Mr R Plumridge South Combe Waters Blackborough Siting of 2 holiday lodges with	Uffculme 53

			decking, pathways and parking	
19.12.2014	26.02.2015 Grant permission	14/02126/FULL	Dr C A Kerwick Lower Burrow Coombe Stockleigh Pomeroy Retention of boot room, porch extension, additional living accommodation/office space and alteration to vehicular access	Cheriton Fitzpaine 12
19.12.2014	25.02.2015 Grant permission	14/02133/FULL	Stevens Homes Ltd Land at NGR 296100 114106 Hayne Court Erection of 8 dwellings with new vehicular and pedestrian access	Tiverton 52
22.12.2014	26.02.2015 Grant permission	14/02110/FULL	Mr & Mrs D Russell Land and Buildings at NGR 303082 124949 (Handley Farm) Change of use of land from agriculture to wedding venue, including erection of ancillary buildings	Clayhanger 14
22.12.2014	23.02.2015 Grant permission	14/02136/FULL	Mr John Helliwell 15 South Street Holcombe Rogus Erection of extension to rear and erection of garage/workshop with off road parking and turning head (Revised Scheme)	Holcombe Rogus 29
22.12.2014	06.03.2015 Grant permission	14/02137/FULL	Mr D Hills 8 Station Road Cullompton Change of flat roofs to pitched roofs,	Cullompton 21



			raising and re-tiling of rear extension to form mezzanine and other minor building works	
02.01.2015	27.02.2015 Grant permission	15/00002/LBC	Miss Clare Handley 7 South Street Holcombe Rogus Listed Building Consent for the removal of asbestos cement slates from front roof and porch to be replaced by natural Spanish slate, removal of corrugated asbestos sheeting from garage roof to be replaced with grey Topseal flat roof covering.	Holcombe Rogus 29
05.01.2015	12.03.2015 Grant permission	15/00005/FULL	M Gary Wren Waterbridge Golf Course Down St Mary Change of use for the siting of 2 static holiday caravans	Down St Mary 23
06.01.2015	20.02.2015 Grant permission	15/00010/FULL	Mr & Mrs S Barnard Goodiford Mill Farm Kentisbeare Erection of extension to form double garage	Kentisbeare 32
06.01.2015	10.03.2015 Grant permission	15/00012/LBC	Mrs D Bool 55 Water Lane Tiverton Listed Building Consent to re-build and increase height of section of boundary wall and re-build and extension of outbuildings	Tiverton 52
06.01.2015	23.02.2015 Grant permission	15/00013/LBC	Mr David Heighton Filleigh Barton Lapford Listed Building Consent for extensions to form garden room and first floor	Lapford 33

			balcony, conversion of window to door, insertion of new windows, and internal alterations (Revised Scheme)	
07.01.2015	27.02.2015 Refusal of Prior Approval	15/00014/PNCOU	Mr B Summer Land and Buildings at NGR 291372 123742 (Lower Langridge Farm) Prior notification for the change of use of an agricultural building to a dwellinghouse under Class MB(a)	Oakford 39
07.01.2015	27.02.2015 Approval of Prior Approval	15/00021/PNCOU	Ms H M Croft Land at NGR 286955 109713 Claw Hill Prior notification for the change of use of agricultural building to a dwellinghouse under Class MB (a) and (b)	Cruwys Morchard 20
07.01.2015	06.03.2015 Grant permission	15/00022/FULL	Ms H M Croft Land at NGR 286955 109713 (Claw Hill) Formation of hardstanding, parking bay and patio area	Cruwys Morchard 20
08.01.2015	11.03.2015 Grant permission	15/00020/FULL	Mr Ben Vizard 16B St Peter Street Tiverton Replacement of 3 windows with uPVC double glazed units	Tiverton 52
08.01.2015	02.03.2015 Grant permission	15/00023/FULL	Mr P Proffitt Cottage Garden Nursery Uffculme Road Change of use of land from horticultural nursery to a mixed use of horticultural nursery and children's day nursery, and erection of children's	Halberton 25

			nursery building with solar panels to the south elevation (Revised Scheme)	
09.01.2015	23.02.2015 Not Permitted Development	15/00025/PNCOU	Mrs C Hewitt Hewitt & Son Limited Store 3 Prior notification for the change of use of an agricultural building to dwellinghouse under use class MB(a)	Thorverton 51
09.01.2015	03.03.2015 Grant permission	15/00028/FULL	Mr D Murphy 53 Silver Street Thorverton Erection of single storey extension to rear and two storey extension to side	Thorverton 51
09.01.2015	06.03.2015 Refuse permission	15/00031/FULL	Mr Gary Bulley Land and Buildings at NGR 273746 95383 (East Church Farm Cottage) Hittisleigh Conversion of barn to dwelling	Crediton Hamlets 19
09.01.2015	06.03.2015 Refuse permission	15/00032/LBC	Mr Gary Bulley Land and Buildings at NGR 273746 95383(East Church Farm Cottage) Hittisleigh Listed Building Consent for the conversion of barn to dwelling	Crediton Hamlets 19
12.01.2015	06.03.2015 Development Acceptance	15/00029/PNCOU	Mr R White Land at NGR 293639 107945 (Yearlstone Vineyard) Bickleigh Prior notification for the change of use of an agricultural building to dwellinghouse under use class MB(a)	Tiverton 52
12.01.2015	05.03.2015 Refusal of Prior Approval	15/00030/PNCOU	Mr T Davies Land and Building at NGR 280296 100118 (Middle Hollacombe Farm)	Crediton Hamlets 19

			Hollacombe Prior notification for the change of use of an agricultural building to dwellinghouse under use class MB(a)	
12.01.2015	03.03.2015 Grant permission	15/00036/FULL	Mr D Vaughn Front Meadow Fulford Barnyard Erection of a sun room	Cullompton 21
12.01.2015	12.03.2015 Grant permission	15/00038/FULL	Mr S Koslowski Land at NGR 298988 102171 (Clyst Hayes) Strathculm Road Change of use of land from agriculture to manege	Silverton 45
12.01.2015	23.02.2015 Grant permission	15/00039/FULL	Mr Rob Holland Graphic Plc Down End Erection of an extension	Crediton Town 18
13.01.2015	10.03.2015 Grant permission	15/00042/TPO	Mr Herniman Howden Court Tiverton Application to crown reduce 1 Swamp Cypress tree by 8-10 metres protected by Tree Preservation 06/00016/TPO	Tiverton 52
13.01.2015	06.03.2015 Refuse permission	15/00043/FULL	Mr P Kelland Track at NGR 297945 120715 (Bampton Down) Cove Construction of visibility splay and improvements to access	Bampton 01
13.01.2015	06.03.2015 Refusal of Prior Approval	15/00044/PNCOU	Mr P Kelland Land at NGR 297930 120685 (Bampton Down) Cove Prior notification for the change of use of agricultural building to dwelling	Tiverton 52

			under Class MB (a) & (b)	
13.01.2015	27.02.2015 Grant permission	15/00048/FULL	Mr R Persey Hitchcocks Farm Uffculme Retention of change of use of land for the siting of a mobile home with associated curtilage	Halberton 25
13.01.2015	23.02.2015 No Objection	15/00049/CAT	Mrs Elaine Davies Cobweb Cottage Bickleigh Notification of intention to fell 1 Copper Beech tree within a conservation area	Tiverton 52
13.01.2015	13.03.2015 Grant permission	15/00052/FULL	Burlescombe Parish Council Burlescombe and Westleigh Community Hall Burlescombe Erection of extension to form additional meeting room and internal lobby	Burlescombe 06
14.01.2015	10.03.2015 Development Acceptance	15/00055/PNHH	Mr J Manley Barn Orchard Bickleigh Prior Notification for the erection of an extension, extending 7m to the rear, maximum height of 3m and eaves height of 3m	Tiverton 52
15.01.2015	10.03.2015 Grant permission	15/00059/FULL	Mr J Foxford Cobwebs Barnfield Change of levels and surface finish of driveway	Crediton Town 18
16.01.2015	16.03.2015 Grant permission	15/00065/FULL	Mrs Katy Danby 7 Coot Hide Sampford Peverell Erection of single storey extension	Sampford Peverell 42

			and alterations with erection of decking/timber platform with storage	
19.01.2015	12.03.2015 Grant permission	15/00068/FULL	Mr & Mrs K Squibb Morgans Bradley Templeton Erection of a 2 storey extension and a detached garage building	Tiverton 52
19.01.2015	20.02.2015 Grant permission	15/00072/CLU	Ms S Howells Old House Cottage Frog Street Certificate of Lawful development for the use as a separate holiday cottage	Bampton 01
19.01.2015	13.03.2015 Refusal of Change of Use	15/00073/PNCOU	Austin Cleverdon & Son Land and Barn at NGR 278004 104654(Building Adjacent to Lower Bagborough Cottages) Copplestone Prior notification for the change of use of agricultural building to dwelling under Class MB(a) & (b)	Sandford 43
19.01.2015	26.02.2015 No Objection	15/00075/CAT	Mrs Hammond 49 High Street Halberton Notification of intention to fell 1 Beech Tree within a Conservation Area	Halberton 25
19.01.2015	09.03.2015 Withdrawn	15/00079/FULL	Mr Dick Ottery Land at NGR 290544 107699(Farleigh Back Road) Cadeleigh Conversion of agricultural storage building to dwelling and erection of an extension	Cadeleigh 09
20.01.2015	13.03.2015 Grant permission	15/00080/FULL	Mr & Mrs J Pinder 31 Station Road Hemyock Erection of a porch	Hemyock 26

21.01.2015	18.03.2015 Development Acceptance	15/00082/PNCOU	Mrs E Sime Land and Buildings at NGR 307394 107010 (Ashleigh) Broad Road Prior notification for the change of use of an agricultural building to dwellinghouse under use class MB(a)	Kentisbeare 32
21.01.2015	18.03.2015 Withdrawn	15/00084/PNCOU	Mr Sprague Land and Buildings at NGR 307465 116363 (Crosses Farm) Burlescombe Prior notification for the change of use of an agricultural building to dwellinghouse under use class MB(a)	Burlescombe 06
21.01.2015	18.03.2015 Development Acceptance	15/00089/PNCOU	Ms J Woolway Land and Building at NGR 300703 110258 Brithem Bottom Prior notification for the change of use of an agricultural building to a dwellinghouse under class MB(a)	Halberton 25
21.01.2015	06.03.2015 Grant permission	15/00093/FULL	Mr J Houghton Upcott Farm Lapford Erection of a double garage	Morchard Bishop 35
22.01.2015	13.03.2015 Development Acceptance	15/00087/PNCOU	Mr P Dicker Land and Buildings at NGR 276520 94179 (New Place Farm) Cheriton Bishop Prior notification for the change of use of an agricultural building to 2 dwellings under class MB(a)	Cheriton Bishop 11
23.01.2015	23.02.2015 Withdrawn	15/00091/PNCOU	Mr J Lean Land and Building at NGR 293039 108795 (Rashleighayes Farm) Bickleigh	Tiverton 52

			Prior notification for the change of use of an agricultural building to a dwellinghouse under class MB(a)	
23.01.2015	20.03.2015 Grant permission	15/00092/FULL	Blacknoll Ltd Catherine Wheel Hemyock Retention of a 1.3m high stone wall and plinth wall to porch	Hemyock 26
23.01.2015	06.03.2015 Grant permission	15/00100/FULL	Mr D Chambers Milestones Blundell's Preparatory School Retention of 2 temporary changing rooms	Tiverton 52
26.01.2015	16.03.2015 Withdrawn	15/00102/LBC	Mr & Mrs Cummins Marwoods Farm Cove Listed Building Consent for the replacement of 8 windows on the South Elevation	Tiverton 52
26.01.2015	20.03.2015 Grant permission	15/00106/FULL	Mrs Barbara Rendell 11 Okefield Avenue Crediton Erection of a dwelling	Crediton Town 18
26.01.2015	23.03.2015 Refuse permission	15/00109/OUT	Mr J Hewitt Land and Buildings at NGR 294162 107150 (Site Adjacent to Bickleigh Church) Outline for the erection of 4 dwellings and associated access and communal parking (Revised Scheme)	Bickleigh 02
27.01.2015	16.03.2015 Grant permission	15/00112/LBC	Mr & Mrs R Acock Way Farm Bickleigh Listed Building Consent for structural remedial works to main dwelling and	Thorverton 51



			boundary wall	
27.01.2015	23.03.2015 Grant permission	15/00114/FULL	Mr I Toogood Land and Buildings at NGR 295567 117820 (East Bicknell Farm) Cove Change of use of land from agricultural to domestic, retention of garage block and agricultural machinery building, formation of raised patio, and installation of swimming pool	Tiverton 52
27.01.2015	16.03.2015 Grant permission	15/00117/LBC	Mr & Mrs Roger Acock Land and Buildings at NGR 293695 105930 (Way Farm) Listed Building Consent for repairs and remedial works to barn	Thorverton 51
27.01.2015	23.03.2015 Grant permission	15/00122/FULL	Mrs M Bawden Culmview Cottage Kentisbeare Erection of single storey extension	Kentisbeare 32
28.01.2015	23.03.2015 Refusal of Prior Approval	15/00113/PNCOU	Mr M Smith Land and Buildings at NGR 302476 105892 (Knightswood Farm) Cullompton Prior notification for the change of use of an agricultural building to a dwellinghouse under class MB(a)	Cullompton 21
28.01.2015	18.03.2015 Development Acceptance	15/00115/PNCOU	Mr & Mrs R Harris Land and Buildings at NGR 294001 109130 Southwood Farm Prior notification for the change of use of agricultural building to a dwelling under Class MB(b)	Tiverton 52

28.01.2015	16.03.2015 No Objection	15/00121/CAT	Mr C Inder The Cider House Holcombe Rogus Notification of intention to dismantle 1 Birch and 1 Lawson tree to ground level and remove 1 Bay tree within the Conservation Area	Holcombe Rogus 29
28.01.2015	13.03.2015 Grant permission	15/00125/FULL	Mr G Squance 19 Fernworthy Park Copplestone Erection of an extension	Copplestone 62
29.01.2015	26.02.2015 No Objection	15/00129/CAT	Mrs Nikki Woollatt Higher Mill Higher Mill Lane Notification of intention to remove two conifer trees within a Conservation Area	Cullompton 21
29.01.2015	17.03.2015 Grant permission	15/00132/FULL	Messrs Woolcock & Mason 25 Exeter Road Silverton Erection of a dwelling following demolition of existing dwelling (Revised scheme)	Silverton 45
30.01.2015	20.03.2015 Grant permission	15/00128/FULL	Mr Robert Hodgson St Peters Church Uplowman Installation of composting toilet in churchyard	Uplowman 54
03.02.2015	12.03.2015 Refuse permission	15/00151/TPO	Mr David Watt 6A Bourchier Close Bampton Application to remove 1 cherry tree protected by Tree Preservation Order No. 06/00006/TPO	Bampton 01
04.02.2015	13.03.2015 No Objection	15/00153/CAT	Mrs A Capel 29 Fore Street Holcombe Rogus	Holcombe Rogus 29

			Notification of intention to carry out works to 1 holly, 1 cherry, 1 poplar and 1 pittosporum tree in a Conservation Area	
04.02.2015	16.03.2015 No Objection	15/00154/CAT	Mrs Gee Glebe House Church Lane Notification of intention to fell 1 willow in a Conservation Area	Newton St Cyres 37
04.02.2015	13.03.2015 No Objection	15/00156/CAT	Mr Michael Roberts Willow Brook Kennerleigh Notification of intention to remove dead branches from one Oak tree and fell one Willow tree within a conservation area	Kennerleigh 31
04.02.2015	19.03.2015 Grant permission	15/00166/FULL	Mr & Mrs Hartnack Amberleigh Butterleigh Erection of two storey extension	Butterleigh 07
04.02.2015	11.03.2015 Not Permitted Development	15/00172/PNAG	Mr S Baker Woodrow Farm Smithincott Prior notification for the erection of an extension to an existing agricultural building	Uffculme 53
05.02.2015	11.03.2015 No Objection	15/00158/CAT	Mr Howard Collins Delders Mary Lane Notification of intention to reduce the height by half of 2 Cupressus Leylandii trees within a conservation area	Bampton 01
06.02.2015	23.02.2015 Not Permitted Development	15/00170/PNAG	Mr Andrew Parker Land at NGR 312776 115033 (Highwood Farm)	Hemyock 26

			Prior notification for the erection of an agricultural building	
09.02.2015	17.03.2015 Grant permission	15/00194/FULL	Mr W Jones 17 Rackenford Road Tiverton Erection of a dwelling	Tiverton 52
09.02.2015	06.03.2015 Development Acceptance	15/00199/PNAG	Mr Ken Browse Land and Buildings at NGR 303428 115160 (Boehill Barton Farm) Prior notification for the erection of an agricultural building	Sampford Peverell 42
10.02.2015	18.03.2015 Grant permission	15/00225/LBC	Mrs C Harrison 65 Fore Street Cullompton Listed Building Consent for replacement front door	Cullompton 21
11.02.2015	12.03.2015 No Objection	15/00213/CAT	The Huntsham Estate Widgery Cottage Huntsham Notification of intention to remove one Ash tree within a conservation area	Huntsham 30
13.02.2015	18.03.2015 Grant permission	15/00243/CLP	Cambian Group PLC, C/O Mr Tom Davies Grindon Chapel Hill Certificate of Lawfulness for the proposed use of dwellinghouse as Class C3 (b) (Not more than 6 residents living together as a single household where care is provided for residents)	Uffculme 53
16.02.2015	18.03.2015 No Objection	15/00249/CAT	Mr S Bethell 16 Fore Street Bradninch Notification of intention to pollard 1 Lime tree within a Conservation Area	Bradninch 04

24.02.2015	20.03.2015 Withdrawn	15/00276/PNAG	Mrs M Fisher Land at NGR 310145 114498 Fairlawn Prior notification for the erection of an agricultural storage building	Culmstock 22
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Background Papers:            Contained in application files referred to.

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## Major Applications with no Decision

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 20th February 2013 that any ground mounted solar PV schemes recommended for approval will be brought to Planning Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	1	09/06/2015	15/00391/MOUT	Outline for the erection of between 15 and 20 dwellings and up to 2500 sq. m. of B1 floor space including landscaping, parking and provision of vehicular access from the B3190	Land at NGR 295599 122818 (North of Bourchier Close) Bampton Devon	Ms Tina Maryan	DEL	
2	2	02/06/2015	15/00264/MFUL	Erection of extensions to units 14 and 15 (2,350 sqm) for existing Use classes B1/B2/B8	Pencarrie Ltd Unit 14 and 15 South View Estate Willand Cullompton Devon EX15 2QW	Miss Thea Billeter	DEL	
	7	28/04/2015	15/00108/MOUT	Outline application for up to 60 dwellings with access onto Uffculme Road, with all other matters reserved	Land at NGR 305658 112080 (West of The Harvesters) Uffculme Road Uffculme Devon	Mrs Alison Fish	COMM	COMM
	9	15/04/2015	14/02141/MFUL	Erection of 10 dwellings with associated infrastructure and parking (Revised Scheme)	Newcombes Resource Centre Newcombes Crediton Devon EX17 2AB	Mr Simon Trafford	DEL	
	10	06/04/2015	14/02130/MFUL	Erection of 10 flats following demolition of existing building (Revised scheme)	47 Mill Street Crediton Devon EX17 3AA	Mr Daniel Rance	DEL	
	13	18/03/2015	14/01938/MOUT	Outline application for up to 97 dwellings, to include the importation of inert waste to raise land, with details of access onto the public highway provided and with all other matters reserved for future consideration	Land at NGR 303843 111382 South View Road Willand Devon	Miss Thea Billeter	COMM	COMM
	17	20/02/2015	14/01949/MFUL	Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme)	Land at NGR 302663 109953 (Stoneshill Farm) Willand Road Cullompton Devon	Miss Thea Billeter	COMM	COMM
	18	09/02/2015	14/01847/MFUL	Erection of 44 apartments for older persons, including communal facilities, associated car parking including construction of parking deck and landscaping (Revised Scheme)	Land and Buildings at NGR 295350 112455 (Rear Of Town Hall) Angel Hill Tiverton Devon	Mrs Jenny Clifford	COMM	COMM

<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>
9	29	27/11/2014	14/01310/MFUL	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	Hitchcocks Farm Uffculme Devon	Miss Thea Billeter	COMM	COMM
10	29	27/11/2014	14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Ms Tina Maryan	COMM	COMM
11	32	04/11/2014	14/01332/MOUT	Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	COMM	COMM
12	41	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Miss Lucy Hodgson	COMM	COMM
13	42	27/08/2014	14/00830/MOUT	Outline for the erection of up to 185 dwellings and 1935m <sup>2</sup> of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space	Land at NGR 284242 99827 (Wellparks) Exeter Road Crediton Devon	Mr Simon Trafford	COMM	COMM
14	46	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM
15	67	28/03/2014	13/01616/MOUT	Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.	Land at NGR 298671 113603 Uplowman Road Tiverton Devon	Miss Lucy Hodgson	COMM	COMM



<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
16	100	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM

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## AGENDA ITEM

PLANNING COMMITTEE  
1 April 2015

### REPORT OF THE HEAD OF PLANNING AND REGENERATION

#### **14/02077/FULL - ERECTION OF A DWELLING WITH PARKING AND ASSOCIATED ACCESS (REVISED SCHEME) - 11 UPLOWMAN ROAD TIVERTON DEVON EX16 4LU**

##### **Description of Development:**

The application is for the erection of a single storey dwelling in the rear garden of a detached dwelling on the corner of Uplowman Road and Pomeroy Road. The proposed dwelling would be a three bedroom bungalow with rooms in the roof space. Materials are proposed to be rendered walls, artificial slate roof and white UPVC windows and doors.

The proposed dwelling would have two parking spaces to the front and a small garden to the rear and sides. The dwelling would be accessed from Pomeroy Road, a no-through road, and it is proposed to improve visibility from Pomeroy Road onto Uplowman Road by providing a visibility splay along the frontage of 11 Uplowman Road.

##### **Reason for Report:**

At the meeting on 4 March 2015, Members resolved to refuse the application contrary to officer recommendations and the application was deferred for a further report setting out suggested reasons for refusal.

##### **Relationship to Corporate Plan:**

None.

##### **Financial Implications:**

The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each its reason for refusal.

##### **Legal Implications:**

None.

##### **Risk Assessment:**

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

##### **REASONS FOR REFUSAL AND IMPLICATIONS:**

During the meeting, Members gave consideration to:

- density issues

- whether the development was out of character with existing dwellings in Pomeroy Road
- whether the proposal was in contravention to the Masterplan approved for the Eastern Urban Extension.
- the setting of a precedent of building in gardens of adjacent properties
- whether the site could support 2 dwellings
- the overgrown garden
- the need for the development to be in line with Development Plan Policies COR2, DM2, DM14 and not the Eastern Urban Extension Masterplan.

Members resolved that they were minded to refuse the application based on the following reason:

1. The proposal is considered a departure from existing dwelling layout in the area, to have an unacceptable size of plot at an uncharacteristically high density contrary to the character and appearance of the surrounding area resulting in a loss of local distinctiveness and close proximity to other dwellings. The proposal is considered contrary to policies COR1 Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 Development Management Policies (Local Plan Part 3).

Your officers set out in their original committee report information on densities and plot sizes in the immediate vicinity of the site, and the proposed densities for the Eastern Urban Extension as set out in the masterplan. Further information on plot sizes and densities in the area are included in this report for Members' information in making their decision:

Pomeroy Road	density: approx. 11 dwellings per hectare typical plot size: approx. 800 square metres
Uplowman Road	density: approx. 7 dwellings per hectare typical plot size: approx. 1400 square metres
Post Hill	density: approx. 22 dwellings per hectare typical plot size: approx. 490 square metres
Fairway	density approx. 13 dwellings per hectare typical plot size: 690 square metres
Application proposal	density: approx. 20 dwelling per hectare plot size: 495 square metres

Whilst your officers' opinion is that the development would not be out of character with the wider area, your officers consider that refusal of the application for reason set out above is reasonable, Members having taken into account the existing character of the area, surrounding development pattern, building layouts, plot sizes and density.

## **RECOMMENDATION**

If Members are still minded to refuse the application contrary to officer recommendation, it is recommended that Members refuse the application for the suggested reason set out in this report.

**Contact for any more information**

Tina Maryan 01884 234336

**Background Papers**

Planning Committee Report 4<sup>th</sup> March 2015

**File Reference**

14/02077/FULL

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of Planning Committee

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**Grid Ref:** 298379 : 113442

**Applicant:** Mr Wren

**Location:** 11 Uplowman Road  
Tiverton Devon

**Proposal:** Erection of a dwelling  
with parking and  
associated access  
(Revised scheme)

**Date Valid:** 16th December 2014



**Application No. 14/02077/FULL**

**RECOMMENDATION**

Grant permission subject to conditions.

**COUNCILLOR DENNIS KNOWLES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider whether the proposed development is out of keeping with the existing character of the area as identified in the Tiverton Urban Extension Masterplan.

**PROPOSED DEVELOPMENT**

The application is for the erection of a single storey dwelling in the rear garden of a detached dwelling on the corner of Uplowman Road and Pomeroy Road. The proposed dwelling would be a three bedroom bungalow with rooms in the roof space. Materials are proposed to be rendered walls, artificial slate roof and white UPVC windows and doors.

The proposed dwelling would have two parking spaces to the front and a small garden to the rear and sides. The dwelling would be accessed from Pomeroy Road, a no-through road, and it is proposed to improve visibility from Pomeroy Road onto Uplowman Road by providing a visibility splay along the frontage of 11 Uplowman Road.

**APPLICANT'S SUPPORTING INFORMATION**

Planning, design and access statement

**PLANNING HISTORY**

78/00292/FULL Erection of a storm porch - PERMITTED MARCH 1978  
81/00060/FULL Erection of lounge extension - PERMITTED FEBRUARY 1981  
81/01876/FULL Erection of fence - PERMITTED DECEMBER 1981  
14/01469/FULL Erection of a dwelling - WITHDRAWN NOVEMBER 2014

**DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR13 - Tiverton

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

DM2 - High quality design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes

**CONSULTATIONS**

HIGHWAY AUTHORITY – 23rd December 2014 - Observations:  
The Highway Authority are happy with the provision of the access off Pomeroy road set out in drawing PL/Block plan/01 and with the visibility splay provided on plan PL/Block/Highway/01 provided as a footway, should such a footway be provided it should be constructed under a section 38 legal agreement with the Highway Authority. However the Highway Authority has been in discussion with the applicants agent and is happy to accept the visibility splay as a grass verge provided the visibility splay is maintained with no obstruction greater than 600mm above the carriageway surface > It should be noted that all works adjacent to the highway should be carried out subsequent to applying for the appropriate licence from the Highway Authority.

Recommendation - no objection to the proposed development.



ENVIRONMENT AGENCY - 15th December 2014 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

TIVERTON TOWN COUNCIL - 21st January 2015 - Support

ENVIRONMENTAL HEALTH - 23rd December 2014

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - no objections to this proposal

## REPRESENTATIONS

5 objections summarised as follows:

1. The development is incompatible with the principles of the EUE masterplan which must also relate to existing development in the area (e.g. generous private gardens, appropriate densities, responsive to the character of the site and area, respecting existing dwellings). The proposal is out of scale and proportion to existing density, dwelling type and garden size.
2. The creation of an additional access onto Pomeroy Road in this position would generate additional traffic near a junction which is acknowledged as dangerous.
3. The development would set a precedent and it would be difficult to resist a similar application, e.g. at 9 Uplowman Road.
4. Additional parking on Pomeroy Road would cause problems for large vehicles, e.g. ambulances.
5. This is back garden development which is against Mid Devon's policy.
6. The existing dwelling will have no rear garden.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Design, layout and density**
2. **Highway safety**
3. **Effect on neighbouring residents**

1. **Design, layout and density**

Concern has been raised that the proposed dwelling will be out of keeping with the existing development pattern in the area and with existing dwelling density, design and layouts in terms of garden sizes. Objectors refer to statements in the Tiverton Urban Extension Masterplan which sets out the vision for an urban extension to be developed on garden neighbourhood principles, including respecting the character of the surrounding area. Pomeroy Road is a development of red brick bungalows with private gardens. The existing dwellings are spaced relatively closely together but have good sized front and back gardens with off-street parking to the front.

The density in Pomeroy Road is approximately 11 dwellings per hectare. The density in Uplowman Road is lower but the density along Post Hill to the south of the site is higher. The Tiverton Urban Extension Masterplan sets densities for the urban extension of between 15 and 50 dwellings per hectare, with the highest densities around the proposed neighbourhood centre and lower densities on the edges of the area, particularly towards Manley Lane. The average density across the masterplanned area is calculated at 37 dwellings per hectare, with the recommended densities in the area adjacent to Uplowman Road being between 15 and 40 dwellings per hectare. If the density of

the proposed dwelling was calculated on a development of similar dwellings and plots, the density would be approximately 20 dwellings per hectare. However any consideration of density needs to consider the character of the surrounding area.

In terms of layout, the proposed dwelling would have a private drive off Pomeroy Road with two parking spaces to the front of the bungalow and a garden to the rear and side of the proposed dwelling. The layout is similar to other dwellings in Pomeroy Road and is considered to provide a good level of parking and amenity space (amenity space of 132 square metres, compared to the floorspace of the dwelling of 99 square metres), in accordance with policies DM8 of the Local Plan Part 3 (Development Management Policies) which requires an average of 1.7 parking spaces per dwelling, and policy DM14 of the Local Plan Part 3 (Development Management Policies) which seeks private amenity space that reflects the size, location, floorspace and orientation of the property.

Dwellings in Pomeroy Road are red brick with tiled roofs whilst dwellings in Uplowman Road, including 11 Uplowman Road, are predominantly rendered with slate roofs. It is proposed that the new dwelling would be rendered with an artificial slate roof which is not considered to be out of keeping with its surroundings. In general, it is considered that the design of the dwelling is consistent with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site. The proposal is also considered to be consistent with policy DM14 of the Local Plan Part 3 (Development Management Policies) which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes.

It is intended to retain the mature boundary planting which is considered to be important to the character of the area. In order to ensure that the landscaping retains that character, it is recommended that a landscaping scheme be submitted for approval before the dwelling is occupied, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, and is well integrated with surrounding buildings, streets and landscapes.

Concern has been raised that the proposal would be back garden development which is against Mid Devon's policy. Mid Devon does not have a policy against back garden development and each application is considered on its merits. The Government revised the definition of previously development land to exclude domestic gardens, but this does not mean that there can be no development on gardens. The existing character of the area should be considered when assessing a proposal. It is concluded that the proposed dwelling is in keeping with the character of the area, specifically that of existing housing in Pomeroy Road.

## **2. Highway safety**

Concern has been raised that the creation of the access onto Pomeroy Road would generate additional traffic near a junction which is acknowledged as being dangerous, and that additional parking on Pomeroy Road would cause problems for large vehicles, for example, ambulances. The Highway Authority has no objection to the development, provided the suggested improvements to provide a visibility splay along the frontage of 11 Uplowman Road by cutting back the existing vegetation along this frontage are implemented. It is recommended that these junction improvements are conditioned. The development is providing two parking spaces for the dwelling and there is no reason to assume that there will be a material increase in parking on Pomeroy Road that would affect access by emergency vehicles.

Overall, your officers do not consider that the application would affect highway safety to any material degree and the development is considered to be in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

## **3. Effect on neighbouring and future residents**

The main windows in the proposed dwelling would look onto the road or onto the garden to the rear. Above ground level, there would be one window in the east elevation which would look onto the side wall of the neighbouring dwelling which has one window looking towards the site. The boundary between the two dwellings is a thick hedge and it is not considered that there will be a material loss of privacy or amenity for the occupiers of this dwelling.

In addition, there is one small window in the west elevation which looks towards 11 Pomeroy Road. 11 Pomeroy Road has a number of windows facing towards the proposed dwelling and there could potentially be a loss of privacy for the existing dwelling. It is therefore recommended that the first floor window in the west elevation of the proposed dwelling is obscure glazed. Subject to this condition, it is not considered that the development would have an unacceptable impact on the privacy and amenity of neighbouring occupiers, in accordance with policy DM2 of the Local Plan Part3 (Development Management Policies).

The proposed dwelling would reduce the amount of garden available for the existing dwelling. However, 11 Pomeroy Road is set well back from the road and has a large private garden to the front of the dwelling, as well as its own drive and parking spaces. It is considered that there would be an adequate level of private amenity space and parking retained for the use of the existing dwelling.

Parts of the existing dwelling (extensions to the rear and side) are to be demolished. The extensions to the rear are poor quality and there is no justification for these being retained. The dwelling to be retained provides a good level of accommodation for future residents and would accord with policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies) should planning permission be sought for a dwelling of this type in this location.

## **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 begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme, including details of all existing boundary planting to be retained and methods to protect the retained boundary planting, and details of any changes proposed to existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details shall be carried out within 9 months of the substantial completion of the development and any trees or plants which, within a period of five years from 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, or alternative trees or plants as approved in writing by the Local Planning Authority.
4. The development shall not be occupied until the vehicular access, parking and turning areas shown on the approved plans have been provided, surfaced and drained, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
5. The development shall not be occupied until the visibility splay along the frontage of 11 Uplowman Road shown on drawing number PL/BLOCK/HIGHWAYS/01 has been provided, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
6. The development shall not be occupied until the first floor window in the west elevation has been glazed with translucent glass which glass shall be so retained.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance DM2 (criterion d) Local Plan Part 3 (Development Management Policies) and/or in accordance with guidance in the National Planning Policy Framework (NPPF).
5. In the interests of highway safety and to ensure adequate visibility for and of vehicles emerging from Pomeroy Road onto Uplowman Road in accordance with the National Planning Policy Framework.
6. To safeguard the privacy of the occupiers of 11 Uplowman Road in accordance with policy DM2 of the Local Plan Part 3 Development Management Policies.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The principle of a new dwelling in this location is considered to be acceptable, taking into account the density and character of the area. The layout, design and materials are considered to provide a good standard of accommodation and to respect the character of existing development in the area. Adequate accommodation, parking and amenity space is to be retained for the existing dwelling. Subject to conditions relating to visibility at the junction with Uplowman Road, and the requirement for translucent glazing in the west elevation, the development is not considered to have an unacceptable impact on highway safety or the privacy or amenity of neighbouring occupiers. The proposal is considered to comply with the relevant policies: COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies).



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