

# Public Document Pack

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

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

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

A MEETING of the PLANNING COMMITTEE will be held in the Town Hall on Wednesday, 22 April 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 3 June 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

**KEVIN FINAN**  
Chief Executive  
14 April 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 - 18*)  
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 5 **14/008871/MOUT OUTLINE APPLICATION FOR 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 (ALREADY PERMITTED UNDER LPA REFS 14/00667/MFUL AND 14/01168/MFUL AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD, TIVERTON**  
*(Pages 19 - 68)*

Report of the Head of Planning and Regeneration regarding this application.

- 6 **ENFORCEMENT LIST** *(Pages 69 - 80)*  
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 81 - 114)*  
To consider the planning applications contained in the list.
- 9 **THE DELEGATED LIST** *(Pages 115 - 124)*  
To be noted.
- 10 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 125 - 130)*  
List attached for consideration of major applications and potential site visits.
- 11 **APPEAL DECISIONS** *(Pages 131 - 132)*  
To receive for information a list of recent appeal decisions.
- 12 **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 AT LAND AT NGR 303843 111382, SOUTH VIEW, WILLAND** *(Pages 133 - 162)*  
To receive a report of the Head of Planning and Regeneration regarding this application.
- 13 **14/02077/FULL - ERECTION OF A DWELLING WITH PARKING AND ASSOCIATED ACCESS (REVISED SCHEME) - 11 UPLOWMAN ROAD TIVERTON DEVON EX16 4LU** *(Pages 163 - 174)*  
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.
- 14 **99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING TO AN AGRICULTURAL WORKERS DWELLING - HARTNOLL FARM POST HILL HALBERTON** *(Pages 175 - 178)*  
Report of the Head of Planning and Regeneration regarding a request for a variation to the S106 legal agreement attached to this consent.
- 15 **PLANNING PERFORMANCE** *(Pages 179 - 182)*

Report of the Head of Planning and Regeneration providing the Committee with information on the performance of the Planning Service.

**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:

Tel: 01884 234229

Fax:

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

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 1 April 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
M D Binks, J M Downes, A V G Griffiths,  
Mrs L J Holloway, D J Knowles, M A Lucas,  
E G Luxton, R F Radford, J D Squire,  
Mrs M E Squires (Vice Chairman),  
R L Stanley and K D Wilson

### **Apologies**

#### **Councillors**

Mrs H Bainbridge, Mrs D L Brandon and  
P J Heal

### **Also Present**

#### **Councillors**

N V Davey, M R Lee and Mrs J Rendle

### **Present**

#### **Officers:**

Jenny Clifford (Head of Planning and  
Regeneration), Alison Fish (Area Planning  
Officer), Simon Trafford (Area Planning  
Officer), John Clarke (Planning Enforcement  
Officer), Sally Gabriel (Principal Member  
Services Officer) and Ian Sorenson

## 174 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs D L Brandon to be substituted by Cllr M A Lucas.

Apologies were received from Cllrs Mrs H Bainbridge and P J Heal.

## 175 **PUBLIC QUESTION TIME (00-03-31)**

Dr Whittlesey referring to Item 5 (Chettiscombe Estate) on the agenda stated:

- 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?

- Although they have withdrawn their objection on technical grounds, do you agree with Natural England along with Tidcombe Lane Fen Society written statements 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 would introduce **35-50** more cars and increase "peak hour flows" by **80-110** journeys (PFA's own traffic assessments for Chettiscombe Trust) 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 would set the whole area in a more safe and rural setting.
- Finally, in their somewhat selective précis of our recent responses, are you aware that the planning officers make several incorrect attributions? Do you share our disappointment that after six years of reasoned argument, research and response, there is little to show for this in their current report.
- So, would you to consider removing development south of West Manley Lane from this outline planning application, with the *redistribution* of the affected 1% proposed housing stock in favour of access to a safe scenic and sustainable route for Tivertonians and their wildlife?

Mr McCreadie referring to item 3 on the Plans List (The Old Forge) stated:

Would it be possible for the Committee to take into account the fact that I do understand that the area is classified as open countryside, but this proposed development is within the hamlet of New Buildings which has 36 houses and would be surrounded by buildings on all sides, and knowing that there are very few exceptions regarding new builds I hope the proposed site could be regarded as one of those exceptions.

Are the Committee aware that the reason there is not much left of the building is because its partial demolition was overseen by M.D.D.C. and they decided that it had to be brought to this level for safety reasons and that not much notice was given by M.D.D.C. to Mr. John Short, the then owner, before it had to be partly demolished to make it safe.

Does the Committee not think that if perhaps more time could have been given to discuss other means of making it safe, while leaving it mostly intact (i.e. shoring it up and removing the slates) that more consideration could have been given to its future use.

Does the Committee agree that it can only be good to allow a smaller more affordable home to be built within the hamlet "boundaries" to allow perhaps a young couple to live in our pleasant surroundings and on an aesthetic point, remove the blot on an otherwise pleasing landscape which would be a far more in keeping setting for the Grade II listed Old Wheelwrights opposite than the eyesore the Old Forge has now become.

Would the Committee consider that if the development were allowed it would "knit" back together the original sites of Wheelwrights and Blacksmiths, the Wheelwrights having already been converted to a house, and afterwards the new development could be named "the Old Forge" to further show the original history of the site.

Mr Aspray speaking on behalf of Dr Bell and referring to Item 5 (Chettiscombe Trust) on the agenda stated I listened with interest to the audio record of the Planning Committee Meeting of 18th March.

In response to one Member's request for definitive assurance that traffic would be directed and controlled **before** any housing development would take place, Mr Guscott replied that no such development can take place in the EUE area until either traffic calming along Blundell's Road or the LILO were in place.

According to the resolution granting planning permission for the Waddeton Park development approved by this Committee on 21st May 2014 and repeated in the minutes of your meeting for 27th August 2014 the S106 agreement clause (xviii), suggests that there is an arrangement for a financial settlement that would allow Waddeton Park freedom to commence development without either the Blundell's Road traffic calming or LILO in place.

I ask this Committee to clarify this matter please and ensure that no such clause is allowed in any permission statements that may be made in relation to this current application.

Mrs Cluneis-Ross again referring to item 5 on the agenda asked how is it proposed to provide additional supplies of gas, water and electricity to the new development without ruining the road and pavement enhancements planning for Blundells Road through the school campus in particular?

The Chairman stated that answers to these questions would be given as part of the officer's presentation

Cllr Ursell (Willand Parish Council) referring to Item 9 on the agenda (Delegated List) Planning reference 14/01547/FULL asked: Do elected members consider that it would be more appropriate for an application to be brought before the planning committee for determination rather than being approved by an officer under delegated authority where the applicant has materially altered the layout of the site and the amended application has not been referred back to objectors and to the Parish Council who had recommended refusal?

Would it also be more appropriate for the application to be brought before this committee where standard MDDC planning policies are not to be followed?

The reasons for recommending refusal related to design and materials not being wholly in keeping with other properties in the area and the fact that the garages were smaller than the sizes set out in MDDC planning policy.

Would elected members be concerned that the reasons for recommending refusal were summarily dismissed in the officer's report and further that in that report reference is made to advice from the Tree Officer and Highways Officer which does not appear to be documented in the public domain on the MDDC website?

Cllr Warren (Willand Parish Council) referring to Item 9 on the agenda (Delegated List) planning reference 14/01675/FULL asked is it appropriate that delegated powers should be used where consultation has taken place on revised plans for a development where the reasons for change have not been declared but later found to be as the result of discussions between an officer and agent but not noted until the report? The officers report states that no letter of objection have been received to the amended design which is not true as the Parish Council objected to the amended design for a number of reasons and their letter is on the MDDC website. What are not on the website are the views of the Tree Officer as to removal of a tree and there is an email from Highways which is missing from the site. Is it MDDC policy to withhold such information from the public and elected representatives of the local community?

The Chairman stated that a written response would be provided to Willand Parish Council and circulated to Members of the Committee.

#### 176 **MINUTES OF THE PREVIOUS MEETING (00-18-58)**

Subject to the substitution of Miss Coffin for Miss Coffey within the notes on page 13, the minutes of the special meeting held on 18 March 2015 were approved as a correct record and **SIGNED** by the Chairman.

#### 177 **CHAIRMAN'S ANNOUNCEMENTS (00-20-00)**

The Chairman had the following announcements to make:

She informed those present that Item 11 on the agenda (an implications report for 11 Uplowman Road, Tiverton) had been deferred until the next meeting.

She informed the meeting that John Clarke (Enforcement Officer) was retiring and that this would be his last meeting, she was sorry to see him go, thanked him for all his hard work and wished him well for the future.



178 **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. (00-24-00)**

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 Development Plan and Eastern Urban Extension Masterplan, with all matters except means of access to be considered at the reserved matters stage.

Referring to the questions posed at public question time, he responded to that asked on behalf of Dr Bell by reference to Condition 10 in that no development would take place until the LILO was complete. Referring to other questions, he was satisfied with the responses of Natural England, the Environment Agency and South West Water, issues relating to the Green Infrastructure were referred to and addressed in Condition 2, the field adjacent to Glebelands was identified for allotments in addition to land already allocated for this use. With regard to the questions posed by Mrs Cluneis-Ross, Ian Sorenson advised that utility works would be considered as part of the design criteria and would take place at the same time as other works identified.

With regard to the resolution for the Waddeton Park scheme, the S106 agreement as drafted sets out that development would not commence until either the provision of the Blundell's Road traffic calming works or the provision of the left in left out A361 highway works together with the link road to Blundell's Road or following payment of £2.2 million for highway works.

Discussion followed with regard to:

- Issues with access to any development south of West Manley Lane, the road structure in this area and the highway mitigation measures that were proposed.
- Funding for the left in left out junction
- The protection of hedgerows on the site, this was referenced in Condition 5
- Concerns regarding the density within the indicative plans
- Sewerage capabilities
- The protection of Tidcombe Fen
- The buffer zone adjacent to Mayfair and green infrastructure elsewhere on the site
- The concerns of local residents with regard to the design of the left in, left out junction ( LILO)

- Provision for district hearing network in the event that energy from waste scheme comes forward
- The type of roundabout proposed at the junction to Blundells Road
- Whether the principle of development of housing clusters south of West Manley Lane had already been established in the Masterplan and whether those proposed properties could be redistributed elsewhere on the development
- Possible discussions that could take place with the applicant with regard to the removal of development south of West Manley Lane.

It was therefore **RESOLVED** that:

This application be deferred for further consideration of the development approach to West Manley Lane in respect of access points, traffic and development on the southern side.

(Proposed by Cllr R L Stanley and seconded by Cllr A V G Griffiths)

**FURTHER RESOLVED** that a letter be written on behalf of the Planning Committee to Devon County Council (Highway Authority) seeking further consideration of local residents design submission with regard to the left in and left out junction.

(Proposed by Cllr D J Knowles and seconded by Cllr R L Stanley)

Notes:

Cllrs: Mrs F J Colthorpe, A V G Griffiths, D J Knowles M A Lucas, R L Stanley and K D Wilson declared personal interests as they knew either the applicant and/or objectors or local residents generally;

Cllrs: M D Binks, Mrs F J Colthorpe, J M Downes A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, E G Luxton, R F Radford, Mrs M E Squires, R L Stanley and K D Wilson 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 N V Davey, D J Knowles and K D Wilson spoke as Ward Members;

Sir Ian Amory (applicant) spoke;

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

The following late information was reported:

Amendments to description of proposal as described on page 21 as follows.

Outline application 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 (already permitted under LPA refs: 14/00667/MFUL and 14/01168/MFUL) and access and egress onto Blundells Road.

Updates from Planning Committee 18 March 2015 – see minute 171 pages 16-19 of the agenda for 1 April 2015 except Condition 2 amend (iii) as plans ‘A low emissions strategy together with details of proposed implementation of mitigation measures with associated timescale’

\*Report previously circulated, copy attached to minutes.

#### 179 **ENFORCEMENT LIST (2-09-02)**

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

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/14/00177/UDRU – 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) 11 New Street, Cullompton***)

The Enforcement Officer outlined the contents of the report highlighting by way of presentation the satellite dish in question.

Consideration was given legislation with regard to satellite dishes in the conservation area and the fact that the Article 4 Direction was in place.

**RESOLVED** that delegated authority be given 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 be 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.

(Proposed Cllr K D Wilson and seconded by Cllr Mrs L J Holloway)

#### 180 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

#### 181 **THE PLANS LIST**

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

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

- (a) Applications dealt with without debate.

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

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

(a) No 5 on the Plans *List (15/00280/FULL – Erection of single storey side extension and veranda to front (Revised Scheme Thurlescombe East, Ash Thomas)* be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(b) No 1 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 stating that this application had been deferred from the previous meeting 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. Following the previous meeting those discussions had taken place for the most appropriate location for a new crossing and Members were shown an indicative drawing of the proposed new crossing. The Officer reiterated the outline of the proposed development discussed at the previous meeting and explained the agreement that would have to take place between the applicant and the Highway Authority for any proposed crossing.

Consideration was given to:

- The trees on the site and the view of the Tree Officer
- Concern from an objector regarding other retail units in the area
- The support of the Parish Council following consideration of the road safety issues highlighted at the previous meeting
- Lighting on the proposed new crossing

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an addition condition (11) to read: Condition 11: The proposed retail store shall not be first open to the public until such time as the zebra crossing shall have been provided on the B3181 in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that adequate facilities are in place to enable pedestrians attracted to the facility and to access the site safely.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr M D Binks)

#### Notes

Mr Ingram (Agent) spoke;

Mr Sheppard (Objector) spoke;

Cllr Warren (Willand Parish Council) spoke;

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

The following late information was reported: Following committee of 18<sup>th</sup> March, discussions have been taking place between the applicants and DCC Highways regarding the most appropriate location for the new crossing point which was requested by members at that earlier meeting.

Initially, Ian Sorenson (DCC Highways) went out on site to look at the possibilities. Whilst the committee's favoured location was a new crossing on South View Road, Ian has advised that 'for vehicles approaching from the North west along south view road the close boarded fence obstructs visibility to the crossing and is in the control of the resident so without their consent it will stop a zebra being installed.'

Consequently, other options have been investigated and Ian is happy that a safe crossing point can be provided on the Halfway house leg of the B3181, and an additional drawing has been provided to illustrate this.

Whilst we have this general scheme for the purposes of the planning permission, the finer details will need to be resolved via a s278 agreement between applicant and DCC post planning permission being granted and prior to installation.

A further condition requiring provision of the crossing before the first opening of the shop to the public is therefore recommended as follows:

Condition 11:

The proposed retail store shall not be first open to the public until such time as the zebra crossing shall have been provided on the B3181 in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason 11:

To ensure that adequate facilities are in place to enable pedestrians attracted to the facility and to access the site safely.

(c) No 2 on the Plans *List (14/02132/FULL – Conversion and extension of former public house into six dwellings – Former Hare & Hounds, 138 Chapel Street, Tiverton)*.

The Head of Planning and Regeneration outlined the contents of the report by way of presentation highlighting the site in its present form and the proposed development explaining the proposed layout, the range of buildings at the rear of the site that would be demolished in part, the amenity outside space, parking spaces, the front and side elevations of the proposed development and photographs from various aspects of the site. She stated that the Environment Agency was now satisfied with the application following a flood risk assessment and proposed resilience measures. Discussion took place regarding:

- South West Water issues with regard to the sewerage system
- The possible reduction in vehicle movements to and from the site, although objections were raised as it was thought that there would be more movements especially in the mornings
- Possible poor visibility and the impact of children using the pavement on the way to school
- Whether the loss of the public house was significant

- Whether a site visit was required

**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

Cllrs Mrs F J Colthorpe, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, R F Radford, Mrs M E Squires and K D Wilson declared personal interests as the objector was known to them;

Cllr N V Davey declared a personal interest as a member of the CAMRA Group

Cllr K D Wilson declared a personal interest as the Flood Warden for Tiverton Town Council

Mr Spurway (Agent) spoke;

Mrs Beard (Objector) spoke;

Cllrs N V Davey and D J Knowles spoke as Ward Members;

A proposal to defer the application so that a site visit could take place was not supported;

Cllrs D J Knowles and K D Wilson requested that their vote against the decision be recorded.

(d) No 3 on the Plans List ***(15/00015//FULL – Erection of dwelling following demolition of existing partially demolished barns – The Old Forge (adjacent to Hill View Farm, New Buildings, Sandford).***

The Area Planning Officer outlined the contents of the report highlighting the history of the site and the demolition on safety grounds that had taken place. Members viewed existing and proposed site plans, the proposed site layout and floor plans, elevations and photographs from various aspects of the site.

With regard to questions raised earlier in the meeting and the demolition process, the officer stated that Building Control officers had tried to work with the former owner of the site regarding safety issues for over a year before the partial demolition had taken place (by the new owner).

Discussion took place regarding:

- The history of the demolition process
- The Conservation Officer's view
- Concerns of the neighbouring farmer with regard to access to his farm and road safety issues with regard to passing tractors and livestock
- The position of the proposed front door onto the road and possible alterations to the design
- New development in the countryside

- Policy DM12 and paragraph 55 of the National Planning Policy Framework

**RESOLVED** that the Committee wished to approve the application and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Ward Member following negotiations to achieve revised plans to resolve issues with regard to the design of the front door and that a set of conditions be formulated. The reason given for granting permission was that the proposal achieved the improvement and enhancement of the area and that in this instance this was seen as outweighing the policy concerns.

(Proposed by Cllr K D Wilson and seconded by Cllr M D Binks)

#### Notes

Cllr Mrs M E Squires declared a Disclosable Pecuniary Interest in the application as she was a neighbouring farmer and that business transactions had taken place in the past and therefore left the meeting during the discussion thereon;

Cllrs M D Binks, Mrs F J Colthorpe, J M Downes, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, R F Radford, J D Squire, R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;

Mrs Sanders (Applicant) spoke;

Mr Petherick (Objector) spoke;

Cllr M R Lee spoke as Ward Member

A proposal to refuse the application was not supported;

The following late information was reported:

The Conservation Officer agrees that the lack of assessment of impact on the setting of various listed buildings and the street scene in general is a gap in the information provided. New buildings is not a conservation area but is an historic and picturesque village with various Grade II listed buildings. The dilapidated and partially demolished building is not contributing positively to the area but the proposed replacement building is poorly designed also and is a mock-conservation with little detailing to convince me that it would make a positive impact on the setting of the listed buildings. The Conservation Officer agrees therefore that the application should be refused.

Further letter of support received 16<sup>th</sup> March 2015 – summarised as follows:-

- Scheme will tidy up place
- The builder has just renovated a similar property nearby which has been tastefully done
- Hopes that the Council will look favourably on the application

Page 99 of report, last para: Correction – Sentence reading:

“The hamlet consists of a mix of some 21 traditional thatched cottages and modern properties, including bungalow to the north west of the site”

To read:

The hamlet consists of a mix of some 38 traditional thatched and slated cottages and modern properties, including bungalow to the north west of the site”

Page 103 of report, penultimate para: Correction – Sentence reading.

“It would previously have had a corrugated iron roof and the site also appears to have contained a well”

To read

“It would previously most likely have had a corrugated iron roof (subsequently converted to natural slate) and the site also appears to have contained a well”

Page 105-106 – Sentence reading

“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”

To read

“The further comments of the CEHO have now been received with regards to a Phase 2 intrusive investigation and risk assessment, and which are as now reported under the ‘Consultations’ section of this report. The views of the CEHO are that the assessment of the works and procedures as set out in the submitted Ruddlesden Contamination Report must be completed and in accordance with an agreed remediation scheme. These conditions would need to attach to any grant of planning consent for this scheme.”

**(e) No 4 on the Plans *List (14/00197/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) 52 Oak Close, Tiverton).***

The Head of Planning and Regeneration outlined the contents of the report highlighting the extensions to the dwelling that had previous planning permission and explaining that the application before the committee required an additional extension to the side of the dwelling. She highlighted by way of presentation the extension plans, the proposed ground floor and first floor plans and the existing and proposed elevations and presented photographs from various aspects of the site emphasising her concerns regarding the size of the proposed extension and the impact it would have on the neighbouring property.

Discussion took place regarding:



- The proposed roof level would be no higher than the ridge if viewed from the road;
- The neighbour had written a letter of support regarding the application;
- Possible amendments to the design to produce a hipped roof
- The height extension to a property to the rear of the dwelling concerned

**RESOLVED** that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to formulate a set of conditions for the extension of the property. The reason given for granting permission was that the proposal was not considered to have an adverse impact on neighbouring properties or the streetscene as the height of the roof did not exceed that of the existing bungalow and due to the pitched roof, the design was acceptable. Accordingly, the development was considered in compliance with the following policies: COR2, COR 13 Mid Devon Core Strategy (LP1) and DM2, DM13 Development Management Policies (LP3)

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

### Notes

Cllr D J Knowles declared a personal interest as he had been on site to meet the applicant;

Cllrs Mrs F J Colthorpe, A V G Griffiths, Mrs L J Holloway, D J Knowles, E G Luxton and K D Wilson 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 Mrs J R Rendle (Ward Member) spoke;

Cllrs Mrs F J Colthorpe, Mrs L J Holloway, J D Squire and Mrs M E Squires requested that their vote against the decision be recorded;

Cllr J M Downes requested that his abstention from voting be recorded;

The following late information was reported: One further letter of support was received on the 30/03/2015 - summarised below;

- The neighbouring dwelling fully supports the proposal as they do not think it will impact on their property.
- The applicants have consulted with their neighbours from the start of the process
- A large dormer window behind the neighbouring dwelling was permitted, which causes more harm than this scheme. (The dormer window was permitted development and the local planning authority has no control over this)

This proposal will allow the family to remain in their dwelling for a longer period of time.

182 **THE DELEGATED LIST (4-26-46)**

The Committee **NOTED** the decisions contained in the Delegated List \*.

The questions raised at the beginning of the meeting regarding items on the list would receive a written response.

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

183 **MAJOR APPLICATIONS WITH NO DECISION (4-27-34)**

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

Application 15/00391/MOUT had already been called in by one of the Ward Member's and would be brought before the Committee for determination if minded to approve.

Information would be provided at the next meeting giving an overall view of the major list at the end of the administrative year.

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

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

This item had been deferred until the next meeting as reported earlier in the meeting.

**Update Sheet**

(The meeting ended at 7.02 pm)

**CHAIRMAN**

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

**Agenda Item 5**

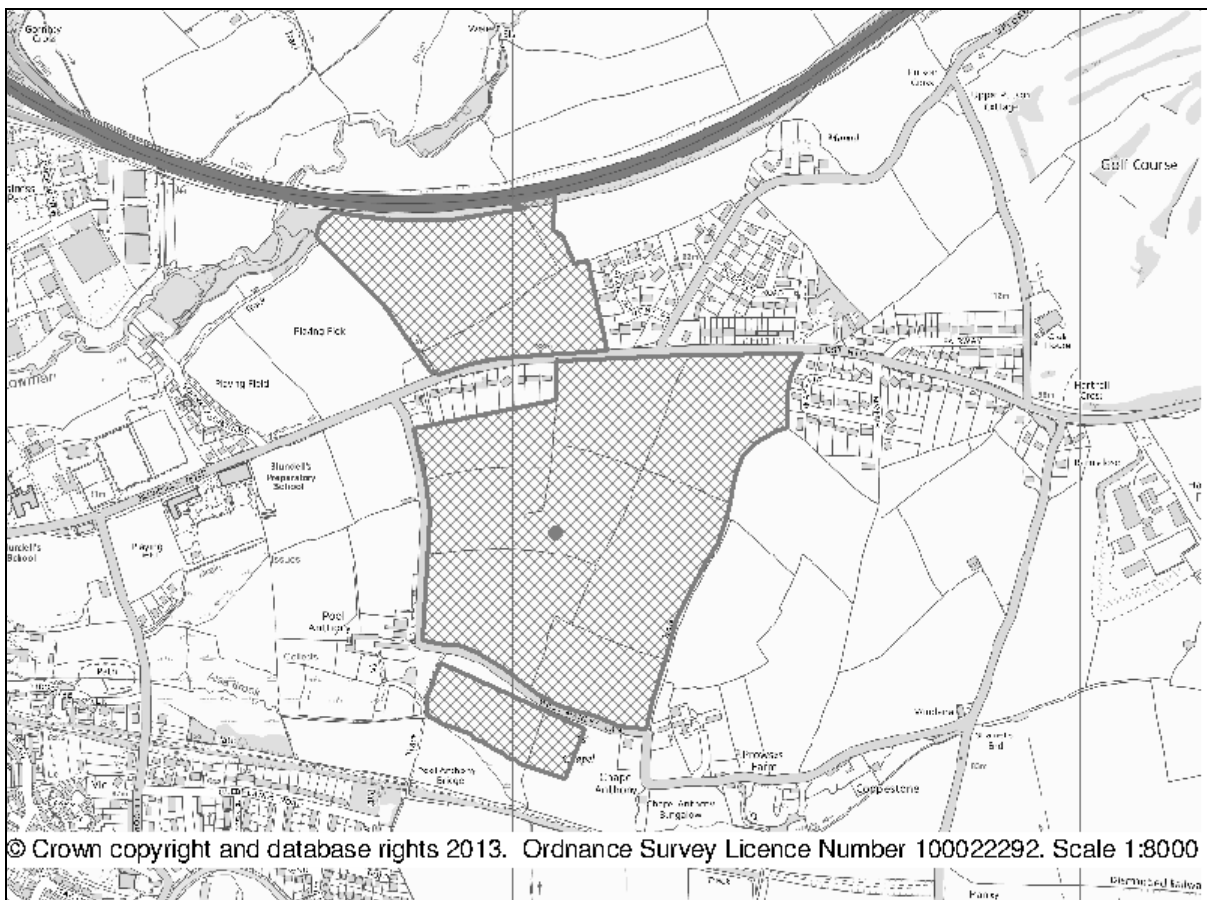
**Grid Ref:** 113549 : 298246

**Applicant:** Sir Ian Amory

**Location:** Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman 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.
- (v) 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.

(vi) 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.

(vii) 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).

(viii) 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.

(ix) 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.

(x) 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.

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

(xii) 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.

(xiii) 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.

(xiv) 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.

(xv) 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

## **UPDATE TO APPLICATION:**

This application was considered at the meeting on Planning Committee on 1<sup>st</sup> April 2015. Committee resolved to defer it for further consideration of the development approach to West Manley Lane in respect of access points, traffic and development on the southern side.

In response the applicant has sought to address these issues as follows:

- The submission of a new site location plan that removes the area of land south of West Manley Lane from the red line application site. This area is now excluded from this application.
- By withdrawing plan C698/26 'West Manley Lane Access Layouts'. This plan showing proposed access points both north and south of West Manley Lane is no longer part of the application.

The description of the application remains the same with up to 700 dwellings. The dwellings previously shown on the southern side of West Manley Lane are to be redistributed within the remaining areas proposed for residential development. How this will happen in terms of design and layout will be addressed at the reserved matters stage.

This report has been updated to reflect this change to the application and to address the amendments to conditions as a result, together with those included in the previous Committee update sheet.

## **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).

The previously included access points into the very southern parts of the site from West Manley Lane have now been deleted from the application.

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 Supplementary Planning Document and therefore 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 is 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 household
- 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<sup>4</sup> / 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 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.

<sup>4</sup> 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 now defined by West Manley Lane as land on the southern side of this road, originally included, has now been removed from the application site. The site is currently structured as 11 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 identify 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 accordance with the high level land-use principals 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 were originally included in the application. They have now been withdrawn from the application as the development parcel to the south of this road has also now been deleted.

The plans submitted with the application include scaled drawings of the accesses onto/from Blundells Road. 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 Mastepplan 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.

Many letters of objection relate to impacts upon and in the vicinity of West Manley Lane. The previously proposed development parcel south of West Manley Lane and the associated access points have now been deleted from the application. This addresses many of these objections. However in their assessment of the application, as originally submitted, the Highway Authority has 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. With the amendments to this application to delete development south of West Manley Lane and associated access points, such requirements are no longer necessary and the previously proposed condition has also been deleted.

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 out junction (LILO) on the westbound carriageway, and also for a full grade separated junction (cloverleaf) to provide a link to the eastbound carriageway together with access through the northern part of the application site to Blundell's Road. The land to accommodate both these is owned by the applicant, and the provision of the land and a financial contribution proportionate to the scale of development proposed to ensure delivery 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 the Blundells Road traffic calming 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 or the payment of the full highway contribution (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 follow 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 LIL0/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 uprated 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).

#### ix) 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.

#### x) 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.

The Community Infrastructure Levy Regulations provide parameters for the use of S106 agreements. One of the requirements of section 122 of the Regulations 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 122 of the Regulations regards the imposition of planning obligations requires that an obligation should not be sought unless 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 122 of the Regulations regards the imposition of planning obligations requires that an obligation should not be sought unless it is fairly and reasonably in scale and kind to the development. It is not considered reasonable to seek a contribution related 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 AI/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 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 together with details of proposed implementation of mitigation measures with associated timescale.

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 and hedges 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. 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.

Construction shall take place in accordance with the approved details.

14. 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.
  
15. 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.
  
16. 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.
  
17. 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.

18. No more than 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 highway network during the construction phases, and in accordance with policy in National Planning Policy Framework.
14. 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).
15. 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).

16. 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).
17. To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.
18. 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 left in left out (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 LILO 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 – 22<sup>nd</sup> April 2015

### Enforcement List

<u>Item No.</u>	Description
1.	ENF/11/00143/UDRU – Without planning permission, an unauthorised development has commenced on land north of the A38. The development comprises of a change of use of land from a vehicle repair garage on part of the site and land used for lorry parking on the remainder of the land to a mixed use – Land at NGR 308125 115944 north of the A38, Maidendown Stage, Burlescombe
2.	ENF/15/00041/UDUR – Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary and erection of close boarded fence close to the boundary, alleged to be above the 2 metre permitted development height at Clouds, Barnfield, Crediton

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**Case No. 11/00143/UDRU**

**Grid Ref:**

**Address:**

Land at NGR 308125 115944 north of the A38, Maidendown Stage, Burlescombe

**Alleged Breach:**

Without planning permission, an unauthorised development has commenced on land north of the A38. The development comprises of a change of use of land from a vehicle repair garage on part of the site and land used for lorry parking on the remainder of the land to a mixed use comprising:-

- A highways maintenance depot, which includes the parking, storage and repair of plant and machinery associated with highway maintenance, the storage of materials used for highway construction and maintenance, the parking, maintenance, and repair of vehicles used for carrying out highway maintenance repair and maintenance.
- A fuel storage and distribution depot,
- Caravan storage
- Siting of caravans for residential use and occupation.
- Use of the land for the siting of temporary office buildings.
- Use of the land and buildings for vehicle storage, maintenance and repair

Additionally operational development has taken place within the last four years comprising of

- Importing of material to level the site.
- The erection of a number of steel framed buildings
- The installation of fencing
- The siting of portable structures to provide office accommodation.
- The surfacing of large areas of the site to provide areas for vehicle parking and turning areas.

**Recommendation:**

That the Legal Services Manager be authorised to take any appropriate legal action including the service of an enforcement notice. In the event of any failure to comply with the notice served, the additional authority to prosecute, take direct action and/or seek a court injunction.

**Site Description:**

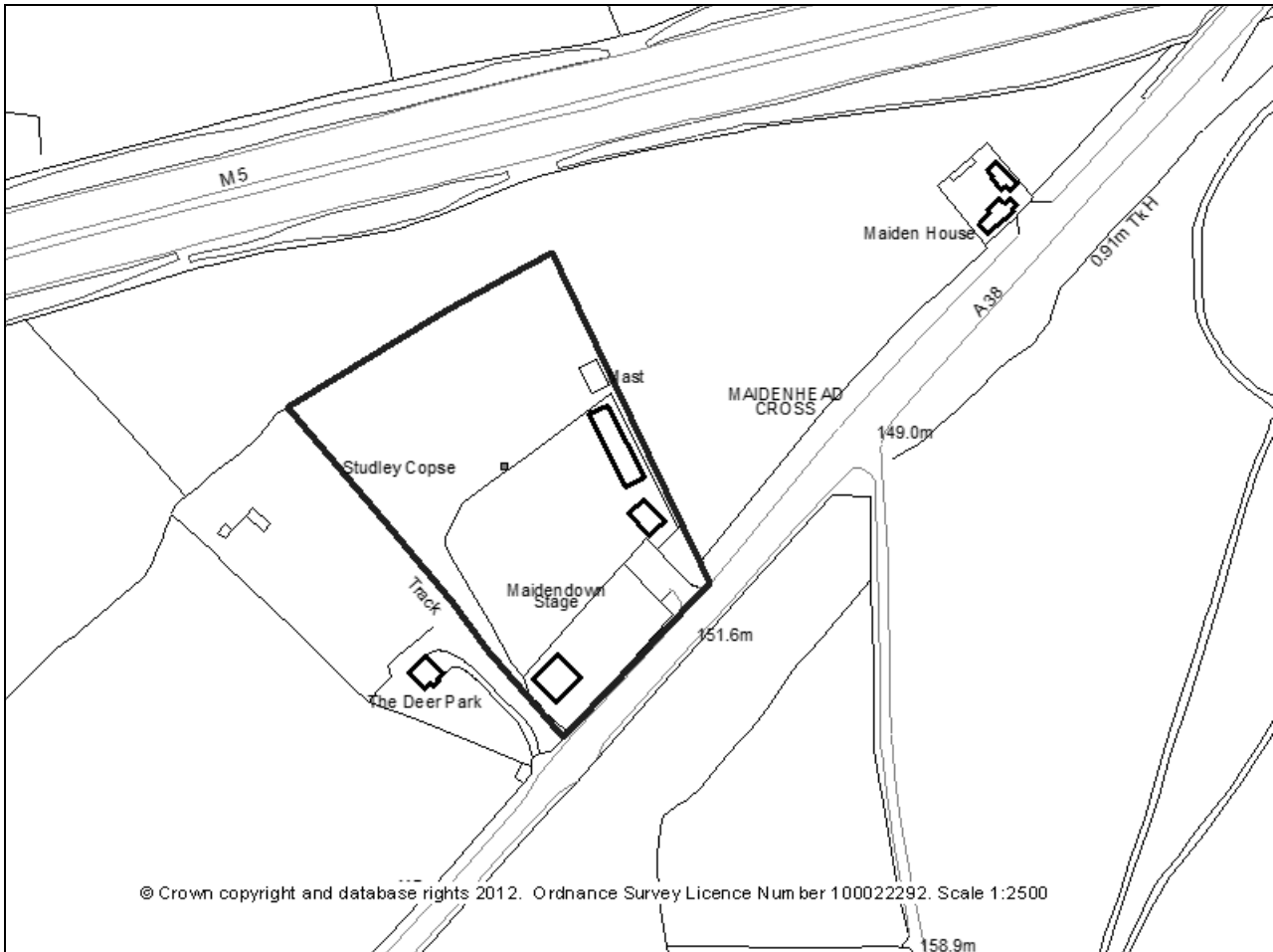
The site is located on the main A38 between Wellington and Waterloo Cross. The site is not within any settlement limit and is in a relatively isolated position in the countryside. One dwelling adjoins the side on its western boundary. The site has had various uses in the past with a semi-derelict garage use on the front of the site (now removed). Until recently and prior to its current occupation the site was in two distinct parcels, land adjoining the A38 was occupied by the semi derelict garage (now removed) while land to the rear and north was vacant but with a history of planning permissions for B1,B2 and B8 development. The site is reasonably well screened on three boundaries by trees and hedgerows. The site is clearly visible from the A38.

The site comprises a recently erected workshop on the front of the site on the site of the former garage together with parking of lorries, plant and machinery. Some materials are also stored on this part of the site. This former garage area is clearly visible from the adjacent A38. A chain link fence forms the boundary with the A38.

Along the rear boundary of the former garage site on the land forming the greater part of this site a series of portal steel framed buildings have been erected, two of which are clad the others are open. The enclosed bays are used for storage of highway equipment and materials and the open

bays are used for vehicle parking and storage. One of the open bay permits access to the main site. On the main site there are some two storey portable office units and car park, building materials mainly used in highway maintenance, repair and civil engineering, a fuel storage depot, more plant, materials and other assorted associated equipment. Additionally there are approximately 10 caravans of varying size some of which are used for human habitation.

**Site Plan:**





### **Recent relevant site History:**

08/00425/FULL – Erection of 4 Industrial/Warehouse buildings (11 units) (Use classes B1, B2 & B8)

10/01913/FULL – Erection of 2 storey office building with flat, parking, landscaping and secondary access.

11/00753/MFUL – Application to replace extant planning permission 08/00425 (to extend time limit) for Erection of 4 Industrial/Warehouse buildings (11 units) (Use classes B1, B2 & B8)

### **Development Plan Policies:**

#### **Adopted Mid Devon Local Plan (LDF)**

DM2 High quality design

DM3 Sustainable design

DM20 Rural employment development

DM31 Planning enforcement

#### **Mid Devon Core Strategy 2007**

COR2 Local distinctiveness

COR18 Countryside

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

This report is being presented to members again simply to amend the Site Location Plan as the plan attached to the original report omitted an area that fronts the main road and is the location for some of the requirements in the notice. Other than that the report is as presented previously.

Contractors are currently operating from the site carrying out various highway contracts, the site is used for the storage and maintenance of contractor's vehicles and equipment, the storage of some materials, offices which are provided in modular buildings, a fuel distribution depot, and the storage of caravans (approximately 10). Some new prefabricated steel frame buildings have been erected running parallel to the frontage of the site and two of the bays have been clad to provide covered storage areas.

The use of Maidendown Stage site as a highways depot and fuel distribution depot are uses that are classed as 'Sui Generis' (or a class of its own) and as a result the uses are not a class permitted by the planning permission ref; 11/00753/FULL which allows for the use of the site under the use classes B1(Light Industry/Office, Research and Development) ,B2 (General industrial development) and B8 (Storage and Distribution)

Therefore the use of the site as a highway depot, fuel storage depot and caravan storage area are unauthorised changes of use that require planning permission. However, the use, as a Highway Depot/Fuel depot, have similar characteristics to the approved uses in particular B2 and B8. They could therefore potentially be considered as an appropriate uses for this industrial site subject to conditions. The storage of caravans would also potentially be acceptable subject to appropriate conditions.

Officers have met the operator and his agent and discussed the options available to him. The site operator advised it was his intention to submit a planning application to regularise the use. A planning application for the changes of use referred to above would of course have to be considered upon its merits at the time of submission. No such application has been submitted.

The use currently taking place would potentially be considered acceptable subject to the imposition of some appropriate conditions, it would not be acceptable without some conditions being in place. In accordance with National Planning Policy Framework (NPPF) para 207 which states effective enforcement is important as a means of maintaining public confidence in the planning system, it is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. Enforcement action should only be taken where it is appropriate to do so and in the public interest.

As a result, in this case, the operator was given time to submit a planning application for determination so the full extent of the various uses could be considered and if deemed appropriate permission granted with any necessary conditions imposed to control the use of the site and assimilate the development into its locality.

However, the operator has not submitted a planning application for determination. The Committee are therefore requested to authorise the issue of an enforcement notice which will not seek the removal of the unauthorised uses or buildings but will ensure that the use operate in accordance with the terms of the enforcement notice. In effect a conditional enforcement notice.

Section 173(11), as amended, of the 1990 Act provides for, after full compliance with the requirements of an enforcement notice, the provisions to apply to any remaining uses or activities on the land and to any remaining buildings or works. It deals with the situation where "under-enforcement" has occurred, by providing that planning permission shall be treated as having been granted for the development or the activity, as it is in the state resulting from the owner or occupier having complied with the enforcement notice's requirements.

As the section applies to all the remaining uses or activities on land once the enforcement notice has been complied with, LPAs are advised they should ensure that they identify all the relevant breaches of planning control involving the use of land before they issue an enforcement notice. Where the land is in mixed use, it is important that the notice should allege a change of use to that mixed use, specifying all the component elements in the notice's allegation.

The deemed application for planning permission under section 177(5), arising from any appeal against the notice, which the Secretary of State or a Planning Inspector will need to consider, should properly relate to the mixed use in its entirety, not just to those elements of the use which the LPA may have identified as being in breach of planning control and which are covered by the notice's requirements.

This is because the planning merits of a particular use of land will not necessarily be the same, where that use is only one of a number of uses taking place, as the planning merits of that use where it is the land's sole use. For example, if the other uses were to cease and the single remaining use were to occupy the entire "planning unit", to the exclusion of the others, that change could well constitute, as a matter of fact and degree, a "material" change of use of the planning unit, to which different planning considerations might apply (*Wipperman v Barking LBC* [1965] 17 P&CR 225). Accordingly, if the LPA do not specify all the uses taking place on a planning unit in a mixed use case, the Secretary of State's or an Inspector's appeal decision will correct that notice, to reflect the actual situation on the land as it was when the notice was issued, before dealing with any "deemed planning application" on that basis. In these circumstances, if the LPA have failed to identify any uses of the land which may not already be lawful, and to which planning objections would apply if they were to become lawful, the effect of section 173(11) could be to grant deemed planning permission for those uses if they are specified in the allegation but are not required to cease.

By under enforcing in this manner the Committee are in effect granting planning permission for the activities subject to the provisions of the notice being complied with. If the Committee find the uses taking place on the site unacceptable in planning terms in principle the time to enforce

against those activities is now. By recognising the unauthorised uses on the site by under enforcing it will difficult later to justify further action against those uses if the terms of the enforcement notice recommended are being complied with.

Officers in considering the most appropriate options have been in contact with the Parish Council for the area. The Parish Council do not in principle have objections to some of the activities taking place on the site and have helpfully indicated the areas of concern to them and the issues they would wish to be brought under control if the decision is made to under enforce and serve a conditional enforcement notice.

The issues they have identified are:

1. They would like to see the bays facing the A38 clad to provide screening of activities on the site.
2. They would wish to see the site fenced along the A38 with the road verge kept free of materials from the site.
3. They wish to see the level and intensity of the security lighting addressed so it is less intrusive to areas outside the site.
4. They would like to see the existing boundary hedges and trees protected and maintained.
5. They have concerns over the number of caravans stored and their use.

Your officers consider these are reasonable items to control to help assimilate the use of the site into the locality.

Additionally on the planning permissions that were granted in 2008 and 2011 the industrial units adjacent to the neighbouring residential property were conditioned to B1 use only to safeguard the amenities of that property. Currently the unauthorised units close to the residential property are being used for B8 storage activities. This is acceptable but should be conditioned to remain in B1/B8 use.

#### **Options for action or remedy:**

The list of options available is as follows:

**Take no action** – This would not be appropriate as conditions would need to be imposed on a planning permission to regularise the activities to make them acceptable. Some of the activities are unacceptable and need to cease.

**Invite an application to grant consent to regularise the Development** – The owner was invited to submit a planning application to regularise the development. No application has been made.

#### **Issue Enforcement Notice to cease certain activities and make others subject to actions being undertaken.**

This is the recommended option, the notice proposed will prohibit certain activities identified and in effect allow others subject to compliance with the terms of the enforcement notice. This should also address the concerns of the Parish Council

#### **Reasons for decision:**

- The Unauthorised development has been undertaken within the last four years.
- Some of the uses on the site, such as the human habitation of the caravans are unacceptable.
- Some control of the activities on the site need to be imposed.
- The impact on the visual amenities of the locality need to addressed.

#### **Steps required:**

1. **Cease using the site for the stationing of caravans for residential accomodation. All caravans on the enforcement site shall not be occupied for residential purposes while on the enforcement site. Disconnect all caravans when on the enforcement site from electricity supplies, water supplies and any drainage systems.**
2. **The number of caravans stored on site shall not exceed 10. All caravans shall be stored in the area marked yellow on the plan attached to this enforcement notice**
3. **A 1.8 metre high close boarded fence shall be erected along the boundary marked A-B on the plan accompanying the enforcement notice.**
4. **Clad the open bays marked orange on the plan facing the A38 in materials to match those marked X and Y on the plan attached to the notice**
5. **Use buildings marked X and Y on the plan accompanying the enforcement notice for B1 (light industrial) and B8 (wholesale and distribution) use only as defined in the Town and Country Planning Act (Use Classes) Order.**

**Period for compliance:**

- Step 1: Within three months of the notice taking effect.
- Step 2: Within one month of the notice taking effect.
- Step 3: Within two months of the notice taking effect.
- Step 4: Within six months of the notice taking effect.
- Step 5: Within two months of the notice taking effect.

Case No. ENF/15/00041/UDUR

Grid Ref: 283407 100124

**Address:**

Clouds, Barnfield, Crediton, Devon

**Alleged Breach:**

- 1) Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary
- 2) Erection of close boarded fence close to the boundary, alleged to be above the 2 metre permitted development height.

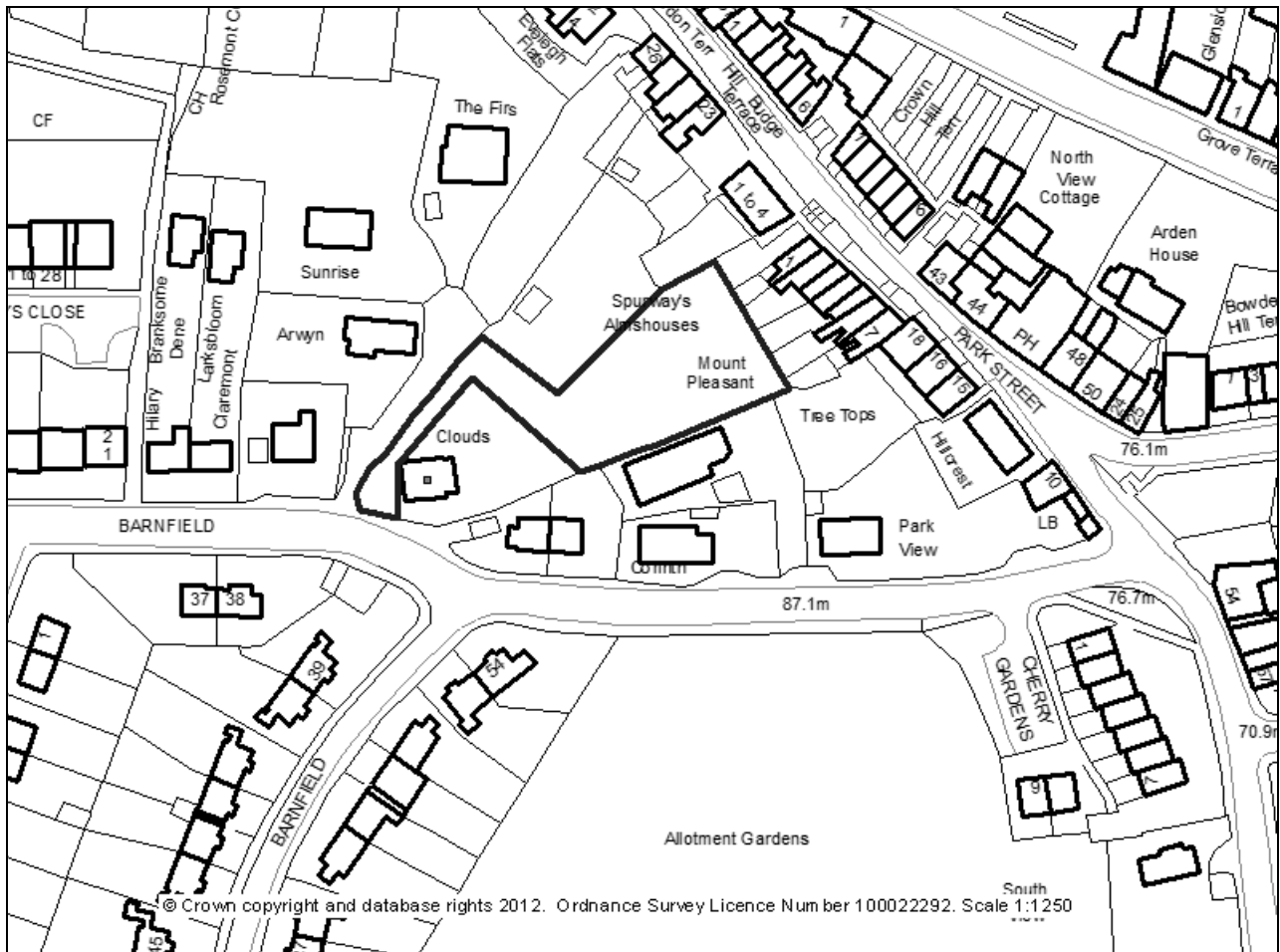
**Recommendation:** That the Legal Services Manager be authorised to take no further action in respect of either the engineering works carried out or the erection of the fence.

**Site Description:**

Clouds, Barnfield, Crediton, Devon

This is a building site at the rear of Clouds backing onto properties in Mount Pleasant, Park Street. The site is on a north facing slope and was formerly an orchard.

**Site Plan:**



## Site History:

05/00939/OUT	Outline for the erection of 3 no. two-storey dwellings (revised site boundary)	PERMIT
07/02064/ARM	Reserved Matters for the erection of 2 dwellings following Outline planning permission 05/0939/OUT	PERMIT
08/01372/ARM	Reserved Matters for the landscaping of 2 dwellings following Outline Approval 05/00939/OUT	PERMIT

## Development Plan Policies:

National Planning Policy Framework

## Reasons/Material Considerations

The development on the site at the rear of Clouds has been ongoing since outline permission was granted in 2005. This was for three properties. Since then, Reserved Matters permissions have been granted and one plot was sold separately and was developed as an individual plot following planning permission in 2010.

The site is on a northern sloping piece of land with properties at Mount Pleasant, Park Street, on its north eastern boundary. The two houses are nearing completion and work on landscaping the gardens has begun. The approved plan for the layout and landscaping of the development plots shows a new hedgerow to the north eastern site boundary. It is understood that the developers intend that this be planted in accordance with the approved plans.

The developers began the construction of a wooden close-boarded fence along the north eastern boundary and at one point placed horizontal boarding along the base of the fence and backfilled behind the fence with soil to a height of some 400 - 600mm. Following a complaint, your officers attended and arranged for the backfilling to be removed and for the height of the fence to be taken from the base of the horizontal boarding. The developer also agreed to building the fence to no more than 1.8 metres in height although the approved 1:500 block plan shows a close boarded timber fence to a maximum of 2 metres along this north eastern boundary.

From the garden of the adjoining property, soil could still be seen piled against the wire fence. It is your officers' contention that the original wire fence forming the property boundary is at a lower level than the wooden fence erected on the development side of the boundary. This is because of the slope of the ground and the effect of the soil going down the slope to rest against the fence would be to raise the level at that point.

Following a further complaint, a Planning Enforcement Officer, accompanied by an Officer from Building Control, attended the site and surveyed the levels of the ground at the boundary, using figures from a survey submitted with the original outline application and using, as a datum point, an inspection cover that existed on the land at the time of the original survey and against which a height had been recorded. The results of this latest surveyed suggested that the timber fence had been built at or below the natural ground level and that it does not exceed the maximum 2 metre

height limit. Whilst there appears to be some soil against the wire property boundary fence in places this varies in height between approximately 0.2 – 0.4m. This is considered de minimis and not to constitute an engineering operation for which planning permission would be required. At this point in time, your officers have no reason to believe that there is any breach of planning control and would recommend that Members resolve to take no further action.

In addition, it has been alleged that the build-up of earth is causing potential damage to trees in the neighbouring garden. The neighbouring garden is in a Conservation Area and as such, anyone who cuts down, uproots, tops lops, wilfully destroys or wilfully damages a tree in a Conservation Area, or causes or permits such work, without giving a Sec 211 notice is guilty of an offence. In this instance, your officers are of the opinion that there is nothing to suggest that the soil build-up has been done wilfully and if it were removed from the base of the trees the problem would not exist. This is something that could be resolved between the two land owners as a civil matter. At the time of writing, there is no evidence to suggest that damage has occurred. The trees themselves do not appear to warrant consideration of a Tree Preservation Order and were an application made to remove the trees, it is likely to be permitted. The Council's Tree Officer is arranging to visit the site. Any update as a result will be reported verbally at the meeting.

**Options for action or remedy:**

The list of options available is as follows:

**Take no further action** - It is your officers' view that it would not be appropriate or proportionate to take action in this case, based on the reasons given under Reasons/Material Considerations.

**Invite an application to grant consent to regularise the development** – Following an initial complaint, the owner of the site has carried out remedial work to the extent that there is no longer, in your officers' opinion, any development that requires planning permission. Therefore, it would not be appropriate to request an application.

**Issue an Enforcement Notice seeking the removal of any soil at the boundary back to the natural ground level and the reduction in height of the fence erected to a maximum height of 2 metres** – It is your officers' opinion that the soil at the boundary is purely incidental to the landscaping operations undertaken and do not in themselves amount to development, against which a Notice could be served and the height of the fence as measured, is less than 2 metres in height.

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## PLANNING COMMITTEE AGENDA - 22nd April 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description   |
|-----------------|---|
| 1.              | <p>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) at Land at NGR 302663 109953 (Stoneshill Farm), Willand Road, Cullompton.</p> <p><b>RECOMMENDATION</b><br/>Refuse Permission</p> |
| 2.              | <p>14/02134/FULL - Erection of a dwelling (Revised Scheme) at Land at NGR 266113 109805 (Adj Paddons Farm), Wembworthy, Devon.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>  |
| 3.              | <p>15/00317/FULL - Conversion of public toilets to commercial, retail and office space (Revised Scheme) at Public Conveniences, Lowman Green, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |

**Application No. 14/01949/MFUL**

**Plans List No. 1**

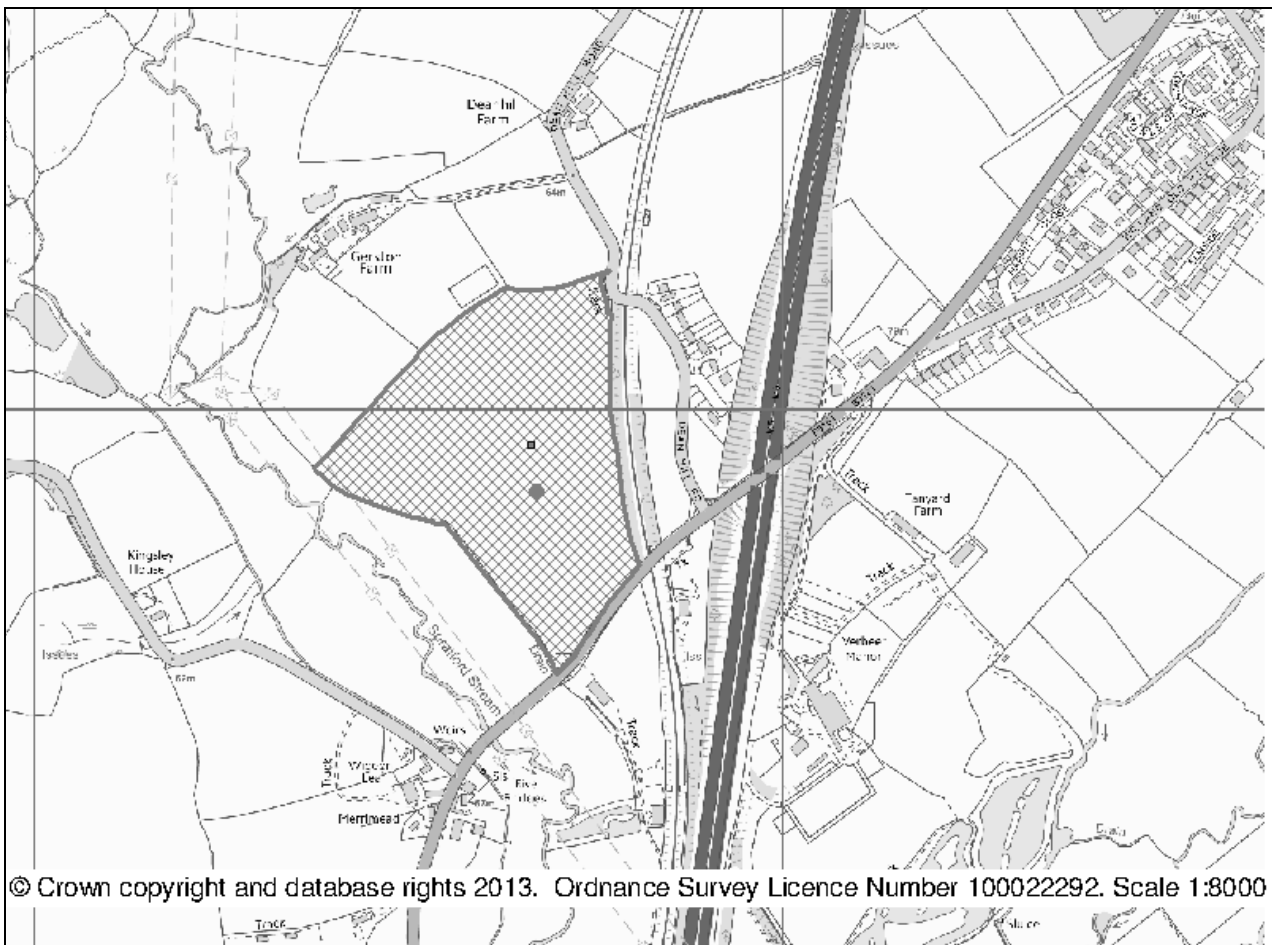
**Grid Ref:** 302663 : 109953

**Applicant:** Mr A Bell

**Location:** Land at NGR 302663 109953  
(Stoneshill Farm) Willand Road  
Cullompton Devon

**Proposal:** 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)

**Date Valid:** 21st November 2014



## **Application No. 14/01949/MFUL**

### **RECOMMENDATION**

Refuse Permission

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the installation of a 5MW solar array on approximately 12.26 hectares of land forming part of Stoneshill Farm, Willand Road for a period of 25 years.

The site comprises a single field which has historically been used for growing crops. The land falls from east to west; the highest point of the site on the eastern boundary is at almost 75m AOD and the lowest point is on the western boundary at approximately 60m AOD.

To the east of the site lie the mainline railway and the M5 motorway, both of which run broadly north-south in two separate cuttings. To the south of the application site is the B3181 road between Willand and Cullompton, off which the site is proposed to be accessed.

The panels are proposed to be mounted on metal frames which have been pile driven into the ground and laid out horizontally with four panels per column. The panels are typically to be mounted 600mm from ground level at an angle of 20 degrees and have a typical maximum height above ground level of 2.27m.

Six inverters and six transformers are proposed to be located in pairs across the site. The inverter buildings are 0.96m wide x approximately 2.5m long. The transformer buildings are 2m wide x 4m long.

A single control room is proposed to be 5m long x 4.5m wide and have a height of 2.8m.

Western Power Distribution's substation building is proposed to be 5.2m long x 5.7m deep and have a mono-pitched roof of maximum height 4.35m. An additional smaller structure is attached to this building to provide a meter room and is 1.9m wide x 1.9m deep and has a mono-pitched roof of maximum height 3m. The building is to have brick external walls with a composite roof covering.

A 1.8m high weld mesh fence is proposed to surround the site with infrared CCTV cameras mounted a 2.1m high on a number of the fence posts.

A belt of orchard planting is proposed alongside the B3181 with a bank and hedge planted in front of the trees adjoining the road. New hedgerow planting is proposed along the eastern and western boundaries of the site, with other existing hedges either protected or infilled where gaps occur.

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

Planning Statement  
Phase 1 Ecology Survey  
Biodiversity Management Plan  
Flood Risk Assessment  
Landscape and Visual Impact Assessment  
Agricultural Land Classification assessment  
Geophysical Report  
Construction Traffic Management Plan

## **PLANNING HISTORY**

14/01248/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 - WITHDRAWN

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR5 - Climate Change  
COR9 - Access  
COR11 - Flooding  
COR18 - Countryside

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

DM2 - High quality design  
DM5 - Renewable and low carbon energy  
DM7 - Pollution  
DM27 - Development affecting heritage assets  
DM28 - Green infrastructure in major development  
DM29 - Protected landscapes

## **CONSULTATIONS**

NETWORK RAIL - 24th February 2015

After consultation with our Signalling Engineer, I can advise from the Glint and Glare information supplied, Network Rail has no issues with the details supplied.

We would however request that a monitoring condition is put in place to ensure there will be no potential risks from the development for train drivers at this location

For a period of 12 months after the completion of the development hereby approved, in the event of any complaint to the Council from Network Rail relating to Signal Sighting safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

This is to allow for a period of assessment upon operation and to ensure that any issues arising are addressed by the applicant.

All other comments supplied on 2nd January remain.

2nd January 2015

Whilst there is no objection in principle to this proposal, subject to the inclusion of the condition as outlined below. I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

## **SAFETY**

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In order to ensure the proposed works do not interfere with or undermine any Network Rail structures (bridges and retaining walls) integrity, the applicant/developer must contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

## SOLAR PANELS

Our principal concern relates to the possibilities of driver distraction and effect on Railway signalling. The potential may exist for the reflected sun to distract the driver or possibly obscure signals at certain times of the day. A second issue is where the development could create reflections which could appear to light signals which are not switched on (known as phantom aspect illumination). The safety of the railway is paramount and any potential risk from adjacent development should be minimised as far as possible.

In the area of line adjacent to the proposed development there are 2 signals located at E302802 N 110234 and E302796 N109975.

In order to assess the impact of the development on the operational railway we require the preparation of a glint and glare study, which will assess the relationship between the solar panels and the signals. By means of calculating the position of the sun and the reflection created over the year it should be possible for the applicant to assess the impact of reflection on drivers and the potential for phantom aspects. The study should also suggest any remedial work should a problem be identified (e.g. through the re-positioning of certain panels or additional work to signal hoods).

It should be noted that even if the Glint & Glare study predicts that there would be no issues with the solar farm we would request that a monitoring condition is put in place along the following lines:

For a period of 12 months after the completion of the development hereby approved, in the event of any complaint to the Council from Network Rail relating to Signal Sighting safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

This is to allow for a period of assessment upon operation and to ensure that any issues arising are addressed by the applicant.

Other matters that need to be taken into consideration is the distance between panels and the railway boundary; construction traffic; and any requirements for edge landscaping requested by the planning authority.

## ABNORMAL LOADS

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges/level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Engineers to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also advise that where any damage, injury or delay to the rail network is caused by abnormal loads (related to the application site) the applicant or developer will incur full liability.

## PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

## HISTORIC ENVIRONMENT SERVICE - 6th March 2015

I refer to the above application and your recent consultation. The revised information submitted with this planning application (drawing showing proposed layout plan no. GEUKD-1001-1053-1001, dated 20/2/15 and the 'Ballast Construction Method Statement' dated 20/2/15) indicate that the development can be built without any ground disturbance, through the use of surface mounted ballast 'feet' for the photovoltaic arrays and the use of rubber or terram matting and stone to create a surface above the extant ground surface and avoid any below-ground archaeological impact. Cables will also be laid on the surface of the ground to avoid excavations for service trenches.

This information is set out in the supporting information submitted with the application and in the attached email.

In the light of this revised construction methodology and the effective removal of the majority of the below-ground impact of the proposed development the Historic Environment Team are able to withdraw their previous objection.

However, the construction of the inverter and transformer buildings will have a below-ground impact and have the potential to expose and destroy archaeological artefactual deposits associated with the known prehistoric activity within the application area. I would therefore advise, in accordance with paragraph 141 of the National Planning Policy Framework (2012) that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological control of groundworks for the construction of the inverter and transformer buildings to allow for the identification investigation and recording of any archaeological or artefactual deposits that may be affected by the construction of these buildings. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. 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.

10th December 2014

Previous archaeological work in the form of a geophysical survey of this site has demonstrated the presence of ring ditches that may be indicative of either prehistoric settlement or funerary activity within the development site, an enclosure that is likely to be of prehistoric or Romano-British has also been identified. Other linear anomalies identified by the survey could also be indicative of archaeological features within the site.

While the geophysical survey has identified that the site contains heritage assets with archaeological interest, the significance and quality of survival of these heritage assets cannot be determined by remote sensing techniques alone. Further information is required on the significance and extent of the heritage assets affected by the proposed development as well as testing the efficacy of the geophysical survey. Without such information I do not regard the application to contain sufficient information to enable an informed and reasonable planning decision to be made. Construction of the photovoltaic arrays consist of pairs of piles driven into the ground at 3.32m intervals across the site, without further information on the nature of the underlying archaeological deposits it is not possible to determine the impact of: foundation piling, ground disturbance from heavy plant movements, service trenching, construction of infrastructure buildings or fencing, or ultimately the removal of these piles if and when the site is decommissioned. At present the information submitted in support of this application does not consider the impact of the proposed development upon the archaeological resource.

Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the known prehistoric or Romano-British activity here and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information

on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological investigation of the anomalies identified by the geophysical survey as well as any apparently 'blank' areas of the survey.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required.

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 - N/A

Food hygiene - N/A

Private water supplies - N/A

Health and safety - No objections

9 December 2014

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste and Sustainability -

Drainage - no objections to this proposal

Noise and other nuisances - no objections to this proposal

Housing Standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - no objection

EXETER INTERNATIONAL AIRPORT - 19 December 2014

I have assessed the revisions and have no further observations or comments to make.

HISTORIC ENGLAND - 4th March 2015

Thank you for your letter of 20 February 2015 notifying English Heritage of amendments to the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

11th December 2014

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

#### Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### NATURAL ENGLAND - 2nd March 2015

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 28 November 2014. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### 3 December 2014

Natural England's comments in relation to this application are provided in the following sections.  
Statutory nature conservation sites: no objection.

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

#### Protected landscapes:

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Blackdown Hills AONB. We therefore advise you to seek the advice of the AONB. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

#### Protected species:

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Solar Parks: Further information

For additional information relating to Solar Parks please refer to the Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. Solar parks: maximising environmental benefits (TIN101)

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006: The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'



Local sites:

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

Impact Risk Zones for Sites of Special Scientific Interest:

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

ENVIRONMENT AGENCY - 24th February 2015

With reference to the above and our conversation, I did not appreciate the changes proposed and confirm the current FRA will need to be reviewed to reflect these changes.

23rd February 2015

Please refer to our comments dated 27th November 2014.

28th November 2014

While we do not object to this proposal, in principle, an appropriate Flood Risk Assessment (FRA) has not been submitted. The document indicated on your website as a FRA is simply a Flood Risk map. We did agree a FRA in respect of application 14/01248, providing development proceeds in accordance with the previously agreed document we have no objections to this proposal.

HIGHWAY AUTHORITY - 5th December 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

10th December 2014 - Observations:

The Local Planning Authority will be aware of the highway Authority's previous comments on this site and the remain unchanged. The applicant has submitted a route plan which is acceptable to the highway Authority along with the construction management plan. The applicant has included swept path analysis from a rigid vehicle, however a number of the components will normally be delivered by articulated lorry and the use of the access track to allow vehicles to enter and leave in a forward gear are anticipated. The applicant should satisfy themselves that an articulated lorry can both enter and leave the site in a forward gear and be able to utilise the wheel wash and other facilities

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

MINISTRY of DEFENCE - 26th February 2015

We have reviewed the further information and I can confirm that the MOD has no safeguarding objections to this proposal.

1st December 2014

No safeguarding objections.

NATIONAL GRID - 28th November 2014

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>).

#### Are My Works Affected?

National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry.

National Grid therefore has no objection to these proposed activities.

The contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

#### Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does NOT include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-DBD7E68882C7/51319/EssentialGuidance.pdf>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you require further assistance please contact the National Grid Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

DEVON & CORNWALL POLICE AUTHORITY - 1st December 2014

The below recommendations follow guidelines produced by BRE National Solar Centre.

#### Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on. Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re emerging for sale.

## Site

In view of the potential risk when considering suitable location for Solar Farms a major consideration from a police view will be how the site can be protected from unauthorised vehicle entry. Full consideration of the natural defences of location should be taken into consideration for e.g. steep gradient, substantial hedging, Rivers etc. Where ever possible the boundary protection of the site should be an appropriate distance from the actual panels to discourage parking a vehicle against the boundary and manually lifting panels onto the vehicle.

## Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance. Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site. The security of solar farms must be properly assessed by all those involved in the planning process.

To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible. All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87) The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc the basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection. In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors.

The advice offered below covers the general crime prevention points which should be considered by any applicant.

## Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence. The recommendation would be to install fencing which has been tested and approved to current UK Government standards. Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate. Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with Movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable. Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc.. The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request. There should be a minimum number of vehicular access points onto site, ideally only one. Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence. Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

## Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role. In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose. For CCTV this assessment is commonly called an Operational Requirement (OR). An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment. There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this?

There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended. The OR also identifies the expectations of each individual camera as well as response requirements. There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

CCTV which simply records will probably be of very limited value and basically not fit for purpose, there for contravening data protection legislation.

#### Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations. If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent.

Covert marking should also be considered. Consultation with local police Beat managers following installation would be beneficial identifying points of access, routes to the site etc in the event of assistance being required.

#### HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 17th December 2014

The Agency is satisfied that the proposed screening and planting to the site boundaries should address our previously expressed concerns regarding potential glint/glare impacting on traffic on the M5. The Agency therefore has no objection to the proposal and I enclose an Article 25 TR110 for to that effect.

#### WILLAND PARISH COUNCIL - 16 December 2014

Willand Parish Council has considered the revised scheme and recognises the revisions to the scheme and the proposed extra screening provision. The most recent public consultation and the generous 'community benefit' provisions on offer have also been taken into account.

The Parish Council is of the view that, on balance, the local concerns outweigh the potential benefits and therefore object to the application.

Those concerns are summarised as follows:

The sloped ground will cause the panels to be seen from a number of points between Cullompton and Willand;

The cumulative impact of yet another solar park on an approach to the village;

The loss or restricted use of productive agricultural land;

Concerns that the panels will accelerate rainwater 'run off' from the land thereby aggravating the regular flooding of the adjacent fields.

16th March 2015 - The amendments do nothing to alter the original concerns as outlined in our letter of 15 December 2014.

The site is on raised ground and will be visible from a number of points even with the amended layout and screening. It is questioned that some of the photographs were taken eye level.

The cumulative impact of yet another solar park on the approach to the village.

The loss of productive agricultural land.

Concern that the panels will accelerate the water run off to the land prone to flooding in the valley bottom.

Willand Parish Council also express concern at the protracted period of the planning process with the continuing amendments. Additionally it raises concern as to the relevance of reasons given and manner of the alleged letters of support.

HALBERTON PARISH COUNCIL - 11th March 2015 - The PC recommended refusal based on the following:-

- i. The visual impact would greatly detract from the current rural approach to the village of Willand
- ii. The effect of the close proximity to the community of Five Bridges
- iii. It was against government and local policy to use high quality agricultural land for solar installations and so the PC strongly objected to the proposed development

10th December 2014

Recommend refusal based on the following:

- i. The visual impact would greatly detract from the current rural approach to the village of Willand.
- ii. The effect of the close proximity to the community of Five Bridges.
- iii. It was against government and local policy to use Grade 1 agricultural land for solar installations and so the Parish Council strongly objected to the proposed development.

UFFCULME PARISH COUNCIL - 16th December 2014

Uffculme Parish Council recommends the application should be refused on the following grounds: The nature and size of the site on sloping ground cannot be adequately hidden from public view, would be a distraction to passing motorists and be a blot on an agricultural landscape. The overall visual impact would be unacceptable. More agricultural land would be lost to food production. The number of solar farms in Mid Devon, and those proposed, are already having adverse effects on the Mid Devon countryside, and from the point of view of Willand this would be yet another such installation on the outskirts of the village.

EXETER INTERNATIONAL AIRPORT - 25th February 2015

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

Please see attached guidance note from the CAA, in particular point 3. If glint or glare from this development does create an issue for pilots then the developer must make every effort to minimise this hazard.

NATIONAL GRID - 12th March 2015 - No objection

## **REPRESENTATIONS**

26 letters of objection received, including from Cllr Bob Evans and the CPRE, raising the following points:

- The panels would be visible from the B3181, even with any screening;
- Probability of drivers being distracted by the panels and reflections from the panels;
- Is good quality, Grade 1 agricultural land;
- The last 3 years crops on the land have been excellent;
- Cumulative impact with existing installations in the area; of some 12.26ha (in District)
- Electricity is not generated after dark, which is the period of maximum demand and there is no way of storing the energy produced;
- Submitted photographs are misleading;
- The site will be a visual intrusion in the landscape;
- The grazing of sheep or other animals underneath the panels is not practicable;
- Proposed screening will not prevent the site from being highly visible from many local viewpoints and it cannot be screened;
- Close to the dangerous road junction at Five Bridges;
- Will blight the view from properties at Five Bridges;
- Will affect wildlife;

- Represents further industrialisation and the closure of the green gap between Cullompton and Willand;
- Visually distracting to users of surrounding roads;
- The land may be need as future housing development land
- There is ample provision of space locally for solar on brownfield sites. Brownfield sites should be used first;
- The green credentials are questionable;
- Will damage the local tourism industry;
- Will be visible from Cullompton housing estates, mainline railway and the M5 northbound;
- Pedestrian safety issues in crossing site entrance;
- Access has poor visibility for vehicles turning right;
- Concerned that flooding of fields below the site will increase;
- The input is not acceptable.

63 letters of support received, raising the following points:

- Land is well screened and will increase biodiversity;
- Land used is insignificant and will have a more viable use than existing use;
- The land is grade 3 and not the most versatile;
- Will provide energy for over 1,250 homes annually;
- Additional screening will protect the landscape and integrate it into the surroundings;
- Will contribute significantly to the UK's renewable energy target;
- Scheme is temporary and will be removed after 25 years;
- Will offset over 2,000 tonnes of CO2 per year;
- Clean and quiet technology, unlike wind turbines;
- Farmers are having to diversify;
- Landowner is a decent & honest person;
- No by-products or waste generated by solar;
- Easy to install;
- Area is already affected by the M5 and railway;
- Land is not suitable for growing crops as years of farming have depleted the soil of nutrients;
- We only have a finite supply of [fossil] fuels available, which will only increase in cost to produce in the future.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main considerations in the determination of this application are:

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Highways, including impact upon the railway**
- 4. Flooding**
- 5. Landscape and visual impact, including cumulative impact and impact upon neighbouring properties**
- 6. Ecology**
- 7. Archaeology**
- 8. The planning balance**

### **1. The benefits of renewable energy and planning policy**

The scheme would be capable of generating up to 5 megawatts of electricity annually. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including

the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy.

Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with Policy DM7 (Pollution), quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation). In this instance the application has been screened under the Environmental Impact Assessment Regulations and an Environmental Impact Assessment has not been deemed necessary.

The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable.

The overarching national policy statement for energy (EN-1) is generally aimed at nationally significant infrastructure projects but also has relevance for more local renewable energy schemes. The statement promotes renewable energy but recognises that the development of new energy infrastructure is likely to have some negative effects on biodiversity, landscape/visual amenity.

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value and this viewpoint has been further prioritised through a number of ministerial statements, the most recent of which from the Secretary of State for Communities and Local Government on 25th March 2015 stated that there must be compelling evidence to justify the use of high quality, Best and Most Versatile (BMV) agricultural land.

Where a proposal involves greenfield land, the proposed use of any agricultural land needs to be shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

## **2. Land use**

With a total site area of more than 12 hectares it is reasonably considered that the development amounts to a significant development of agricultural land and most of the land would be lost for arable use. Equally, it is accepted that there is a countrywide necessity to increase the amount of electricity generated by renewable or low carbon methods in order to meet targets and to help replace the energy produced by newly commissioned power plants, as set out in the 2011 Energy White Paper. However, this must be balanced against the need to provide sufficient land for food crop production.

As a country our population is increasing and in 2010 the UK population was forecast to rise by 17.5% over the 25 year period to 2035 and this places additional pressures on both food and energy production. Data from the Office for National Statistics indicates that since the turn of the century Mid Devon's population has risen more steeply than elsewhere (as a percentage of population), suggesting that a population increase of more than the nationally forecast 17.5% is possible, indeed a comparison of the 2001 and 2011 Census data indicates that the population of Mid Devon grew by 11% in the 10 year period.

The application is supported by an assessment of the Agricultural Land Classification. The assessment

included the taking of auger samples across the site and also the interrogation of published information regarding the soil types and wetness levels in the area. The assessment concludes that the entirety of the site comprises grade 3a land. Agricultural Land Classes 1, 2 and 3a are identified in the NPPF as being the 'Best and Most Versatile' (BMV) agricultural land and the NPPF, the Planning Practice Guidance and policy DM5 of LP3 seek to direct solar installations to lower quality agricultural land. In this instance the whole of the site is classed as BMV land.

The submitted soil appraisal concludes that the use of the site for a solar installation would lead to the long term temporary loss of agricultural productivity from the site during the operational period of the installation. It states that the landowner has retired from farming and has rented the field out on a short-term arrangement. On this basis, it is stated that the use of the land for non-agricultural purposes would not have a detrimental effect on an individual farm holding or the wider farming community.

In addition to the ALC assessment, the application is supported by a confidential letter from a Farm Business Consultant regarding the economic viability of the landholding of the owner. The landholding comprises the application site, plus the former farm shop on the opposite side of the B3181 and its and adjacent field. The Consultant has appraised the final five years of the farm's trading accounts (to 31st March 2011) and discusses the findings of the Farm Business Survey "Horticultural Production in England 2011/12". The letter concludes that due to the total land holding being just under 20 hectares and requiring capital investment to re-establish a horticultural business, neither doing this, nor letting out the land to specialist growers would generate a viable income. However, the letter does not address the potential for the land to be sold or incorporated in to a larger land holding.

Further to this information, a soil conservation and management plan has been submitted. That document quotes Natural England's Technical Information Note TIN109, which states that BMV land is 'the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops of food and non-food uses such as biomass, fibres and pharmaceuticals.' The submission goes on to suggest that the words 'most flexible' should be considered in the sense that they allow for alternative use of the land and 'biomass' as an alternative use of BMV land, i.e. that it is not just for food production. The document puts forward the argument that Natural England has considered the use of alternative energy sources as an option for the use of BMV land. It is also argued that solar arrays are less destructive to soil than growing Biomass crops. Whilst it is correct that Natural England suggest that growing biomass crops are an appropriate use of BMV land, use of the same land for non-agricultural purposes (i.e. solar arrays) is not the same; biomass crops serve a useful purpose in energy generation, however they would not grow so successfully on poorer quality land and would therefore produce less energy per hectare than if they were grown on BMV land. Conversely, the energy generating capacity of a solar installation is not dependant upon the quality of the ground on which it is sited and so the use of poorer quality land is preferable so as to continue to enable the most flexible agricultural use of BMV land.

The soil conservation and management plan references a recent planning approval for a solar installation on 26.6 hectares of grade 3a land in Kent, whereby the use of the land was proposed to be offset by improving the quality of 24 hectares of grade 3b land in the same ownership over the lifetime of the development. In this instance, it is proposed that clover and grass seed mixes be sown every two years around the buffers of the site along with granular NPK fertilizer (Nitrogen, phosphorus and potassium) and that sheep graze in the autumn or spring and autumn. Over the lifetime of the development it is thought that the soil quality will improve to become grade 2 land after 25 years. However, the submitted agricultural land classification report states that the wetness and/or stoniness of the site limits it to grade 3a; Officers are not clear how the introduction of fertilizers and regular clover and grass sowings would have a material impact upon the drainage of the site (wetness) or the level of stoniness so as to improve it to grade 2 land. Equally, it is noted in the planning committee report for the scheme in Kent that it is stated that the measures proposed on the compensatory land (which included works to site drainage) would not increase the land classification. Having regard to these matters, it is concluded that the measures proposed in the soil conservation and management plan do not justify the use of BMV land for the installation of the solar array.

Paragraph 112 of the National Planning Policy Framework states that "Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." In order to address the fact that the development is proposed on recognised BMV land and is therefore 'of a higher quality', the applicants have



submitted a Sequential Analysis Study which looks at alternative available sites. The study primarily looks at a 1km radius of the proposed grid connection point for both greenfield and brownfield land, although a 5km radius of the grid connection point is also considered but for a larger scheme than that currently applied for so as to make it viable. Although the applicants have secured the current grid connection point, there is no evidence to suggest that this is the only available grid connection point in the district, or necessarily within the 5km radius they have chosen to look at. Western Power Distribution's 33kV connection map does not obviously indicate that this precise location is any less constrained for capacity than any other location within Mid Devon.

The applicants have quoted two appeal decisions where Inspectors have specifically mentioned the need for sequential analysis studies, however they both relate to land which was not classified as being BMV and therefore, the necessity for such an approach was not an imperative part of the decision making process. It is accepted that unlike other sections of the National Planning Policy Framework whereby sequential analysis is explicitly required, this is not the case in paragraph 112. However, it is not possible to demonstrate that land of the poorest possible quality has been chosen without going through a sequential analysis exercise and therefore it is deemed that such an exercise is required. Additionally, a Written Ministerial Statement to Parliament on 25th March 2015 by the Secretary of State for Communities and Local Government states that any proposal for a solar farm involving BMV land needs to be justified by 'the most compelling evidence'. This very recent statement therefore confirms the approach to be taken over this issue. In this instance, the use of a 1km (or even a 5km) area of search from the proposed grid connection point, is not considered to be wide ranging enough to demonstrate that there is no land of poorer quality which would be potentially be available for the installation of a solar array of this size. Other similar installations which have recently been submitted to the authority have included a sequential analysis covering the whole of Mid Devon and even further afield where proposals have been close to the district boundary.

While the land itself may not be damaged by the provision of a solar array, its productivity would be compromised for the lifetime of the solar park, usually 25 years. By locating renewable energy schemes on moderate or poor quality agricultural land, the productivity of the best and most versatile land is not compromised for the next 25 years. A 25 year period is a long time to be considered temporary, preventing efficient use of land which is well suited to arable farming. It is recognised that grazing sheep around the PV panels would retain in part an agricultural activity, but it would not be an efficient or highly productive use of the BMV agricultural land, and it is considered could not be controlled by condition as this would be unenforceable and therefore not meet the relevant tests for imposing conditions contained in the Practice Guidance.

A higher population means a greater demand for both food and energy. There are planning permissions and appeal decisions elsewhere which may influence this case. An appeal decision for a 9.5MW installation on grade 2 land at Little's Farm in Kent (PINS ref. 2212592) was dismissed with the Inspector finding that grazing sheep on the land would not make best use of its high quality and would restrict its use for arable purposes and that the fact that the site represents only a small proportion of the District and Country's BMV land was not a reason for disregarding the BMV considerations. The inspector stated:

Whilst I recognise that there is not an absolute embargo on the use of BMV agricultural land for solar farms, the scheme would conflict with the Planning Practice Guidance's intention that such developments should be focussed on previously developed and non-agricultural land. Moreover, contrary to the PPG and paragraph 112 of the Framework, it has not in this case been convincingly demonstrated that use of the BMV appeal site land is necessary in preference to poorer quality agricultural land. In this respect paragraph 112 applies to "significant development". Whilst temporary and removable, given its scale, likely presence for 25 years (a generation) and its effect in preventing use of the land for this period for most crops which rely on BMV agricultural land, I conclude that the scheme is "significant". Whether or not 25 years is "long term" is of little consequence as, although referred to in the Council's reason for refusal, "long term" is not a test or phrase used in paragraph 112 of the Framework.

A more recent decision at Lanyon Farm in Cornwall (PINS ref. 2213745) was allowed with the Inspector finding that only part of the site was on Grade 3A BMV land and the remainder on lower quality soil and that there was a material difference between the proposal and that at Little's Farm in that the soil quality was

lower and only sheep were proposed to graze under the panels; the Lanyon Farm proposal included for vegetables and soft fruit to be grown in addition to some grazing. Having regard to the high grade of land subject of this application and that only grazing is proposed to subsist it is considered that the decision at Little's Farm is of more relevance than that at Lanyon Farm.

In addition to these decisions, the applicants have drawn your Officer's attention to a decision by the Secretary of State for Communities and Local Government in relation to a recovered appeal in Cornwall. This decision was issued on 11th March 2015. The application was for a 6.2MW solar installation on Grade 3A land. The SoS agreed with the Inspector's view that the loss of opportunity for intensive cropping of the site for a considerable time must be balanced against the public gain through the generation of renewable energy and the reduction in carbon emissions. The SoS concluded that on balance, the public gain would outweigh the loss of fully productive BMV land.

However, since that date the same Secretary of State has issued a ministerial statement requiring the "most compelling evidence" for the use of BMV land for solar installations. Having regard to all these matters, it is considered that insufficient evidence has been submitted to justify the use of the BMV land in this case. The application is therefore considered to be contrary to policy DM5 of Local Plan Part 3 (DMP), the Framework and the PPG.

Further consideration of this matter is given in section 8 of the report.

### **3. Highways, including impact upon the railway**

The primary access to the site is via an existing entrance onto the B3181, at the south western corner of the site; this access is proposed to be utilised to serve the solar array. A second access onto Dean Hill Road is situated in the north eastern corner of the site; this access is proposed to be blocked up with new hedgerow planting.

The existing access is proposed to be widened as the curb stones in this location narrow the access, despite it having the open appearance of an already wide access. An area along the southern boundary of the site is indicated as being used for unloading and loading during the construction phase and a permanent access track is proposed along part of the southern boundary to allow access to Western Power Distribution's substation.

The submitted information indicates that construction traffic will access the site via J28 of the M5, travelling north along Millennium Way in order to reach the site.

The Highway Authority have raised no objections to the scheme, finding that the proposed access arrangements, including the route to the site and the details contained in the Construction Management Plan are acceptable. A swept path analysis drawing has been submitted to show a rigid lorry accessing the site and the Highway Authority recommends that the applicant satisfy themselves that the site could be accessed for construction purposes using articulated lorries in a forward gear and still be able to utilise the wheel washing and other facilities proposed.

Subject to conditions requiring compliance with the Construction Management Plan and the blocking up of the access onto Dean Hill Road, the development is not considered to result in any danger to users of the surrounding road network and accords with the requirements of policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) in this respect.

The mainline railway runs to the east of the application site. Network Rail have confirmed that they have no objections to the proposal but would request a condition be imposed to safeguard the safe operation of their signalling equipment from glint and glare.

### **4. Flooding**

The application site itself lies mostly within flood zone 1, the lowest identified risk of fluvial flooding. A small portion of the site in the south western corner lies within flood zones 2 & 3. Immediately to the west and south-west of the site lies a low lying area of land which is subject to regular flooding during winter months.

In order to overcome archaeological objections, the application has been revised since submission to include the use of gabion filled baskets to mount the panels as opposed to having pile driven mounted arrays. However, the Flood Risk Assessment has not been updated to reflect this change, which will have an impact upon the way in which surface water flows on the site. In the absence of an updated Flood Risk Assessment and surface water management proposals, it cannot be demonstrated that the development will not harm flood risk either on or off the site and the application is considered to be contrary to policies DM2 of Local Plan Part 3 (Development Management Policies) and COR11 of Core Strategy (Local Plan Part 1).

## **5. Landscape and visual impact, including cumulative impact and impact upon neighbouring properties**

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon Landscape Character Type 3E 'Lowland Plains' and immediately adjoins the Landscape Character Type 3C 'Sparsely settled farmed valley floors'.

The Mid Devon Lowland Plains LCA is characterised by gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes, primarily arable farmland some improved grassland, fields divided by hedgerows and hedgebanks, with hedges forming spines along rolling hills, with rib like hedges crossing the convex slopes down into the valleys. Hedgerow trees are infrequent with copses and discrete woodlands characteristic. The landscape has a number of outlying, regularly distributed farms, villages and hamlets and small groups of houses, generally a sparsely populated area. Views are stated as being highly variable and the landscape is semi-open with some long extensive views from on top of hilltops. Where hedges are present, high views are indicated to be mostly framed or confined (however this is dependent on the time of year and the management regime of the hedgerows). The 2011 Landscape Character Assessment includes strategic guidelines relevant to the consideration of the site, one of these refers to planning for solar farms, but to give careful consideration of siting of solar farms, such as favouring areas already 'spoilt' by roads or sewage works, or favour use on building roofs and other existing structures. The Landscape Sensitivity Study on wind and PV development in Mid Devon identifies that this landscape type has an overall medium to high sensitivity to solar development of the size proposed (>10 - 15ha).

The submitted LVIA and subsequently received additional supplementary LVIA documentation has been independently reviewed by external landscape consultants on behalf of MDDC and they have visited the site. The review has found the submitted LVIA could have been more clearly structured, and some of the submitted photographs are not taken in line with best practice guidance. However, the reviewer points out that this does not invalidate the findings of the LVIA.

The site is not easily visible on the approach from Willand as the site falls from east to west and the approach along the B3181 and across the motorway bridge is higher than the highest part of the application site. However, once people move further along the road and begin travelling down the hill after crossing the railway bridge, the site comes into view to the north. Views in to the site are also obtainable from Dean Hill Road, which runs partially alongside the eastern boundary before running on the opposite side of the railway line, although this road is much more lightly trafficked than the B3181. On the approach from Cullompton along the B3181, the site can be seen in part for some of the route, although these views are filtered by buildings and vegetation which are mostly not within the application site boundaries. Once immediately adjacent to the site, it is highly prominent, currently having little boundary screening adjacent to the road and being on rising land, this exacerbates the visual impact. In addition, the site can be seen from points along the road to the west leading from the B3181 toward the hamlet of Brithem Bottom.

It is stated both in the LVIA and by the consultants appointed to review the LVIA that the character of the landscape in this location is already partially eroded by the presence of the motorway, the mainline railway and of power lines passing to the west. However, both the M5 and the railway are in cuttings where they are closest to the application site and it is difficult to see all three features in the same viewpoint from short and middle distances, albeit the noise of them affects tranquillity and this has an impact upon the appreciation of the landscape.

The LVIA review identifies that the angle of the panels, offset from the boundaries of the fields, increases the prominence of the array. However, the review finds that the proposed band of landscape planting along the southern boundary of the site with the B3181 is positive and although there is not sufficient information to verify how successful the planting would be, it has the potential to assimilate itself with the surrounding landscape and provide a good quality visual screen. Nevertheless, the landscape review does recommend that further planting along some of the other boundaries of the site would be beneficial to help to reduce more local effects upon nearby residential properties and road users. Although some additional hedgerow planting is proposed along other boundaries, no additional tree planting is proposed to help screen the site, although this could be required by condition if the application were approved.

In addition to being visible to road users, there are a number of properties that would have at least partial views of the application site, primarily those along Dean Hill Road to the east and at Five Bridges to the south west. The LVIA review commissioned by MDDC identifies that the properties on Dean Hill Road would mostly experience a moderate to major degree of visual change with those at Five Bridges experiencing anywhere between minor to major visual changes, depending upon their outlook and orientation. Properties further afield in Willand and Cullompton would have no views of the site and therefore be unaffected. There is a grade I listed building at Moorstone Barton, approximately 750m to the west of the application site, however the property would have no views of the application site and therefore the setting of the listed building would not be affected.

The applicant's submitted LVIA concludes that the overall level of impact upon the landscape character is moderately adverse and will affect the appearance of the countryside in the short term. It states that in the longer term the additional landscaping will provide ecological and landscape enhancements and mitigate the visual effects both in landscape terms and those of nearby residential properties such that although there would continue to be adverse impacts, these would be reduced to an acceptable level. In the view of the LVIA reviewers, the proposed solar installation would be a new and readily recognisable feature viewed in the context of the existing M5 and railway line which would result in a medium magnitude of change within areas up to 1km from the site and a negligible to low magnitude of change from further afield. However, the installation would be a new feature in the landscape and it is likely that the majority of people either living close to, or passing by the site would perceive its effects as adverse. However, the review work does not disagree with the applicant's LVIA document in concluding that on balance the impacts are acceptable and your Officer has had conversations with the LVIA Reviewers to confirm this. Therefore, on balance, whilst there will be adverse impacts in landscape and visual terms, these impacts will be localised only and with appropriate additional planting will be further reduced to an acceptable level and the application accords with the relevant parts of policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) in this respect.

Consideration must be given to the cumulative impact of the development with other existing and consented solar schemes. Concern has been raised that were this proposal to be approved, the three main routes into the village of Willand would have commercial scale solar schemes on their approach. The two existing schemes are located adjacent to Willand Road between the villages of Halberton and Willand and to the north of Willand, between the B3181 and the road to Uffculme. Of these two schemes, the one between the B3181 and the road to Uffculme is not easily visible from public vantage points. The installation between Willand and Halberton is visible to users of the adjacent road, although it is the rear of the panels which are seen and due to the flat topography, this is not highly prominent. Whilst those who would be passing through the village using these routes may travel past more than one solar installation, the distance between the installations and their varying degree of public visibility is considered to mean that cumulative effects would not be so detrimental as to merit refusal of the application.

## **6. Ecology**

The submitted Ecological Appraisal and identifies the south western boundary hedgerow and trees as being species rich and the northern and northern end of the western boundaries as comprising species poor hedgerows.

No evidence of roosting bats was found during the survey but it is identified that there is potential for bats to forage across the site. The existing boundary hedgerows have been identified as providing potential habitat for dormice but as the plans do not include the removal of the hedgerows, no impacts on the species are anticipated.

Two badger latrines were noted along the eastern boundary of the site and numerous well used runs noted through the hedgerows around the site. However, no evidence of badger setts or other badger activity was noted. The survey recommends the provision of gaps in the fencing every 25m to allow badgers to pass through.

A biodiversity management plan has been submitted in support of the application to include a series of ecological enhancement measures to enhance and safeguard key habitats. In addition to the tree and hedgerow planting previously mentioned along the north western and eastern boundaries, a series of wildflower strips are proposed around the perimeter of the site and bird boxes, bat boxes, insect houses, stag beetle buckets, hedgehog homes and log piles for invertebrates are also proposed around the site perimeter as well as a number of timber planks being proposed on the underside of the panels for nesting birds. Such biodiversity enhancement measures are in accordance with the requirements to incorporate green infrastructure into major planning application proposals contained in policy DM28 of Local Plan Part 3 (Development Management Policies).

There are no Sites of Special Scientific Interest (SSSI) within a 5km radius of the site. However, the application site is within the impact risk zone for the Tidcombe Lane Fen SSSI which lies approximately 5.3km to the north west. Natural England's guidance on this area requires any discharge of water to be either to ground or to a beck or stream. As discussed earlier in this report, the surface water run-off from the site would comply with this and there will be no adverse impact upon the SSSI.

## **7. Archaeology**

A geophysical survey of the site has been submitted with the application and demonstrates the presence of ring ditches that may be indicative of either prehistoric settlement or funerary activity within the development site and an enclosure that is likely to be of prehistoric or Romano-British has also been identified. Other linear anomalies identified by the survey could also be indicative of archaeological features within the site. While the geophysical survey has identified that the site contains heritage assets with archaeological interest, the significance and quality of survival of these heritage assets cannot be determined by remote sensing techniques alone and the County Council's Historic Environment Team's consultation response requested further information on the significance and extent of the heritage assets affected by the proposed development as well as testing the efficacy of the geophysical survey. Without such information they did not regard the application to contain sufficient information to enable an informed and reasonable planning decision to be made. The additional information required to be provided by the applicant was identified as being the results of a programme of intrusive archaeological investigation of the anomalies identified by the geophysical survey as well as any apparently 'blank' areas of the survey.

In order to overcome the initial concerns of the Historic Environment Team, construction of the photovoltaic arrays across the site is proposed to consist of ballast filled gabions to support the solar arrays. The Historic Environment Team are happy with the exclusion of the use of pile foundations and the use of ground mounted ballast type footings and also the use of rubber or terram matting and stone to create a surface above the extant ground surface and avoid any below-ground archaeological impact. Cables will also be laid on the surface of the ground to avoid excavations for service trenches.

However, the construction of the inverter and transformer buildings will have a below-ground impact and have the potential to expose and destroy archaeological artefactual deposits associated with the known prehistoric activity within the application area. The Historic Environment Team's consultation response advises that any consent include a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Planning Authority.

In the event of approval being recommended, subject to conditions requiring compliance with the submitted construction method statement and the submission of a WSI, the application accords with the requirements of Local Plan Part 3 (Development Management Policies) Policy DM27 and paragraph 128 of the National Planning Policy Framework.

## 8. The planning balance

In planning terms, it is concluded that an acceptable access to the site can be provided to serve the proposed development and no harm caused to the safe operation of the M5 and adjacent mainline railway, with the use of ballast mounted panels there would be no significant harm to archaeological deposits and that on balance and with additional planting, there will be an acceptable impact upon landscape character and visual amenity.

However, the entirety of the site is classified as comprising the Best and Most Versatile agricultural land (grade 3a). The submitted sequential analysis of site selection is not considered to adequately appraise reasonably alternative sites as it assesses only those sites which could utilise the same grid connection point.

Recent ministerial statements, including Greg Barker's speech to the solar PV industry in April 2013, and Eric Pickles's written statement of 25th March 2015, the National Planning Policy Framework and the Planning Practice Guidance state that there is a preference to siting solar arrays on lower quality agricultural, or preferably brownfield land, however they all state that the siting of large scale solar development is about striking a balance.

Furthermore, the use of ballast mounted solar panels necessitates the submission of a revised Flood Risk Assessment and surface water drainage strategy. At the time of writing, no such information has been provided and the LPA cannot be satisfied that the development would not increase the risk of flooding either on or off the site.

The benefits of the scheme in producing renewable energy have been set out earlier in this report and it is accepted that the development would make a significant contribution toward national and local targets. However, this must be balanced against the need to preserve BMV agricultural land and not increase flood risk. In this instance, the use of such a large amount of BMV agricultural land is not considered to have been supported by the "most compelling evidence" as required in Eric Pickle's recent ministerial statement to justify the use of this land in preference to alternative sites of lower quality agricultural land, the mitigation measures are not satisfactory and although the contribution toward renewable energy production would be useful, the harm caused as a result of the loss of the land for arable production for the lifetime of the development is considered to outweigh the benefits of the scheme. It is on this basis that a recommendation of refusal is considered to be justified.

## REASONS FOR REFUSAL

1. The proposed solar PV arrays would be installed on grade 3a agricultural land, classed as being the Best and Most Versatile. In the opinion of the Local Planning Authority the proposal would take the land out of arable production for the 25 year duration of the proposal and insufficient evidence has been provided to demonstrate that there is no other land of lesser agricultural quality which is available and suitable for the proposed installation. The applicant's submitted sequential analysis is insufficient for this purpose as it only considers sites within close proximity to the proposed grid connection point and not potential sites further afield. The Local Planning Authority cannot be satisfied that the development is directed to the most appropriate parcel of land. It is considered that the harm caused by the loss of the Grade 3a land for arable purposes outweighs the benefits of the proposal in respect of its contribution toward renewable energy production and it is therefore contrary to policy DM5 of the Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and the government's published Planning Practice Guidance.
2. The application site is located partly within an area at risk of flooding and adjacent to further areas at risk of flood. Insufficient evidence has been provided to demonstrate that the installation of the solar array, utilising ballast filled gabion footings will not increase the risk of flooding either on, or off the site and the application is therefore contrary to policies COR11 of the Mid Devon Core Strategy and policy DM2 of Local Plan Part 3 (Development Management Policies).

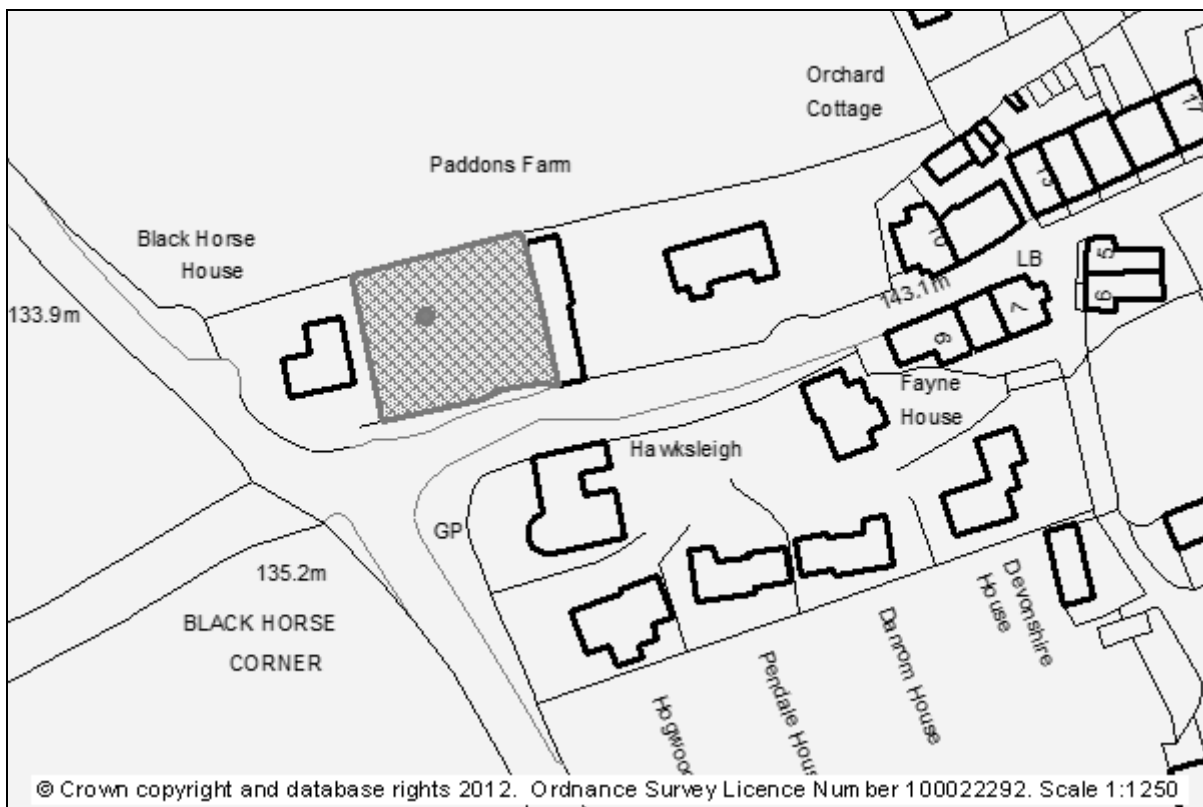
**Grid Ref:** 266113 : 109805

**Applicant:** Mr M & Mrs S Fowler

**Location:** Land at NGR 266113  
109805 (Adj Paddons  
Farm) Wembworthy Devon

**Proposal:** Erection of a dwelling  
(Revised Scheme)

**Date Valid:** 19th December 2014



## **Application No. 14/02134/FULL**

### **RECOMMENDATION**

Refuse permission.

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

To consider the deliverability of a house on the site in accordance with a planning approval issued in June 1991

### **PROPOSED DEVELOPMENT**

This is a full planning application for the erection of a dwelling.

The plans show a single detached house of generous proportions. The internal layout shows 4 bedrooms on the first floor with a 3 reception rooms on the ground floor. A new access is proposed leading into a front garden with provision for 4 vehicular parking spaces. At the rear and to the side of the house there is amenity space. The palette of materials include white washed render for the walling with a brick detailing with a slate roof.

The application site, an area of concreted hard-standing, is slightly raised from the highway and is relatively level from north to south and east to west. The site sits between a detached house of a similar design to the application scheme, and two barns which have been converted into houses.

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

Application form, site plan, existing plan & proposed plans  
Supporting Letter  
Design & Access Statement.

### **PLANNING HISTORY**

90/01445/OUT - Outline for the erection of two dwellings and alteration to existing vehicular access - This application included the application site and the land adjacent. It was considered by the Planning Committee and approved subject to conditions.

91/00626/FULL: Erection of dwelling and alterations to vehicular access. This application was approved subject to conditions and has since been implemented next to the application site.

92/00271/FULL: Conversion of redundant farm buildings to form two starter homes and construction of new vehicular access. This application was approved subject to conditions and has since been implemented next to the application site.

14/01657/FULL Erection of 2 dwellings and construction of new vehicular access - this application was withdrawn by the applicant

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR9 - Access  
COR18 - Countryside



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

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

### CONSULTATIONS

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 - 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

HIGHWAY AUTHORITY - 9th January 2015

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

HISTORIC ENVIRONMENT SERVICE - 16th January 2015

I refer to the above application. I have no additional comments to make on this application to those already made on the earlier planning application 14/01657/FULL, namely:

The proposed development site occupies an area shown from at least the mid-19th century Tithe Map to contain buildings associated with the farmstead of Paddons. The age of the origin of the farmstead is unknown but it may have early origins. Groundworks associated with the construction of the two new dwellings have the potential to expose and destroy archaeological and artefactual deposits associated with the early farmstead of Paddons that may be present across the site.

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 a suitable programme of work as taking the form of the archaeological supervision of the initial topsoil strip and ground reduction across the site to enable the identification investigation and recording of any exposed archaeological or artefactual deposits that may be exposed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. 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.

## **REPRESENTATIONS**

1 letter of representation raising issues as summarised:

1. Not clear if the ground floor of the proposed development is to be built to the level of the current land or if the site will be lowered to the level of the property to the south west.
2. If built at present ground level it will be higher than adjacent properties. If lower - the roadway access will be easier.
3. The provision of the road access will be just around a blind corner. Vehicular access for adjacent properties is well away from the corner.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Development in the open countryside.**
- 2. Parking & Access**
- 3. Design & Amenity**

### **1. Development in the open countryside**

The principle.

The site is located in Wembworthy, outside of an adopted settlement limit, and is in the countryside where new residential development is subject to strict policy control. This is set out under Part 6 of the National Planning Policy Framework. Paragraph 55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The National Policy Guidance states that new isolated homes in the countryside should be avoided unless there are special circumstances, such as: where there is an essential need for a rural worker to live near their place of work; where development would represent the optimal viable use of a heritage asset; or, where development would re-use redundant or disused building and lead to an enhancement to the immediate setting.

In examining the application case against this test it is necessary to understand what is meant by the terms isolated.

A recent appeal decision which was issued in March 2014 considered the term 'isolated' in relation to the erection of a new dwelling in Stoford Water near to the settlement of Kentisbeare.

At Paragraph 6 the Inspector concluded:

"Whilst the proposed dwelling would be situated near other housing, the site is nonetheless isolated from the range of facilities and services necessary to meet the daily requirements of future occupiers such as shops, schools, workplaces and community facilities. I have not been provided with any evidence to suggest that the area is well served by public transport links. As such, future occupiers of the proposed dwelling would be

heavily reliant on the use of private vehicles to meet their everyday needs."

The Inspector concluded at paragraph 17:

"The proposal would not be consistent with the principles of sustainable development. It would be contrary to policies COR9 and COR18 of the Core Strategy which aim to focus development in the most accessible locations and control development in the rural areas. It is also contrary to Paragraph 55 of the Framework, which aims to avoid isolated housing in the countryside. Furthermore, it conflicts with a core principle of the Framework to make the fullest possible use of public transport, walking and cycling."

In terms of local context, on the Wembworthy Parish Council home page the following information is set out:

Wembworthy is a beautiful village with a population of around 200 people. There is one Church, St. Michael and All Angels and a Methodist Chapel of worship. Within the village a playing field can be found, as well as a village hall and The Lymington Arms which won the North Devon Good Food award in 2002. The Tarka railway can be accessed from Eggesford station (just 2 miles away) which links Barnstaple and Exeter. Nearby on the outskirts of the village is the Wembworthy Education Centre.

In terms of its relationship with other settlements the application site is approximately 3 kilometres from Winkleigh, 3.5 kilometres from Eggesford Station and 6 kilometres miles from Chawleigh.

It is considered that the Inspector's assessment of isolated as discussed above is equally applicable to this application. In the stated appeal case the hamlet was only 1 kilometre from the village of Kentisbeare. In the current case although there are some dwellings located in the immediate vicinity to the application site, the site is approximately 3.0 kilometres from nearest settlement at Winkleigh, and therefore is considered to be isolated in terms of applying policies COR9 and COR18. As such, the location will necessitate further reliance on private motor vehicles to meet the everyday needs of occupiers, although it is noted there is a good rail transport link available relatively close by at Eggesford Station.

No evidence has been submitted alongside the application to demonstrate that any of the special circumstances under paragraph 55 are met.

The only circumstances that could be justified in determining to approve this application are those relating to the history of the site as referred to by the applicant. As set out in the planning history section of this report planning approval was granted under reference 90/01445/OUT for two houses on June 1991 including a house on the current application site. Rather than submitting a reserved matters application, a further full application was submitted and approved under reference 91/00626/FULL for only one of these houses. That house stands immediately adjacent to the application site. The outline consent was never implemented and has since lapsed. The outline permission was granted under the Mid Devon Local Plan 1998 which at that time recognised Wembworthy as a settlement, within which residential development was permitted. This plan has now been superseded. Under the current Development Plan, the site is in the countryside, Wembworthy not having a settlement limit. Circumstances have therefore changed since the earlier permission. This application follows the principal established by the outline consent, proposing a single house on the same plot area siting adjacent to the corner house which has been built out under a separate planning permission. However it ignores the fundamental change in policy since it was granted.

## **2. Parking and Access**

Access to the site can be achieved from the adjacent highway with an area for car parking in front of the house large enough for at least two vehicles to park. The means of access is shown at 3.0 metres in width with adequate visibility splays either side. Although the access is off a bend in the highway, given the visibility that would be available for drivers, the level and speed of traffic travelling on the highway, it is not considered the application scheme would result in highway safety concerns.

## **3. Design & Amenity**

The building has been designed to match the appearance of the corner house with predominantly rendered

walling and a slate roof, with the building standing approximately 7.5 metres to ridge level. The proposal delivers habitable accommodation which exceeds the space requirements established by DM15. The application site has sufficient space to create a layout that accommodates amenity space at the front, incorporating a parking area, with a small garden/amenity at the rear (less than 30 square metres).

As stated the proposed houses sits in a gap site adjacent to a detached house of a similar size and facing two former agricultural barns which have been converted to residential dwellings. The house has been designed without any side windows to avoid overlooking issues, and is sited on the plot to avoid overshadowing and/or the creation of an oppressive environment for the occupiers of the neighbouring properties.

In summary on this issue the application scheme delivers a proposal which is compliant with policies DM8, DM14 and DM15. No proposed levels information has been provided and would be needed in order to fully establish the height/levels relationship with adjacent dwellings.

### **Summary**

The proposed development is located outside settlement limits, in the countryside where new development is strictly controlled. Whilst the proposal will act as infill development between existing houses and is reflective of the terms of an outline permission granted in the early 1990's, the application has not addressed and does not meet the requirements of any of the circumstances established by policy DM10 of the Mid Devon Local Plan Part 3 (Development Management Policies) and/or Paragraph 55 of National Planning Policy Guidance which would allow for limited development in rural areas where it meets strict criteria. It is not considered that the principles established by a planning permission granted in the 1990's should outweigh the provisions established by current development plan policy and national policy guidance as circumstances have changed significantly and the policies under which it was granted no longer apply. Therefore the application is recommended for refusal.

### **REASON 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 or paragraph 55 of the National Planning Policy Framework which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker. 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. As such the proposal is considered to be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Government guidance in the National Planning Policy Framework.

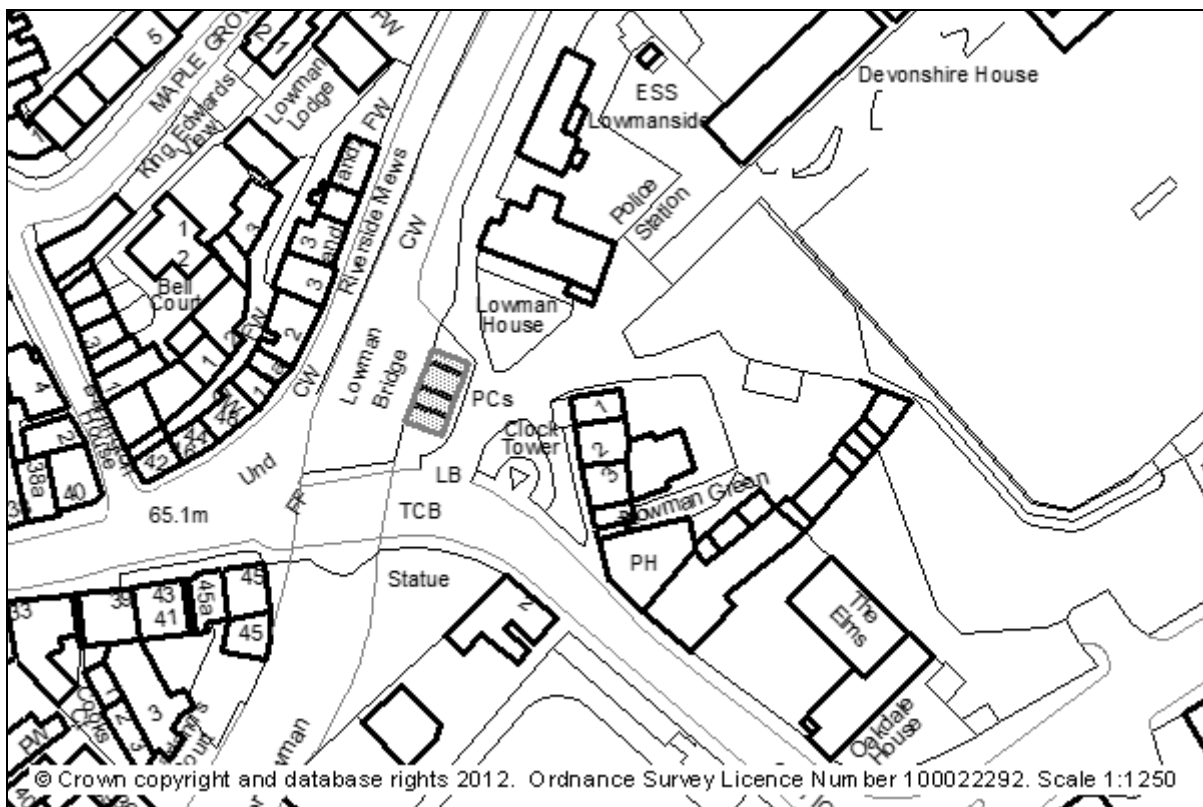
**Grid Ref:** 295794 : 112616

**Applicant:** Mid Devon District Council

**Location:** Public Conveniences Lowman  
Green Tiverton Devon

**Proposal:** Conversion of public toilets to  
commercial, retail and office  
space (Revised Scheme)

**Date Valid:** 27th February 2015



## **Application No. 15/00317/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

The application is for the conversion of a disused toilet block in the town centre and conservation area into a flexible use unit for either retail and/or office use. The former toilet block is located on a pedestrianised area linking the town centre with the Tesco supermarket and car park and is immediately adjacent to the River Lowman. The building is single storey with rendered walls and a concrete tile roof with roof lights. It currently has UPVC windows and a timber door and is open at either side to provide covered entrances.

The proposal is to convert the existing building by infilling with open ends with rendered walls and glazing and reconfiguring the internal layout to provide an office/retail space with WC and storage. Access is to remain over the pedestrianised pavement area.

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

Design and access statement  
Flood risk assessment

### **PLANNING HISTORY**

92/00069/FULL DEEMED CONSENT for alterations and modernisation of toilets and improvements of site works - DEMCON  
15/00061/FULL Conversion of public toilets to retail/cafe use - WDN

### **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  
DM16 - Town centre development  
DM27 - Development affecting heritage assets

### **CONSULTATIONS**

ENVIRONMENT AGENCY - 16th March 2015  
We have no objections to the proposal subject to:

- An external door being provided on the south western side of the structure
- The proposal being proven as being safe, over its lifetime.
- The building being made resistant to flooding by the inclusion of proprietary flood gates, and other measures necessary to preclude waters.

The single storey structure is located on the edge of Flood Zone 3 of the River Lowman in an area where there is a well documented history of flooding. Clearly flooding poses a risk to person's welfare, as well as having the potential to cause damage and disruption.

Evidence suggests that access and egress from the building in its current form would be problematic given the location of the existing doors as these are located where flooding depths would be at their greatest. It is for this reason we advise that an external door being provided on the south western side of the structure, nearest the bridge. This would allow safer access/egress given this side bounds slightly higher ground adjacent the bridge. On this note we advise that the Flood Risk Assessment being appended with a level survey that includes the floor level of the building, surrounding ground levels and the flood levels as identified within the photographs supplied by the Environment Agency e.g.2000 and 1929. This is vital to helping determine whether the proposal would be safe.

It may be feasible to make the building resistant to flooding as well as incorporating resilient measures and we advise this be explored. Damage to the contents of the business, and the inevitable disruption that would result, could potentially render the business unsustainable. If measures can be put in place to preclude water from the building, i.e. by fitting flood gates, and whatever other features maybe required, then this would far more favourable than simply making the building resilient. A level survey will allow a more informed decision regarding to what level resistant measures should be put in place.

2nd April 2015

I refer to the above application, my response dated 13th March 2015, and additional information (level survey) was received from the applicant's agent on the 16th March 2015.

#### ENVIRONMENT AGENCY POSITION.

The survey as shown on Drawing 7102 - 05 Rev A highlights the need for the measures we stipulated in our letter of the 13th March 2015, to be put in place. Unfortunately the survey doesn't include the flood levels that occurred in the December 2000 and 1929 floods, as shown on the photographs we provided. It is important to include these as they will help demonstrate flooding depths that have historically affected the area. We advise that the historic flood levels be surveyed and the flood risk assessment appended with the findings.

The historic depths will help inform both the requirement to provide the measures stipulated in our letter of the 13th March 2015 and whether or not the change of use sought would be safe over its lifetime taking into account the effects of climate change.

HIGHWAY AUTHORITY - 5th March 2015

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

TIVERTON TOWN COUNCIL - 20th March 2015

Support

#### REPRESENTATIONS

None

#### MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Principle of development
2. Flood risk
3. Design and effect on conservation area and neighbouring uses.

1. Principle of development

The application is for the conversion of redundant public toilets to a flexible retail (A1) and/or commercial use (B1). Policy COR13 of the Mid Devon Core Strategy (Local Plan Part 1) promotes a variety of uses within the town centre, such as shops and offices, which contribute to the vitality and viability of the town centre. Policy DM16 of the Local Plan Part 3 (Development Management Policies) promotes the sustainable growth and regeneration of Tiverton and permits retail and offices uses where they retain or enhance the vitality and viability of the town centre and sustain diverse town centre uses which are readily accessible by public transport, walking and cycling.

The proposed development is considered to be in an easily accessible location and a new retail and/or office unit is considered to be compatible with existing town centre uses and to retain the town centre's vitality and viability. There is public parking available nearby and a zero parking development is considered to be acceptable in this town centre location and in accordance with policy DM8 of the Local Plan Part 3 (Development Management Plan) which provides for an appropriate level of parking taking into account the accessibility of the site and the availability of public transport.

## **2. Flood risk**

The site lies within Flood Zones 2 and 3 and as such is susceptible to flooding. COR11 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to manage flood risk to reduce the risk of flooding to life and property, guide development to sustainable locations with the lowest flood risk and to ensure development does not increase the risk of flooding elsewhere.

Planning policy does not require a sequential test to be carried out for minor development (including changes of use) but does require flood risk to be considered. A flood risk assessment has been carried out and submitted with the application following consultation with the Environment Agency. The Environment Agency has asked for further information with regard to previous flood levels and for flood prevention/resilience/safety measures to be incorporated into the development. Your officers are expecting this additional information and revised plans shortly and Members will be updated on the Environment Agency's further response following receipt of the additional information. It is recommended that compliance with the flood risk and safety measures is conditioned. Subject to this, it is considered that the proposal is in accordance with policy COR11 of the Mid Devon Core Strategy (LP1).

## **3. Effect on the conservation area and neighbouring uses**

The building is a modern building within the conservation area. Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks the preservation and enhancement of Mid Devon's historic environment. Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires new development to make a positive contribution to local character, including any heritage assets and their settings and policy DM27 of the LP3 DMP requires development likely to affect heritage assets, including changes of use, to consider character, local distinctiveness and the setting.

The building would retain a similar appearance to the existing building but be refurbished and new glazing installed.

The Conservation Officer has commented that:

*"The building itself is modern and not well designed. However, it is in the direct setting of the conservation area and various listed buildings and has a very prominent position in the street scape. I have no concerns about the design proposed but I do think that UPVC is not good enough for a building in this prominent location - this does not enhance the conservation area which is the aim of development in the conservation area as per the NPPF and our own Local Plan policies. I would suggest metal at worst or timber windows would make a better statement in this context. I cannot support the application at present but could if the materials were improved."*

The applicant has been asked to reconsider the window materials and Members will be updated on the response. In any event, the window details could be conditioned and this is recommended. Subject to materials, the proposal is not considered to harm the character and appearance of the conservation area, in



accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

Neighbouring uses include retail, office, some residential and other uses such as the police station, but the building is some distance from any of these uses being in an open area adjacent to the river. It is considered that the conversion of the building would comply with policy DM2 of the Local Plan Part 3 (Development Management Policies) which requires that new development does not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

### **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. Before their installation, working details of any new external windows and doors including sections, mouldings and glazing, shall be submitted to and approved in writing by the LPA. Installation of the windows and doors shall be in accordance with these approved details and shall be so retained.
4. Before first occupation of the development hereby approved a scheme of flood mitigation, to include flood prevention and resilience measures and details of flood warning and evacuation procedures shall be implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Such approved flood mitigation scheme shall be adhered to for the lifetime of the development.

### **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 materials and detailing appropriate to safeguard the character and appearance of the conservation area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).
4. In the interests of flood risk prevention and safety in the event of flood in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

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

The current proposal is acceptable in that the development is in a sustainable town centre location which is considered to be suitable for the proposed retail and/or office uses. Flood risk has been assessed and mitigation measures designed to minimise flood risk. The design respects the existing building and is a refurbishment, adding only new rendered walls and glazing. Subject to appropriate materials, the development is considered to preserve the character and appearance of the conservation area. In addition, the development is not considered to have an unacceptable impact on the privacy and amenity of neighbouring residents. The development is considered to comply with the Policies COR2, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM8, DM16 and DM27 of the Local Plan Part 3 (Development Management Policies).

Jenny Clifford  
Head of Planning and Regeneration

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**PLANNING COMMITTEE - 22 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>
29.10.2014	09.04.2015 Grant permission	14/01813/FULL	Mr Peter Grandfield House Button Farm Kentisbeare Erection of 2 holiday units	Cullompton 21
22.11.2014	02.04.2015 Grant permission	14/01954/FULL	Mr Stephen Jeffery Harescombe Morchard Bishop Erection of an agricultural manager's dwelling and detached garage (Revised Scheme)	Morchard Bishop 35

19.12.2014	31.03.2015 Grant permission	14/02130/MFUL	Reed Construction & Developments Ltd 47 Mill Street Crediton Erection of 10 flats following demolition of existing building (Revised scheme)	Crediton Town 18
23.12.2014	23.03.2015 Grant permission	14/02127/FULL	Mr & Mrs A & M Branton Land and Buildings at NGR 301338 117206 (Hill Farm) Uplowman Conversion of redundant barn to holiday let	Uplowman 54
05.01.2015	26.03.2015 Grant permission	15/00006/FULL	Mr R Stoneman Land at NGR 306164 108930(Barn Opposite Wressing) Kentisbeare Conversion of barn to dwelling	Kentisbeare 32
09.01.2015	01.04.2015 Grant permission	15/00040/FULL	Mr A Taylor Land and Buildings at NGR 287993 104240 (Haswells Farm) Conversion of barn to dwelling	Stockleigh Pomeroy 47
12.01.2015	01.04.2015 Grant permission	15/00041/LBC	Mr A Taylor Land and Buildings at NGR 287993 104240 (Haswells Farm) Listed Building Consent for conversion of barn to dwelling	Stockleigh Pomeroy 47
20.01.2015	08.04.2015 Grant permission	15/00090/LBC	Mr N Lee Uppincott Farm Shobrooke Listed Building Consent for the lowering of ground along front elevation and replacement of window with double doors	Shobrooke 44

22.01.2015	31.03.2015 Refusal of Change of Use	15/00086/PNCOU	Mr E Tremlett, Touch Design Group Land and Buildings at NGR 277889 94459 Mounson Farm Prior notification for proposed change of use of agricultural building to 2 dwellinghouses under Class MB(a)	Cheriton Bishop 11
23.01.2015	31.03.2015 Grant permission	15/00094/CLU	Ms Karen George Lower Barn Higher Eastington Stables Certificate of lawfulness for the existing use of a holiday let as domestic residential (Use Class C3) in excess of 10 years	Lapford 33
26.01.2015	25.03.2015 Grant permission	15/00101/FULL	Mrs J Turner 30 Siskin Chase Cullompton Erection of garage and utility and conversion of existing garage into ancillary accommodation	Cullompton 21
27.01.2015	24.03.2015 Grant permission	15/00105/FULL	Dr & Mrs I Goodrick Holly Cottage East Village Erection of a replacement dwelling	Sandford 43
27.01.2015	01.04.2015 Grant permission	15/00107/FULL	Mr & Mrs Martin Dear 7 Redwood Close Hemyock Erection of extensions and alterations	Hemyock 26
27.01.2015	08.04.2015 Grant permission	15/00119/FULL	Mr C Woodhams Land and Buildings at NGR 305735 118786 (Land Opposite Lawn End) Erection of replacement garage and associated works (Revised scheme)	Holcombe Rogus 29
28.01.2015	31.03.2015 Grant permission	15/00111/LBC	Mr Clifford Giddings Staddon House Frog Street Listed Building Consent for the re-	Bampton 01

			instatement of internal staircase	
28.01.2015	25.03.2015 Grant permission	15/00123/FULL	Mrs E Harland Land at NGR 273996 98113 (Coombe Head Meadow) Bow Erection of a horticultural polytunnel	Colebrooke 17
28.01.2015	24.03.2015 Refuse permission	15/00130/FULL	Mr & Mrs Dalton Land and Buildings at NGR 287218 122517 (North Esworthy) Oakford Conversion of redundant barns to form 2 dwellings, including parking, access and shared garden area	Oakford 39
29.01.2015	25.03.2015 Grant permission	15/00131/FULL	Brian Chilcott 37 Silver Street Thorverton Erection of an extension	Thorverton 51
30.01.2015	27.03.2015 Grant permission	15/00134/FULL	Mr G Moore Pugham Farm Westleigh Conversion of existing barn and adjoining store building into dwelling	Burlescombe 06
30.01.2015	01.04.2015 Grant permission	15/00135/FULL	Mr R Stone Land and Buildings at NGR 275015 100620 Whelmstone Barton Conversion of redundant barns to 3 dwellings and change of use of agricultural land to residential garden	Colebrooke 17
30.01.2015	01.04.2015 Grant permission	15/00137/LBC	Mr R Stone Land and Buildings at NGR 275015 100620 Whelmstone Barton Listed Building Consent for the conversion of redundant barns to 3 dwellings	Colebrooke 17

02.02.2015	24.03.2015 Grant permission	15/00136/FULL	Mr & Mrs R Huxley Barehill Chawleigh Erection of two-storey extension with balcony to replace single-storey extension and replacement porch	Chawleigh 10
02.02.2015	08.04.2015 Grant permission	15/00138/FULL	Mr P Brackley 3 Sycamore Close Willand Erection of a detached dwelling (Revised Scheme)	Willand 59
02.02.2015	26.03.2015 Approval of Prior Approval	15/00145/PNCOU	Mr & Mrs Perry Land and Building at NGR 288453 116937 Higher Northcoombe Farm Prior notification for the change of use of agricultural building to a dwelling under Class MB(a)	Templeton 49
03.02.2015	27.03.2015 Grant permission	15/00148/FULL	Mr G Brooke Jewells Farm Hemyock Erection of a garden room	Hemyock 26
03.02.2015	27.03.2015 Grant permission	15/00149/FULL	Ms D Bool 55 Water Lane Tiverton Retention of raising and repairing existing boundary wall, re-roofing of existing outbuildings and retention of extension to outbuilding	Tiverton 52
03.02.2015	24.03.2015 Grant permission	15/00157/FULL	Mr M Aspland Beau Point Blackborough Erection of a summerhouse	Kentisbeare 32
04.02.2015	27.03.2015 Grant permission	15/00152/FULL	Mr & Mrs A Webb 1 Meadow View Westwood Erection of a two storey side	Crediton Hamlets 19

			extension and single storey conservatory to rear	
04.02.2015	27.03.2015 Grant permission	15/00176/FULL	Mr & Mrs William Cicognani Little Orchard Ashill Erection of extensions and detached timber outbuilding	Uffculme 53
05.02.2015	24.03.2015 Refuse permission	15/00167/LBC	Mr & Mrs Dalton Land and Buildings at NGR 287218 122517 (North Esworthy) Listed Building Consent for the conversion of redundant barns to form 2 dwellings, including parking, access and shared garden area	Oakford 39
06.02.2015	01.04.2015 Grant permission	15/00193/FULL	Mr J Hepworth 3 Higher Ley Nymet Rowland Erection of porch	Nymet Rowland 38
09.02.2015	01.04.2015 Grant permission	15/00182/FULL	Mr & Mrs C Russell 2 The Old Market Hemyock Erection of extension to form utility room and erection of detached garage	Hemyock 26
09.02.2015	30.03.2015 Refusal of Prior Approval	15/00201/PNCOU	Mr R Elston Land and Buildings at NGR 282238 99968 Elston Meadow Prior notification for the change of use of barn to dwelling under class MB(a) and MB(b)	Crediton Hamlets 19
09.02.2015	25.03.2015 Grant permission	15/00207/FULL	Mr & Mrs D Tucker Hampson Cottage Bow Erection of extension, conservatory and replacement garage (Revised Scheme)	Bow 03



10.02.2015	09.04.2015 Development Acceptance	15/00203/PNCOU	Mr S Barnard Land and Buildings at NGR 305676 108277 (Goodiford Mill Farm) Kentisbeare Prior notification for the change of use of an agricultural building to dwelling under Class MB (a) and (b)	Kentisbeare 32
10.02.2015	26.03.2015 Grant permission	15/00204/FULL	Mr S Wheeler 14 Elmore Way Tiverton Erection of extension	Tiverton 52
10.02.2015	01.04.2015 Grant permission	15/00215/FULL	Mr S Lawson 21 Blenheim Drive Willand Erection of single storey rear extension	Willand 59
10.02.2015	07.04.2015 Grant permission	15/00216/FULL	Mr S Nightingale Land at NGR 284260 100124 (Plot 3) Commonmarsh Lane Erection of 2 B1/B2 use light industrial units	Crediton Town 18
10.02.2015	09.04.2015 Grant permission	15/00221/FULL	Mr G Summerhayes Land at NGR 304970 116779 (The Linhays) Westleigh Erection of an agricultural livestock building (Revised scheme)	Burlescombe 06
11.02.2015	07.04.2015 Grant permission	15/00212/FULL	Mr G Farley Land at NGR 306845 111707 (Gaddon Springs Farm) Uffculme Erection of an agricultural storage building (893.04 sq. m.)	Uffculme 53

12.02.2015	08.04.2015 Grant permission	15/00217/TPO	Mr Alan Wellbeloved Ashfords Gotham House Application to carry out works to two Maple trees protected by Tree Preservation Order No. 04/00002/TPO	Tiverton 52
12.02.2015	08.04.2015 Grant permission	15/00227/FULL	Mrs E Hawden 27 Court Way Sampford Peverell Erection of two-storey extension to form replacement garage and utility room with additional living accommodation over (Revised scheme)	Sampford Peverell 42
13.02.2015	07.04.2015 Grant permission	15/00232/FULL	Mr & Mrs J Kidner Moor View Clayhidon Erection of a single storey extension and stainless steel flue pipe to serve wood burner (Revised scheme)	Clayhidon 15
17.02.2015	24.03.2015 Grant permission	15/00257/LBC	Mrs S Searle The Oak Room 2C St Peter Street Listed Building Consent for erection of safety railing, installation of letter box , and erection of name plaque	Tiverton 52
18.02.2015	27.03.2015 Grant permission	15/00246/FULL	Mrs Clare Benson Old School House Fore Street Proposed roof alterations to side and rear	Kentisbeare 32
25.02.2015	24.03.2015 Development Acceptance	15/00286/PNAG	Mr D Gruncell Land at NGR 270930 107529 (South Of Nymet Rowland) Prior notification for the erection of an agricultural storage building	Nymet Rowland 38

26.02.2015	09.04.2015 No Objection	15/00305/CAT	Mr K Jeram Three Corners Pounds Hill Notification of intention to fell 1 Western Red Cedar within the Conservation Area	Crediton Town 18
27.02.2015	07.04.2015 No Objection	15/00298/CAT	St Marys Church St Marys Church Priest Hill Notification of intention to fell 1 Yew tree and remove 3 limbs from 1 Pine tree within a Conservation Area	Kentisbeare 32
27.02.2015	02.04.2015 Development Acceptance	15/00303/PNHH	Mr R Chapple 115 Queensway Tiverton Prior Notification for the erection of an extension, extending 3m to the rear, maximum height of 3.6m and eaves height of 2.2m	Tiverton 52
02.03.2015	01.04.2015 Withdrawn	15/00313/PNCOU	Mr & Mrs N Thomas Land and Buildings at NGR 308325 111673 (Southwoods Farm) Ashill Prior notification for the change of use of agricultural building to dwelling under Class MB(a) and MB(b)	Uffculme 53
16.03.2015	09.04.2015 Development Acceptance	15/00386/PNAG	Mr A Baker Land and Buildings at Grid Reference 296967 102845 New Park Farm Prior Notification for erection of a covered yard following demolition of existing milking parlour	Silverton 45
18.03.2015	09.04.2015 Development Acceptance	15/00419/PNAG	Mr P Netherway Land and Building at NGR 304226 116294 (Great Landside Farm)	Sampford Peverell 42

			Westleigh Prior notification for the erection of extension to an agricultural storage building	
19.03.2015	09.04.2015 Development Acceptance	15/00422/PNAG	Mr A Branton Land at NGR 302930 116185 (Locks Farm) Prior notification for the construction of an agricultural track	Sampford Peverell 42

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Background Papers:            Contained in application files referred to.

## 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	30/06/2015	15/00537/MFUL	Installation of a solar farm to generate 4.6MW of power (site area 7.65) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras	Land at NGR 274885 105456 (Sharland Farm) Morchard Bishop Devon	Mr Simon Trafford	DEL	
2	2	29/06/2015	15/00507/MFUL	New surface car park and associated lighting	Land at NGR 304319 114213 (Tiverton Parkway) Sampford Peverell Devon	Mrs Alison Fish	DEL	
	2	26/06/2015	15/00334/MFUL	Renovation and extension to provide 45 Extracare apartments and community facilities for use by residents and the wider community to include demolition of previous extensions, existing outbuildings and boundary walling	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	Ms Tina Maryan	DEL	
	4	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	COMM	COMM
	5	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	
	10	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
	12	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	

<i>Item</i> <i>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>
8	16	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
9	20	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
10	32	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
11	32	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
12	35	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
13	44	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	Mr Simon Trafford	COMM	COMM
14	45	27/08/2014	14/00830/MOUT	Outline for the erection of up to 185 dwellings and 1935m2 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
15	50	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

<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	70	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
17	103	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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REFERENCE	PROPOSAL	ADDRESS	DATE APPLICATION VALID	NOTES
15/00507/MFUL	New surface car park and associated lighting	Land at NGR 304319 114213 (Tiverton Parkway) Sampford Peverell Devon	30-Mar-15	Pending
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	10-Mar-15	Pending
15/00334/MFUL	Renovation and extension to provide 45 Extracare apartments and community facilities for use by residents and the wider community to include demolition of previous extensions, existing outbuildings and boundary walling	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	27-Mar-15	Pending
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	03-Mar-15	Pending
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	27-Jan-15	Pending
14/02141/MFUL	Erection of 10 dwellings with associated infrastructure and parking (Revised Scheme)	Newcombes Resource Centre Newcombes Crediton Devon EX17 2AB	14-Jan-15	Pending (previous scheme approved)
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	21-Nov-14	To Committee 22nd April 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	17-Dec-14	Pending - potentially to Committee 22nd April 2015.
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	28-Aug-14	Non-determination appeal in progress. Resolution - MDDC would have refused
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	05-Aug-14	Resolution to grant subject to S106 agreement. S106 drafted. Draft with DCC solicitors.

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	28-Aug-14	Resolution to grant. Discussions between applicant and DCC over unilateral undertaking to secure bus stop provision.
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	04-Jun-14	To Committee 22nd April 2015
14/00830/MOUT	Outline for the erection of up to 185 dwellings and 1935m2 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	28-May-14	Resolution to grant subject to S106 agreement. S106 drafted. Amendments needed due to new pooling restrictions.
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	28-Apr-14	Resolution to grant subject to S106 agreement. Progress with S106 stalled. Check if applicant wishes to continue with scheme.
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	06-Dec-13	Resolution to grant subject to S106 agreement. S106 drafted - out for signature.
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 Meadows Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	16-Apr-13	Alternative permission being built out by developer. This application expected to be withdrawn.

# List of Appeal Decisions from 21/01/2015 to 31/03/2015

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00541/FULL	Erection of a 500 kw wind turbine with a maximum hub height of 50m and a maximum tip height of 77m with associated works and formation of access track (APPEAL DISMISSED 25.3.15)	Wind Turbine at NGR 268849 104721 (Manns Newton Farm) Zeal Monachorum Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspector's Comments

The Inspector agreed with your officers in that he concluded that the proposed Turbine would have significant adverse visual effects on the landscape and on a sizeable number of residential receptors, due to the size and prominent skyline positioning of the turbine. In addition he concluded that it would also cause clear harm to the settings of a number of listed buildings in the locality, resulting in harm, albeit less than substantial, to the significance of these assets. In completing the planning balance it was concluded that the public benefit of the proposal in terms of contribution to renewable energy generation was not sufficient to override these overriding negative impacts as outlined.

13/00746/FULL	Erection of a single 500kw wind turbine with 50m to hub maximum, 71m to tip maximum, together with associated works including access track (ALLOWED WITH CONDITIONS 25.3.15 - PLANNING PERMISSION GRANTED)	Wind Turbine at NGR 277127 109412 Langland Morchard Bishop Devon	Refuse permission	Delegated	Refuse permission	Written Representations	Allow with Conditions
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### Summary of Inspector's Comments

The inspector concluded that with regard to all the information provided that the proposal would produce benefit in the form of the generation of renewable energy from a low carbon source. Given the emphasis placed on this in planning policy at a national and local level, this is a matter which attracts considerable weight in favour of the proposal. The proposal would not cause significant harm to the character or appearance of the local landscape. There would be a moderately significant adverse visual effect for the occupiers of one non-financially involved property; other residential occupiers would not be significantly adversely affected. Judged overall, the development would not have a significant adverse impact on the character, amenity and visual quality of the area and so complies with DM5. As regards any effects on heritage assets, there would be no direct effects on the assets themselves and very minor level of harm to the setting of the grade II listed church of St Mary at Morchard Bishop.

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**Application No.** 14/01938/MOUT

**Agenda Item**

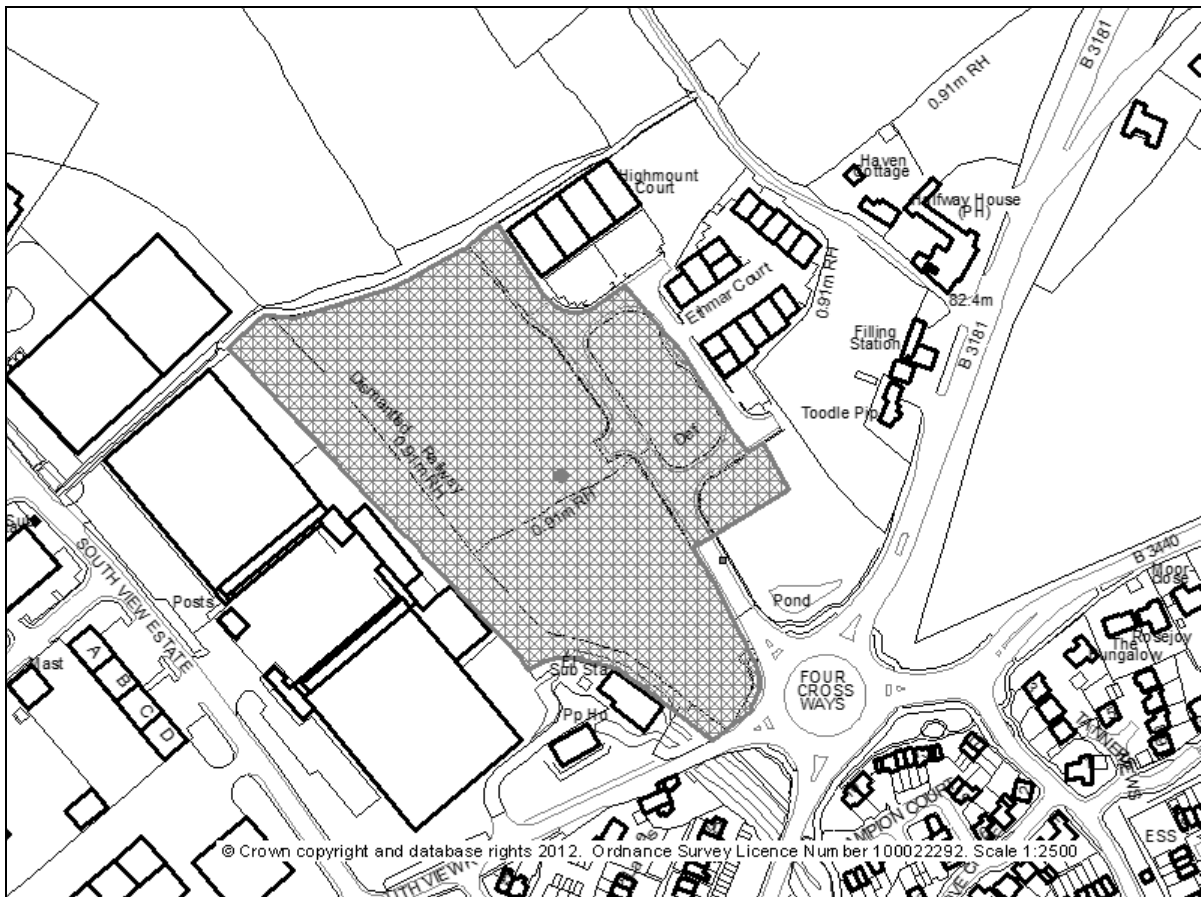
**Grid Ref:** 111382 : 303843

**Applicant:** Devonshire Homes

**Location:** Land at NGR 303843 111382 South View Road Willand Devon

**Proposal:** 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

**Date Valid:** 17th December 2014



**AGENDA ITEM**

**PLANNING COMMITTEE  
Macro [Date]**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**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**

**Reason for Report:**

To consider the above planning application

**RECOMMENDATION(S)**

**Refuse planning permission**

**Relationship to Corporate Plan:**

The Corporate Plan sets out the following long term visions:

- i) Create a prosperous economy, secure and well-paid jobs and a sustainable environment – this will make Mid Devon the destination of choice for successful businesses.
- ii) Ensure that the housing needs of our residents are met through the provision of affordable homes and good quality housing in the public and private sector.

**Financial Implications:**

Should the application be refused and an appeal lodged with the Planning Inspectorate there may be a need to seek external expertise to assist the defence of any reasons for refusal which may relate to the commercial interest and viability of the site.

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

**Legal Implications:**

None

**Risk Assessment:**

None

**Consultation carried out with:**

See relevant section of the report

- 1. Highway Authority
- 2. Environment Agency

3. Willand Parish Council
4. Halberton Parish Council
5. Environmental Health
6. Economic Development Officer
7. South West Water
8. Devon County Council Strategic Planning Authority (Education)
9. Devon & Cornwall Police Authority
10. Natural England

## 1.0 PROPOSED DEVELOPMENT

This application seeks outline planning permission for the erection of up to 97 dwellings and associated infrastructure (including public open space), including the raising of ground levels on land to the north of the Four Cross Ways roundabout at the northern end of Willand.

The application site forms part of the existing employment allocation in the Local Plan Part 3, WI1 Willand Industrial Estate.

At this stage, the application seeks only to determine the specific details of access to the site, with details of the specific amount of development, layout, appearance and landscaping reserved for future consideration.

The application site amounts to approximately 2.77ha of land which is accessed via the existing spur into the Mid Devon Business Park from the adjacent Four Cross Ways roundabout. The land is largely undeveloped, although there are areas where ground levels differ, partly arising from the development of employment units to the east of the application site. Part of the site already has a road running through it, put in to serve the commercial development of the wider site.

The application proposes to provide three access points from the existing estate road coming off the roundabout; two of these accesses are proposed as 5.5m wide roads to adoptable standards and one 4.1m wide access which is proposed to provide access to a parking courtyard.

The site is bound to the east and west by existing commercial development. The northern boundary of the application site is demarcated by a public footpath which runs along its whole length, linking the adjoining Willand Industrial Estate with Muxbeare Lane.

The site lies within the parishes of both Willand and Halberton.

## 2.0 APPLICANTS SUPPORTING INFORMATION

Design and Access Statement  
Flood Risk Assessment  
Site Waste Management Plan  
Transport Assessment  
Wildlife Survey

Noise Assessment

Marketing History and Viability report & appendices (held confidentially)

### 3.0 PLANNING HISTORY

84/00773/FULL DEEMED CONSENT for the erection of high voltage overhead lines - DEMCON

89/01341/FULL Tipping soil and builders rubble over a four to five year period - PERMIT

90/02069/FULL Use of land for industrial purposes for the provision of small starter industrial workshop units - REFUSE

92/01961/FULL Erection of Class B2 starter industrial workshops (Outline) - REFUSE

93/00990/FULL Change of use of land to form parking area and access road to serve the M5 Auction Centre South View Road - REFUSE

93/01752/OUT Outline for the erection of workshop for restoration of Classic Cars - Class B2; erection of warehouse for storage of Classic Car Parts - Class B8 - REFUSE

00/00985/OUT Outline for the development of land for employment purposes within use classes B1 (business), B2 (general industrial) and B8 (storage or distribution) - REFUSE

05/02177/OUT Outline for the development of land for employment classes within use classes B1 (business), B2 (general industrial) and B8 (storage or distribution) - PERMIT

06/00457/ADVERT Consent for the erection of 1 no. development advertising board - PERMIT

06/01239/OUT Outline application for development of land for employment purposes (classes B1, B2 and B8) - PERMIT

06/01410/ARM Reserved matters application for highways and drainage for phase 1 of industrial development following outline consent 05/02177/OUT - PERMIT

06/01411/ARM Reserved matters application for highways for Phase 1 only and drainage for whole site including suds pond, following outline consent 05/2177/OUT - REFUSE

07/01471/MARM Reserved Matters for the erection of 15 business units - PERMIT

08/00332/ADVERT Advertisement application for the erection of 1 free standing sign - PERMIT

08/01486/FULL Removal of part (b) of condition 13 of planning permission

4/59/06/1239/OUT to delete the need to provide link road to adjacent land - APPEAL ALLOWED WITH NEW CONDITION - REFUSE

08/02283/MARM Reserved matters for the erection of an industrial building (Use Class B1/B8) (plots H1-H4) following outline permission 05/02177/OUT - NON-MATERIAL AMENDMENT GRANTED - PERMIT

09/00335/FULL Relocation of bin store - PERMIT

10/00425/FULL Insertion of 5 windows in south elevation of building - PERMIT

14/02116/FULL Erection of retail store, formation of access, car parking and service area, with landscaping and associated works – PENDING CONSIDERATION

### 4.0 DEVELOPMENT PLAN POLICIES

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

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR3 – Meeting Housing Needs

COR4 – Meeting Employment Needs

COR8 – Infrastructure Provision

COR9 – Access

COR11 – Flooding

COR12 – Development Focus

COR17 – Villages



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

AL/DE/1 - Housing Plan, Monitor and Manage

AL/DE/3 - Affordable Housing Ste Target

AL/IN/3 - Public Open Space

AL/IN/5 - Education Provision

AL/IN/6 - Carbon Footprint Reduction

AL/CU/15 - Cullompton Air Quality

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

DM1 – Presumption in favour of Sustainable Development

DM2 – High Quality Design

DM3 – Sustainable Design

DM4 – Waste Management

DM7 – Pollution

DM21 – Protection of Employment Land

### **5.0 CONSULTATIONS**

HIGHWAY AUTHORITY - 15th January 2015

The proposed development is served from an existing industrial estate road which is currently under construction and subject to a section 38 agreement. The proposed development would supercede that agreement, and would need to enter an alternative agreement to satisfy APC charges. The applicants have submitted a transport assessment which takes into account the existing Commercial consent granted to the land, this assessment also promotes a travel plan. The Highway Authority is happy with the figures within the assessment and it shows the roundabout serving the site and the surrounding network to be capable of taking the net increases in traffic generated by the development with some spare capacity and therefore there is no principle objection to the proposal.

The travel plan as far as it goes is acceptable to the Highway Authority, however, the Highway Authority would seek the provision of bus and cycle vouchers (£250.00 and £50.00 respectively) for the residential properties to encourage the use of alternative modes of transport. In addition the Highway Authority would seek a contribution of £10,000.00 to an identified scheme of cycle parking provision at Parkway station both the travel plan and the contribution should be secured through a section 106 agreement.

This application benefits by virtue of its registration, however subsequent to this application being submitted a further application a has been received by the Local Planning Authority for the provision of a food store on land adjacent to this site and accessed from the same roundabout. It must be a matter for the Local Planning Authority to decide whether or not it is reasonable for the applicant to revise the transport assessment to take into account the proposed new store given the two separate schemes are still under consideration.

If the Local Planning Authority are minded to consider that it would be unreasonable then in addition to the required section 106 agreement the following conditions should be imposed.

Recommendation:

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

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car

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

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

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

REASON: To ensure the proper development of the site.

3. 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

4. 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

ENVIRONMENT AGENCY - 30th January 2015

We are now able to withdraw our objection to the proposal. The investigation work has confirmed our understanding that the existing surface water drainage system does link into the existing Suds pond feature, We are now satisfied that the proposed surface water drainage strategy for the current planning application aligns with the philosophy of Suds and the agreed surface water drainage strategy that was draw up at outline planning stage.

WILLAND PARISH COUNCIL - 15th January 2015

Willand Parish Council unanimously recommend refusal of this application in the strongest possible terms.

Whilst appreciating that it is an outline planning permission for up to 97 dwellings and the importation of inert waste to raise land with details to Access onto the public highway provided and with all other matters reserved for future consideration, previous experience on other sites in the area show that once the principle has been set variations are made within reserved matters that have caused difficulties and concerns and moved away from the original concept.

To avoid confusion it is stated at this point that the site is named as the Mid Devon Business Park but on some MDDC maps it is referred to as the Willand Industrial Estate. This should not be confused with the South View Industrial Estate which is adjoining.

The main headings for recommending refusal at this stage are briefly listed as follows but will be expanded in detail later in the response:

1. In the Local Plan the site is identified and designated as for Commercial Use;
  2. Local concerns over drainage issue being aggravated with the proposed intense development;
  3. The proposed housing density and design will be inconsistent with a designated village location and not provide for adequate private or public open space and parking;
  4. The proposed housing development will be 'sandwiched' between two industrial sites and would not be consistent with good housing policy;
  5. Access to already inadequate local services would be difficult and potentially dangerous in some cases;
  6. Lack of tangible local support for further housing development in Willand supported by considerable demonstrated local opposition;
  7. Shortage of infrastructure and accessible public services some requiring travel to nearby towns;
  8. Concerns as to the credibility of the argument put forward to justify being unable let the site for current permitted use;
  9. Concerns as to future provision for Willand Parish as the site is split between two Parishes - Willand and Halberton.
- 
1. In the Local Plan the site is identified and designated as for Commercial Use;
  - 1.1 Currently, under the Local Allocation Plan, the site is designated for Business/Employment/Commercial use. It is part of a much larger site designated in two phases. Phase 1 has only been partially developed.
  - 1.2 Under the current consultation process to set the planning strategy for the next period of time MDDC has recommended the retention of this site for Commercial Use.
  - 1.3 It is removing Phase 2 from the current plan and reducing the Settlement Area boundary to reflect up to date research as to requirements. The current application site is still identified as needed for commercial use.
  - 1.4 This is reducing available Commercial land within Willand no doubt to reflect the appearance of 'business sites' outside of the Parish boundary in open countryside which have developed under changes in legislation as 'farm diversification'.
  - 1.5 This current Commercial site is one of only two Commercial Sites to be allocated in rural areas within the MDDC area.
  - 1.6 It should be recognised that Willand has the highest village population density within the MDDC area after the three main towns. Workers have to 'commute out' for employment which increases car journeys thereby adding to the carbon footprint - not reducing it. Employment sites and opportunities are needed within the village.

- 1.7 Arguments are raised in relation to availability of public transport to other areas together with availability of cycle and pedestrian paths. There are such available facilities but not necessarily at the times and in the locations needed.
- 1.8 Loss of employment land substituted with dense housing does not contribute to policy and making Willand a 'sustainable community'.
- 2. Local concerns over drainage issue being aggravated with the proposed intense development;
  - 2.1 Local Residents in nearby existing properties have been having drainage and other water related issues for some time since the construction of the Business Park. They have concerns that the proposed raising of the land level and the proposed development with considerable increase in 'hard' surface areas will aggravate the position.
  - 2.2 It is noted that the Environment Agency have concerns leading to current objection to the proposals;
  - 2.3 Local people who have a long history recollection of the area advise that water will find its way to the area of the Splafford Stream and aggravate land flooding which has already been experienced as increasing in the area which at times affects the road to Halberton, some properties and the large electrical installation and potentially the sewage works.
  - 2.4 There are issues raised in relation to the design and location of current water mains.
- 3. The proposed housing density and design will be inconsistent with a designated village location and not provide for adequate private or public open space and parking;
  - 3.1 The proposed development is too dense in practical and local planning policy terms for a village location. Willand is a VILLAGE not a town as stated.
  - 3.2 Although subject to 'reserved matters' at a later date the Design and Access Statement refers to 'modern contemporary cottages' and 'contemporary with an industrial reference'. This is considered locally in plain English as 'densely packed together little boxes'.
  - 3.3 There is a lack of provision in the outline for private, and more importantly, public open space for safe play. The mentioned 'pocket parks' locations are not consistent with specimen housing layout. Contributions for offsite provision would be meaningless as a current survey identifies a considerable shortfall of public open space within Willand and there are no areas where this additional offsite provision could be realistically and beneficially provided.
  - 3.4 The police have already raised concerns with the proposed design in relation to security and public safety.
  - 3.5 It is considered that the development would fail Policy DM2 in a number of areas to satisfy criteria for High Quality Design.
- 4. The proposed housing development will be 'sandwiched' between two industrial sites and would not be consistent with good housing policy;
  - 4.1 Persons using business premises on both sides of this proposed housing development have expressed concerns that should housing be permitted on the site it could lead to complaints from residents as to the operation of businesses which could then lead to constraints being placed on their future operations which could then affect their viability.
- 5. Access to already inadequate local services would be difficult and potentially dangerous in some cases;
  - 5.1 The access from the site onto the roundabout and road network will result in greatly increased vehicle movements.

- 5.2 Pedestrian access to the main facilities within the village, particularly the school and main play areas to name but two, will require the use and crossing of at least two busy roads where there is only a pavement on one side and crossing places are not controlled. One road also carries heavy goods vehicle traffic to industrial sites.
- 5.3 Although policy suggests that it would be acceptable for public open space and play areas to be some 10 minutes away it is asked what parent would allow young children to travel to them in this area without supervision.
- 6. Lack of tangible local support for further housing development in Willand supported by considerable demonstrated local opposition;
  - 6.1 The consultation process by the developer claims local support for housing at this site. An examination of the pointed selective questions asked shows a preference by some for this site rather than others proposed outside of the Settlement Area.
  - 6.2 The comment has to be balanced by a capacity village hall public meeting to discuss the local plan where no one spoke in favour of additional housing in the village but many spoke against. There was also a petition submitted to MDDC where well over a third of the voting population made it clear that there was no support for further development.
  - 6.3 The Parish Council sought guidance from the village as to how they should respond to this particular application and those who responded were 5 to 1 against further housing at this location and made the point that the employment potential land should be retained within the village to reduce 'outward commuting'.
- 7. Shortage of infrastructure and accessible public services some requiring travel to nearby towns;
  - 7.1 The Toddlers and Pre School are over capacity as is the Youth Club and other youth groups.
  - 7.2 The Doctors Surgery is only a Branch Surgery which is part time and not fully provided in accord with indications. Patients are regularly being offered appointments requiring travel to Cullompton.
  - 7.3 The Primary School is considered to be oversubscribed but it is now noted that through some creative manipulation of certain provisions and figures by DCC that they say it has capacity. If that were the true case why is it that the school hall does not comply to allow proper dining or other activities and regular recourse has to made to use the village hall?
  - 7.4 Retail facilities are limited due to past poor planning decisions but the potential of a new shop on the Business Park will go some way to address that.
  - 7.5 Identified provision of a community centre by DCC over 40 years ago is still sought.
  - 7.6 The local allotments are fully subscribed with a waiting list and there is no room for expansion. A current MDDC commissioned report states that there is sufficient allotment provision but local community representatives know this to be incorrect.
- 8. Concerns as to the credibility of the argument put forward to justify being unable let or sell the site for current permitted use;
  - 8.1 The applicant has put forward a bulky document to show and justify that they have been unable to let the whole site for the intended commercial use and therefore wish to build houses as an alternative to 'make their profit'. Concerns are expressed as to the evidence provided. It is known of applicants being turned away and many others have stated that the conditions and financial requirements have made it unattractive.
  - 8.2 It is known that the planning case officer has other 'confidential marketing and viability information' which is not available to public scrutiny which in itself raises concerns.
  - 8.3 The current application by a retailer to build a food shop on part of the site shows that positives can be achieved to provide employment on the site.

- 8.4 Whilst not directly connected to this site the owners of another site not 200 yards from the current one put forward argument that they could not let or sell business premises and put forward an outline application for housing. When the application was refused ALL of the units were let on 10 and 15 year leases and within months the site was in full occupancy for commercial use.
- 8.5 It is not considered appropriate that the planning system should be used, and local communities potentially disadvantaged, to allow a landowner/developer to resolve an earlier poor investment decision.
9. Concerns as to future provision for Willand Parish as the site is split between two Parishes - Willand and Halberton.
- 9.1 It is sure to be argued that this is not a planning matter but be assured it is very relevant to the Parish Council and the future wellbeing of the residents. The site is split between two parishes and therefore any agreed payments toward infrastructure and the future council tax precept will be shared. In reality all of the potential residents will be looking to use infrastructure and facilities provided and paid for by the residents of Willand. This issue has already been raised with the MDDC Chief Executive in anticipation of this application.

#### 10. Conclusion.

Willand Parish Council, on behalf of its residents, repeats our objection to this application in the strongest possible terms.

17th February 2015 - Willand Parish Council was asked to review and comment on a revised 'Flood Risk Assessment' which had been submitted to deal with an objection by the Environment Agency. Nothing in the current report changes the objection and views expressed in our previous response of 14th January 2015 in relation to the whole application, although looking at the new information supplied raises a question about the boundary line in appendix A.

16th March 2015 - Willand Parish Council maintains its very strong objections to this application as set out in their letter of 14 January 2015. It is noted that the Environment Agency has removed its objection in the light of the information supplied by the applicant. Local concerns remain.

The applicants commissioned, selective, Noise Assessment does not change the view of the Parish Council as the noise and smell concerns are more likely to materialise from current businesses on the Mid Devon Business Park in hot weather when doors and windows are left open.

#### HALBERTON PARISH COUNCIL - 11th March 2015

The Parish Council recommended that the additional information had not altered its previous views, and therefore its previous comments submitted to Mid Devon District Council regarding this application should remain. In addition the Parish Council wishes to have it noted that the noise level tests were carried out on a cold winter's day when all factories in the vicinity would have had their doors and windows closed.

#### 16th January 2015

The Parish Council recommended refusal on the following grounds:

1. This site is identified in the Local Plan for commercial use and should be retained as such and not converted in part to residential use.
2. The mix of residential and commercial/industrial use in close proximity on the same site will lead to complaints from proposed residents (noise, noxious smells etc) and is therefore not compatible.

3. Willand is a village, not a town as appears in some paperwork, and therefore should only be considered for minor development as per the Local Plan. This application is major development.
4. The adjacent South View Industrial estate has recently undergone major redevelopment but is now almost completely let and Halberton Parish Council therefore does not accept the argument that this site is unviable for commercial use.
5. In the opinion of Halberton Parish Council it is not the correct policy for the LPA to bale out a developer by changing land usage policy simply to allow a developer to make a profit.
6. Willand, with its present infrastructure and public services (schools doctors etc) would be unable to accommodate such a large increase in population, when combined with other development in the forward planning review and would lead to an increase in traffic movements.
7. The loss of this industrial site and replacement to a residential site will lead to even more outward movements of people seeking employment which is again against Local Policy.
8. There are drainage issues already on this site and the proposed developments could well exacerbate those issues.
9. Whilst it is claimed that extensive local consultation has taken place - no such consultation has taken place in the Parish of Halberton in which half the Mid Devon Business Park is within (Unanimous).

ENVIRONMENTAL HEALTH - 16th March 2015

Contaminated land - Comments of December 2014 apply

Air quality - A low Emissions Strategy will be required

Drainage - I have no objections to these proposals

Noise and other nuisances - The noise assessment carried out with the application details that the current sound levels across the site have shown that the industrial neighbours are not noisy. However, I do have concerns with regards to an escalation of future noise levels from activities on this site. Therefore I recommend the following noise conditions for the site:

A 2m high solid heavy timber fence (acoustic barrier) should be erected on the Western site boundary adjoining the neighbouring commercial premises. A management plan will need to be undertaken and submitted to the planning authority quantifying the future management responsibilities of the barrier.

Acoustical architectural design must be incorporated in the house designs. The rooms should be oriented in such a way as the kitchens and bathrooms are placed towards the Western boundary whilst bedrooms and living rooms face away from the boundary. Any walls facing the boundary should be soundproofed and by eliminating windows and other openings from the wall, the wall will then act like a sound barrier for the rest of the building.

Any windows which have the potential to open out onto the Western boundary should offer at least 31 dB Rw sound insulation.

A prior commencement condition is required to check the specifications of the required works and future management.

Housing standards - No objections

Licensing - N/a

Food hygiene - N/a

Private water supplies - N/a

Health and safety - No objections

6th January 2015

Contaminated Land - 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature

and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval 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.

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objections

ECONOMIC DEVELOPMENT OFFICER - 19th February 2015

I am of the opinion that this site should not be granted permission for change of use from employment land to residential. I believe that the documents provided show that a lot of effort was made to market the site, but it is difficult from the evidence submitted to see if it was marketed at a reasonable price. Documents put forward to support the application show figures that don't correlate with each other and appear to vary depending on which of the documents you read. They also do not seem to correlate with figures held on public record through land registry searches.

The level of interest in the site was significant, vastly greater than any of our other sites in Mid Devon, and yet the enquiries resulted in relatively little take-up. The Council was provided with a number of reasons for this lack of take-up:

Location - It is argued that the site's location is poor. I don't believe that this is the case as the site wouldn't have generated the level of interest it did if something as fundamental as its location was a problem.

Access to employees - there are fewer than 500 unemployed people in Mid Devon, but there is a significant outward travel to work pattern (i.e. many of our residents work outside the local authority area and fewer travel into Mid Devon from outside for their work). For businesses to set up at the business park, there would be an opportunity to draw people back into the area for work purposes. Most people would rather travel a shorter distance to their place of work than a long distance.

Access to major transport links - Access to both sides of the M5 is less than a 5 minute drive from the site, and the same can be argued about the rail links. Tiverton Parkway is on the main route into (and out of) the South West and links people with London, the Midlands and beyond. Almost every train coming into Devon stops at Tiverton Parkway. There is even a cycle route from Tiverton Parkway that goes directly past Mid Devon Business Park. Exeter Airport is less than a 20 minute drive from the site and Bristol Airport is just over an hour from the site.

Competition - Other business parks have sprung up in the vicinity of Mid Devon Business Park, but their offers are significantly different. Hitchcocks Farm offers converted tin shed units and low budget business accommodation. Swallow Court targets a similar market to that anticipated to occupy Mid Devon Business Park, but does so on a much smaller scale.

The land owners state that of the 16 units currently occupied, 6 are from the local area, 7 are from the rest of the County, and 3 are from the rest of the UK. They use this as an argument that the site hasn't attracted inward investment, yet the figures show that 63% of occupants are inward investors to the Mid Devon area and that almost 20% of those are from the rest of the country. These figures are actually positive for Mid Devon, where previous levels of

inward investment have been low, and the economy has widely been driven by local companies expanding from within the local authority area.

Being fair to the land owners, they have followed a reasonably logical process in trying to develop the land. They have first tried to get a decent Return on Investment (ROI) while marketing it as employment land, but failed to achieve outcomes that will meet their ROI target. Their next effort is to apply for change of use as they seem to believe that this is the only way they can recoup the money spent on promoting the site, and the initial investment. However, a lack of return on investment for the land owner does not imply that the site itself is not viable employment land, and therefore I would argue it is not a valid argument for change of use. As markets ebb and flow, some investments will make a profit and others won't, and we cannot start relaxing policy to protect the investments of private companies.

Since being in post I have offered to support economic development at Mid Devon Business Park, though the land owners seem to have already reached a stage where they no longer see a point in marketing it for commercial use. Whatever the outcome of this application, we must provide support to help make the site a success story for Mid Devon.

**SOUTH WEST WATER - 2nd January 2015**

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Developer Services Planning Team for further information.

From 1st October 2011 ownership of private sewers transferred to South West Water under the Private Sewer Transfer Regulations.

If you think that your proposed works will be over or within 3 metres of a public sewer, further information can be found on our website [www.southwestwater.co.uk/privatesewers](http://www.southwestwater.co.uk/privatesewers) (Help and Advice)

**DEVON COUNTY COUNCIL - STRATEGIC PLANNING AUTHORITY (EDUCATION)**  
7th January 2015 - 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 school within 1.5 mile radius of this development has capacity for the expected number of pupils generated by this development. Therefore no contribution is required to increase education facilities in the area.

The secondary schools within the development area is Cullompton Community College which currently has capacity for the secondary aged pupils expected to be created by this development, however as this school is further away than the recognised safe walking distance to school we do require a school transport contribution to the sum of £41,182.50 for the 15 secondary aged pupils. A breakdown of the costs follow.

£2.89 per pupil per day x 190 days in academic year x 5 years in secondary school x 15 pupils generated by this development = £41,182.50

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 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.

Should you require any further information regarding either of the above please do not hesitate to contact me.

\*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.

5th March 2015 - Further to our letter dated the 6 January 2015 re the above development, please find attached a letter from the school regarding the challenges of the current site and difficulties for admitting children up to their assessed net capacity. The school highlights that it has sufficient teaching accommodation to mitigate the impact of the development but is undersized in specific areas when compared against national guidance, principally hall/studio space.

Therefore, Devon would ask the Local Planning Authority to seek an additional contribution towards to mitigate the impact of this development on these specific areas at a rate of £500 per eligible dwelling (2 bedroom plus). The amount is based on Devon's expansion rate per pupil and the analysis of a standard 420 place schools and the size of the hall/storage/circulation when compared to the overall school built area (circa 15%).

DEVON & CORNWALL POLICE AUTHORITY - 2nd January 2015

While appreciating this is outline it is worth pointing out at this early stage that the foot path at the southern aspect running West to East is wholly unacceptable allowing unobserved access behind all those properties. It is recognised that where possible a foot path or cycle route should be on the main arterial roads to prevent casual access, and serve the development. There are a number of other minor footpaths that together will attract an objection from the police citing crime and disorder as a material consideration. I would request early consultation with the architect/planning department in order to address these serious concerns, and ensure they are not duplicated on the actual application.

NATURAL ENGLAND - 7th January 2015

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

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)  
Natural England's comments in relation to this application are provided in the following sections.

#### Statutory nature conservation sites - no objection

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

#### Protected species

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

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

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

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

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

#### Local sites

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

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space

provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

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

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

## 6.0 REPRESENTATIONS

One letter of support received, summarised as follows:

- Support the development of houses here rather than the development proposed at J27.

One representation received from the owners of the remainder of the allocated employment land WI1, to the north of the application site, summarised as follows:

- Do not object in principle to the current application but wish for the following comments to be taken on board;
- The Council should be satisfied that if residential development is approved it will not undermine the delivery of the remainder of the allocated land;
- Query the compatibility of residential development with noise and traffic associated with the future development of the remaining allocated land;
- Access rights to the northern parcel of the allocated land (that owned by the persons making the representation) have been successfully negotiated. A planning application is now being prepared for the development of the site for employment purposes with Pallex South West identified as an end user of the site.

14 letters of objection received, including from Cllr Bob Evans (one of the Ward Members), summarised as follows:

- The site was designated for a business park and should remain as such;
- If the owners are charging too much it is their problem to address;
- 97 houses is too many;
- The primary school is oversubscribed;
- Willand has no infrastructure to support the dwellings or the occupants;
- It will change the structure from a large village to a small town;
- Will disrupt traffic on the busy roundabout;
- Village needs employment more than houses;
- Building houses in an industrial estate is wrong;
- Health & Safety conflict with children & commercial traffic;
- No need for housing as the Local Plan allocates sufficient land;
- No additional housing applications should be agreed until the Local Plan Review process is complete;
- The Local Plan Review document does not propose to allocate large scale housing for Willand;
- Not enough garages proposed;
- Raising of ground levels will increase traffic and potentially create health issues;

- Noise assessment was carried out on a cold, wet day when the adjacent businesses would have doors and windows shut. If the windows and doors were open in warmer times this would result in a different level of noise;
- The existing B1, B2 and B8 use restrictions on the Business Park were imposed to secure a reasonable amenity on the adjacent homes and the Public House;
- Concerned that as much of the site is in Halberton parish, infrastructure contributions would go to them, despite the site being in the village of Willand;
- Previous studies in the area for the business park identified the presence of rare plants/orchids;
- Flooding is an issue on Muxbeare Lane;
- The land between the footpath and the M5 has flooding issues;
- It is the price of the units, not the location, that is the reason the site is undeveloped;
- The small units that were built were overpriced for this part of the country, which is why they were rented out;
- Have a business on the adjacent industrial estate and have a lot of comments from customers and transport companies about how convenient we are to get to;
- Two local companies have applied to move to the site but their requests were refused, while other interested parties have been put off.

## 7.0 MATERIAL CONSIDERATIONS

The main issues in the determination of this application are:

1. **Planning history, planning policy and the use of employment land for non-employment purposes**
2. **Five year housing land supply**
3. **Suitability and compatibility of housing in this location**
4. **Highways**
5. **Flooding and drainage**
6. **S106 contributions**
7. **Other matters**

1. **Planning history, planning policy and the use of employment land for non-employment purposes**

The application site forms part of the W11 'Willand Industrial Estate' employment allocation contained in the Local Plan Part 3 (Development Management Policies). This policy was retained from the previously adopted Local Plan dating from 2006 and allocates a total of 11.7 hectares for business (B1), general industry (B2) and storage and distribution (B8) purposes. Outline planning permission for the whole of the allocation for employment purposes was granted at the end of 2005. Reserved matters applications for part of the southern half of the site were subsequently granted in 2006 and 2008 and resulted in the provision of the 19 employment units currently built. The original outline planning permission granted in 2005 has now lapsed with no further planning permissions for the erection of employment units being granted. The units that have been developed were built by the London and Devonshire Trust (LDT) who are the owners of the application site and the parent company of Devonshire Homes, the current applicants. The northern half of the allocated site is in a third party ownership, with the two ownerships separated by a public footpath which bisects the allocation.

Paragraph 22 of the National Planning Policy Framework states the following:

*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for*

*the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

Mid Devon has built on this paragraph through the production and adoption of the Local Plan Part 3 (Development Management Policies) and in particular policy DM21.

Policy DM21 of Local Plan Part 3 (Development Management Policies) relates to the protection of employment land and states the following:

*Non-employment use or development of employment land or buildings, including sites that are established, allocated or have planning permission, will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Alternative uses will be permitted where it is demonstrated that:*

- a) Firstly, there is sufficient range of suitable and available employment sites in the local area; then*
- b) There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months;*
- c) A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing:*
  - i) Mixed use of the site that incorporates an employment-generating use, then*
  - ii) Non-employment use*

The application has been accompanied by a series of confidential documents and reports seeking to demonstrate compliance with the policy. In summary the documentation states that significant investment has been made in the site by LDT since purchase and that the 19 units constructed to date were done so speculatively at and around the time of the downturn in the global economy. This downturn hampered the letting/occupation of the units and they have never all be occupied – three units remain empty at the time of writing this report. It is nonetheless clear from the submitted evidence that significant levels of interest from both local and national businesses as well as from investors has been made since LDT began marketing the site in 2005/06.

In response to the first policy test, the applicant has made reference to Mid Devon's Employment Land Review (ELR, 2013) which concluded that there was an excess of employment land within the district. This fact is not disputed. Specifically the ELR states that there is an excess of 15-25 hectares within the district over the period to 2031. The ELR then recommends that the supply of employment land be rationalised, and gives particular reference to the quantity of allocated employment land tied up in large allocations. In response to the ELR, the Council has sought to reduce supply, through significant reductions in the quantity of floorspace sought through the Masterplanning process on the two urban extensions of Tiverton East and North West Cullompton. The ELR recommended maintaining a supply of smaller employment sites and specifically recommends the retention of the Willand W11 site as an allocation.

The applicant makes reference to the recent resolution to grant planning permission for just under 12,000sqm of employment floorspace at Hitchcock's Farm, just over a 1km to the north east of Willand and states that this will inevitably impact on the delivery of the application site. Officers are of the opinion that Hitchcock's Farm operates on a different business model, financing the construction or conversion of units in advance, rather than relying on 'design and build' arrangements which take time to deliver and offering more flexible contracts to occupiers as well as anecdotally, lower rents. The Hitchcocks Farm application demonstrated that this approach had resulted in being able to accommodate some businesses which needed to expand rapidly (though this is reliant on the available

buildings meeting the needs of potential suitors). The site at Willand Business Park also differs in that at present it offers a higher quality environment for business than Hitchcocks Farm, on a flat site which has been able to deliver modern premises (as opposed to agricultural conversions which form part of the offer at Hitchcocks).

It is acknowledged that Hitchcocks Farm will offer alternative employment provision within the vicinity, but given their different business models it is believed that there is scope for co-existence. Nevertheless the Council have taken on board the concerns about over provision of employment land in this location. Within the emerging Local Plan Review, the Council has sought to retain the site as an employment allocation, but in reduced form, removing the land to the north of the footpath and retaining the land subject of this application. As stated this recognises the need to reduce employment land in the district, but maintains the site on the basis that it is well located with good access to the motorway, is already serviced, offers a high quality environment and is an appropriate use, being adjacent to existing industrial premises. Since the agreement of this change by the Council as part of the Local Plan review, representation has been received on behalf of the owners of the northern part of the allocation, indicating that they are progressing the development of the site for employment purposes. To date no planning application has been received in relation to this land, however Officers understand that a planning application is likely to be submitted prior to an Examination in Public for the Local Plan review.

It is not considered that the approval of the site at Hitchcock's categorically means that criterion a) has been met. Similarly, if the land to the north of the footpath is delivered for employment purposes, it is not considered that this would undermine the delivery of the application site for employment purposes. On the contrary, should this occur, the application site would be bound on three sides by commercial activities and still maintaining excellent links to the M5 would be more likely to be an attractive prospect for businesses looking to expand or relocate.

In respect of criterion b) the applicant states that despite extensive marketing there is little commercial interest in the site for employment use. The policy states that this is to be demonstrated by an 18 month marketing period at a suitable price. Whilst the applicant has submitted a range of marketing material and some information pertaining to prices sought and achieved for land and buildings, Officers themselves are unable to conclude whether the prices sought have been suitable as they are not experts in this field. The price also needs to be demonstrated to be suitable in the context of what the market is prepared to offer and location is a significant determining factor. The supporting information makes reference to Taunton and Exeter; however these are not necessarily comparable markets to Mid Devon, as they would be expected to generate higher prices, being closer to markets in predominantly urban locations. Comparison should be made with more locally appropriate markets in order to be representative. It is notable from the supporting evidence provided that a number of businesses decided not to pursue their interest in moving to the site on the basis of price. It is therefore reasonable to question the appropriateness of the prices sought. Your officers are currently seeking an independent valuation of the land for employment purposes and some clarification on build costs of employment units going back to 2008 in order to corroborate the information provided by the applicants in relation to the overall value of the land and design and build quotes given to interest parties. At the time of writing this information has not come back from the consultants but an update will be provided when received and this will be used to inform whether or not additional reasons for refusal are recommended on the grounds of compliance or otherwise with policy DM21 and paragraph 22 of the National Planning Policy Framework.



Furthermore, the land owner does not appear to have made any attempts to utilise available pots of grant funding, such as European Growth Funding, in order to aid the viability of the site and deliver the development of all or part of the remaining undeveloped site. Your Economic Development Officer is surprised that such avenues have not been explored, especially as the company and their parent company Devonshire Homes, have benefited from available funding pots in order to deliver other sites (for example, Belmont Hospital).

Criterion c) states that a sequential viability test should be applied which should consider a mixed use of the site incorporating some employment, prior to consideration of a non-employment use. No such assessment is set out within the application, though a viability appraisal examining the commercial use of the site is provided. The applicant contends whether anything can be gained by examining alternative uses, but does welcome guidance on what would be required. To begin to address this policy criterion the viability appraisal should consider alternative development scenarios. These should examine the viability of the site for uses which include a proportion of employment (i.e. in addition to the employment units already constructed). Only if this can be demonstrated to be unviable should consideration be given to a full residential scheme.

## **2. Five year housing land supply**

Paragraph 47 of the National Planning Policy Framework sets out the requirement for Local Planning Authorities to demonstrate on an annual basis that they can provide five years worth of housing against their housing requirements, with an additional buffer included of either 5% or 20% dependent on past housing delivery rates.

The Council's five year land supply calculations are set out in the Strategic Housing Land Availability Assessment 2014. The document compares housing supply, based on allocations, planning permissions, sites under construction and completions against delivery targets. The document concludes that the five year land supply stands at 107%, or 5.35 years supply.

The applicant contests the methodology used to calculate this figure, rather than the supply figures themselves (though reserves the right to revisit these later). The applicant relies on housing delivery targets set out in the Core Strategy (2007), of 390 dwellings per year for the first ten years of the plan, and 290 for the final ten years. However, the Core Strategy did not contain development allocations, these being included in the Allocations and Infrastructure Development Plan Document adopted three years later. The Core Strategy set the vision and spatial strategy for the district, but it was the role of the Allocations and Infrastructure Development Plan Document to implement this vision through the allocation of land for particular uses.

In allocating sites to meet the development needs of the district, the Allocations and Infrastructure Development Plan Document acknowledges the requirement to demonstrate a five year supply of development sites. The Core Strategy requirement of 340 dwellings per year (the average of the Core Strategy overall target of 6800) is used as the basis to assess whether the allocations proposed ensure the Council can demonstrate a five year supply of housing land. In examining the document, the Inspectors accepted the allocations proposed, their commencement dates and delivery rates and accepted the use of the 340 annual target against which to calculate the five year supply. Indeed, the housing delivery trajectories included in the Allocations and Infrastructure Development Plan Document indicate that only in 6 of the 10 years from 2006 – 2016 was it projected (or already confirmed for the years preceding the examination of the document) that at least 390 dwellings per year would be delivered, compared to 9 out of the 10 years if using a target figure of 340 dwellings per year. The soundness of the plan and its accordance with the Core Strategy is confirmed in the non-technical summary of the Inspector's report:

*'The Mid Devon Allocations and Infrastructure Development Plan Document [DPD] provides an appropriate basis for the development of individual allocated sites and related infrastructure across the District up to the year 2026 in accordance with the previously adopted Core Strategy.'*

Although in their full examination report, the Inspectors did not make explicit comment regarding the delivery of 340 dwellings per year, they did question issues such as achievable dwelling numbers during the plan period on the Tiverton Eastern Urban Extension and Blundells School sites, clearly indicating that they were appraising the stated housing trajectories. In addition they adjusted the action levels for housing monitoring in policy AL/DE/1; these figures are based on the provision of 340 dwellings per year from 2011 – 2016 a further indication that the Inspectors considered the use of a figure of 340 dwelling per year as an acceptable target on which to base housing allocations and delivery rates.

Furthermore, the applicant made a representation during the consultation period on the submission version of the AIDPD in 2009, and though they made specific comments on the five year supply as proposed by Mid Devon, did not raise any issue with the use of the 340 figure. This would have been an appropriate time to highlight their concern.

The 340 figure has subsequently formed the basis of the Council's methodology for calculating the five year supply for the five years since the document was adopted. It is also an approach that has been endorsed by the Council's SHLAA (Strategic Housing Land Availability Assessment) panel. Given the approach has been approved by the planning inspector in determining the soundness of the AIDPD, it is appropriate that the Council continue to use it as the basis for undertaking its calculations.

Notwithstanding the above justification for the application of the 340 dwellings per year, section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) states that if a policy conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted. In this instance, the Allocations and Infrastructure Development Plan Document was adopted in 2010 as opposed to the 2007 adoption of the Core Strategy (Local Plan Part 1) and therefore the 340 figure in the Allocations and Infrastructure Development Plan Document is that to be used for the purposes of assessing housing supply.

The applicant also provides two calculations setting out the effect of applying an additional buffer of 5% or 20%, the latter being only applied if 'there is a persistent record of under delivery' (NPPF para. 47). The applicant states that applying either number results in Mid Devon not being able to demonstrate a five year supply. However, those calculations use the 390/290 housing figures. Application of the 340 figure indicates that Mid Devon does have a five year supply, if applying the 5% buffer, but not the 20%. The National Planning Practice Guidance states that identification of persistent under delivery (when the 20% figure should be used) is more robust if a longer term approach is taken, which takes account of the economic cycle. Examination of the last 10 years of housing completions demonstrates that until the credit crunch and recession seriously disrupted the economy and in particular the construction industry (locally resulting in lower completions from 2009/10), completions were consistently above, and often quite far in excess of the 340 annual figure. Mid Devon has been an active district in seeking to meet its identified housing need, being one of the earliest local authorities with an adopted Core Strategy and subsequent allocations DPD. In the opinion of Officers, it is unreasonable to assert that because of the global macro-economic slowdown which has affected construction growth across the country, Mid Devon should be highlighted as a persistent under deliverer of housing. The 2014 Annual

Monitoring Report identifies that 320 dwellings were completed in the preceding 12 months, only 20 dwellings short of the required 340 dwelling figure. In addition, a further 356 dwellings are under construction and there is planning permission for more than 1000 dwellings in the District. Contingency sites are also allowed for under the Allocations and Infrastructure Development Plan Document totalling 465 dwellings. Their release has not been triggered to date based on housing delivery rates. The use of the 5% buffer is therefore considered appropriate and results in the Council being able to demonstrate the existence of a five year housing supply.

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### **3. Suitability and compatibility of housing in this location**

One matter of concern raised by both consultees and objectors is the compatibility of the proposed housing with the adjacent commercial activities on both the Mid Devon Business Park and the Willand Industrial Estate. To the west of the site lie the two large B8 storage and distribution buildings of Pencarrie, a clothing distributor; a current planning application seeks to extend both of the existing buildings by a total of over 2,000 square metres to bring development almost up to the boundary of the application site. To the east of the site are the 19 B1, B2 and B8 commercial units constructed by LDT. These units are significantly smaller than those of Pencarrie but would continue to be accessed from the same estate road off the Four Cross Ways roundabout as the proposed housing. Of final note is the potential for the land to the north of the application site to come forward for employment purposes given the presence of a legal agreement to secure access to the site via LDT's Mid Devon Business Park land. This agreement has been seen by your Officers and it allows up to two spurs to be constructed from the LDT land to serve the land to the north; this would have the potential to necessitate the travel of commercial traffic through any proposed housing estate. However, to date no planning application has been received to develop this land to the north, the weight to be attributed to the potential for the land to the north to be developed is considered to be low.

A noise assessment has been submitted by the applicants following concerns regarding compatibility of uses raised by Environmental Health Officers. This noise assessment was carried out in February 2015 and found no fixed plant noise along the western boundary with Pencarrie and little discernible activity noise from the same site. Businesses operating on the Mid Devon Business Park did not appear to have any external fixed plant emitting noise and there were occasional vans and cars coming and going on the service road. The noise of traffic from the M5, 250m to the north of the application site dominated the soundscape across the site. Noise monitoring equipment was used to record sound levels on the site for a week. The survey concludes that noise levels are acceptable for residential development to occur on the site, in line with criteria set out in the National Planning Policy Framework, Planning Practice Guidance and the Noise Policy Statement for England and no formal mitigation is required, although a number of prudent measures are recommended for inclusion in any development to minimise the likelihood of future noise complaints.

Environmental Health Officers have commented on this survey and are content with its current findings. However, they have concerns with regards to an escalation of future noise levels from activities on this site should operations/occupiers change over time. Therefore they recommend the imposition of a number of noise conditions for the site to secure an acoustic barrier along the western boundary with Pencarrie, the incorporation of acoustical architectural design to orientate principle living and sleeping rooms away from the western boundary and minimal sound insulation properties for windows opening to the west. Subject to the inclusion of such measures in any detailed proposals for the site it is not considered that an objection to the application could be sustained on the grounds of conflict with the neighbouring uses on noise grounds.

Although on noise grounds alone the development of the site for housing is considered to be acceptable, this does not assess the desirability of having housing developed on this site from a wider planning perspective, taking into account the physical form and type of development in the village and the scale of development proposed when assessed against sustainable development objectives.

Objection has been raised with regard to the scale of the development in relation to the size of the village and infrastructure requirements; considerations of infrastructure requirements are given in section 6 of this report.

Willand has grown significantly in the last 20-30 years such that it is now a large village, with the Parish of Willand having a population of 3,330 in 1,368 households based on 2011 Census statistics. There has been no significant additional housing developed in the Parish since then to alter reliability of these statistics. The provision of 97 houses would represent an increase in household and population of approximately 7%. Policy COR17 of Core Strategy (Local Plan Part 1) identifies Willand as a village suitable for minor proposals within the defined settlement limits, with policy COR12 of the same document setting out the development focus for the District, identifying a development rate for the whole District outside of the four main towns of 55 dwellings per year, a much lower development rate for the rural areas where historic growth rates have been high. The development currently proposed would therefore account for almost two years of residential development targeted for areas outside of the four main towns. It is clear that the proposed development represents a significant development of housing both for the village and for the rural villages and areas of the District as a whole.

The purpose of the National Planning Policy Framework is to contribute to the achievement of sustainable development (para. 6), with the planning system performing economic, social and environmental roles to deliver this. In respect of the social role, paragraph 7 seeks for housing supply to create a high quality built environment that reflects the community's needs. Paragraph 10 states that plans and decisions need to take local circumstances into account. Building upon this the Local Plan Part 3 (Development Management Policies) policy DM2 seeks to secure high quality design of new development, based upon and demonstrating amongst other criteria, a clear understanding of the characteristics of the site, its wider context and the surrounding area, a positive contribution to local character and visually attractive places that are well integrated with surrounding buildings, street and landscapes.

In this instance, the spatial development pattern of the village concentrates almost all of the employment and industrial development on the existing Willand Industrial Estate and on the Mid Devon Business Park, which are separated from housing in the village by the B3181 running through the village, South View Road and Station Road. The provision of residential development on this parcel of land would be out of step with the way in which development has been managed in the village and would represent a significant incursion into land which is from a spatial development perspective, best suited to commercial and employment development.

The proposed Local Plan Review, which is currently out for proposed submission stage public consultation, looks to allocate one site in Willand for residential development up to 2033 and for a total of 42 dwellings. As the document has not yet been submitted to the Secretary of State for examination it holds no weight, however the proposed inclusion of a single allocation of this size, which was arrived at following consultation with the public and the Parish Council, is an indication of the level of development which the community needs during the proposed plan period and which the community can support.

A further aspect to consider is the potential for B1 and B8 units to be converted to dwellings utilising permitted development rights (i.e. an application for planning permission is not required). The rights for B1 uses came into force in 2013, however Mid Devon has seen very few conversions take place under these rights. The rights for B8 uses come into force on 15 April 2015 and so it is not known how popular they will be in Mid Devon. Both provisions require a submission to the Local Planning Authority to be made to allow the consideration of certain matters. Whilst it may be possible for some of the existing employment units in Willand to be converted to dwellings, this is considered unlikely to be realised in any significant quantity as the demand and marketability of housing within the existing estates would be limited by the fact that the surroundings would remain in employment use. Your

Officers are of the opinion that these considerations be given little weight in considering the suitability of the application site for significant housing development.

To deliver 97 houses on the application site would be a significant increase in the size of the resident population of the village and would bring residential development onto an area of land which is, by the nature of the surrounding development and road network, best suited to employment development. For these reasons, the development of the site would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) as it would be out of context with the pattern of development in the village and would not be well integrated with surrounding buildings, streets and landscapes. Furthermore, such significant development in the village would not be a minor proposal in the context of policy COR17 of the Core Strategy (Local Plan Part 1). For these reasons, the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework.

Some concerns have been raised regarding the density of development should 97 houses be proposed at reserved matters stage. The site area amounts to approximately 2.77 hectares, which with 97 dwellings would equate to a density of 35 dwellings per hectare. Such a density would not be unusual in a village setting. Nevertheless, it is noted that the Inspector in the appeal at the nearby Durban Works and former Westcountry Ambulance site (MDDC ref. 13/00304/MOUT) found that should any proposals at reserved matters stage not result in an acceptable layout, including considerations relating to the provision of private amenity space and parking, the Council would be able to refuse the proposals. Therefore, whilst the indicative layout submitted with the application would likely be unacceptable, particularly due to the use of parking courts and a lack of overall parking provision, it is not considered that there is sufficient evidence available at this stage to categorically conclude that 97 dwellings could not be accommodated on the site and refusal on this ground is not recommended.

#### **4. Highways**

The submitted Transport Assessment details that the surrounding road network and the Four Cross Ways roundabout off which the site is proposed to be accessed, has sufficient capacity for traffic arising from the proposed development and therefore the concerns raised regarding the capacity of the local road network are not agreed with; indeed, the application site is allocated for employment purposes which would generate traffic movements in itself. The Highway Authority does not object to the application and has indicated it is happy with the figures in the Transport Assessment, which have been revised since submission to take account of traffic arising from the proposed food store on the opposite side of the existing business park (planning ref. 14/02116/FULL).

The Highway Authority has requested that the Travel Plan for the development require the provision of bus and cycle vouchers for each property (£250 and £50 respectively) in order to encourage the use of alternative modes of transport. Willand has regular bus services to Tiverton and Exeter and the application site is in close proximity to Muxbeare Lane which forms part of the national cycle network route 3 and links to Tiverton Parkway railway station. The Highway Authority are also seeking a contribution of £10,000 toward the implementation of an already identified scheme of cycle parking at the station.

The Highway Authority is content with the details submitted regarding the three proposed access points and whilst one of the access points is indicatively shown to serve a parking court, the provision of which is discouraged by the adopted SPD on Parking and development, as the application is in outline with only access being determined at this stage, it is considered that the layout of the site could be arranged in such a way as to make the use of the access and the corresponding parking arrangements, acceptable.

Having regard to all these matters, in respect of highways considerations the application meets with the requirements of policies COR9 of Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies).

## **5. Flooding and drainage**

Policy COR11 of Core Strategy (Local Plan Part 1) seeks to ensure that development is managed so as to reduce the risk of flooding, guiding development to sustainable locations with the lowest flood risk and ensuring that development does not increase the risk of flooding of properties elsewhere. In addition to this, policy DM2 of Local Plan Part 3 (Development Management Policies) states that sustainable drainage systems (SuDS) should be used where appropriate.

The site is within Flood Zone 1 as defined by the Environment Agency, indicating it is in the lowest risk group of river flooding. The far southern extremities of the site are identified as being at risk of surface water flooding and objection has been received regarding the impact of the existing Mid Devon Business Park development upon surface water drainage issues off-site and particularly in the Muxbeare Lane area. The application has been supported by a flood risk assessment which identifies that the site has already been serviced with foul and surface water drainage connections as part of it being serviced for employment purposes. The foul drainage connections are to the South West Water mains sewer network and the existing surface water drainage arrangement connects to an existing SuDS pond on part of the Business Park estate to the east of the application site, before being discharged to the highway drainage network. South West Water have confirmed that the existing foul sewer network has sufficient capacity to accept foul flows from the development.

A previous site investigation as part of the outline application for commercial development in 2005 concluded that “based on the high water table and predominantly clay based soils present it is considered unlikely that surface water drainage via soakaways would be possible at this site.” The proposed outline drainage strategy seeks to replicate the drainage principles outline in the flood risk assessment which supported the 2005 commercial development outline application. In order to do this it is proposed that the drainage strategy includes the use of the existing SuDS pond and also incorporates oversized sewers, cellular storage tanks and hydraulic controls. The Environment Agency has stated that it does not object to the development, finding that the proposed drainage strategy adequately aligns with the philosophy of SuDS and the strategy agreed as part of the 2005 outline application. Should planning permission be granted, adequate measures would need to be included to ensure that satisfactory measures for the maintenance and management of the non-adopted features were in place as well as specific details of the drainage strategy be agreed, based upon the final proposals. However, for the purpose of this outline planning application, the application is considered to meet with the requirements of policies COR11 of Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies) and is not considered to result in an increase in flood risk, including impact upon surface water run-off and drainage on or off-site.

## **6. Infrastructure and Section 106 contributions**

If planning permission was to be granted, a Section 106 agreement would be required to secure any necessary infrastructure or financial contributions toward off-site infrastructure.

The development exceeds the threshold for the requirement of affordable housing provision and 35% of dwellings on the site would be required to be affordable, secured through a S106 agreement.

The submitted indicative layout indicates an area of public open space being proposed along the western boundary of the site, in the location of the former railway line. For a development of this size it would be expected for on-site public open space to be provided at a rate of 60 square metres per market dwelling. Such a requirement could be secured through a S106 agreement to include provisions for ongoing maintenance and management.

Concerns have been raised by both Willand and Halberton Parish Councils regarding the existing infrastructure in Willand and its ability to cater for the additional population arising as a result of this development. In particular there is concern regarding the capacity of Willand Primary School. Devon County Council has been consulted on the application and has commented on this matter. A modest extension to the Primary School in 2014 did not directly provide additional classrooms but allowed for some internal rearrangements to provide additional classroom space and the school now has a net capacity of 417 pupils, calculated using nationally prescribed methodology; at present there are 356 children on roll at the school although some of these current pupil numbers are to aid existing capacity issues in Cullompton and Uffculme primary schools. A new primary school is proposed to be provided as part of the development of the North West Cullompton allocation, whose masterplanning process is now underway and has been through one round of public consultation. The County Council are forecasting that September 2017 pupil numbers on roll would be 335 pupils (taking into account currently approved but unimplemented developments). The development proposed would generate 25 primary school pupils and the addition of this number of pupils would not take the school over its 417 net capacity figure; for this reason no primary education pupil place contribution is requested.

Discussions have been held with the County Council, County Council Elected Member and the Primary School regarding the undersized nature of the primary school hall. The school hall is insufficient when assessed against national guidance and has not been extended despite a significant increase in pupil numbers since the original school building and hall was constructed in 1948 as a single form entry; the school is now a three form entry and this results in significant pressures on the school in managing lunches, assemblies and PE lessons. Following discussions, the County Council have now requested a financial contribution of £500 per dwelling of at least 2 bedrooms in size toward the cost of expanding the school's hall space.

In addition, the County Council are requesting a financial contribution of £41,182.50 toward transportation costs of secondary school pupils to get to Cullompton Community College.

These contributions toward education infrastructure are considered to be justified and would accord with policy AL/IN/5 of the Allocations and Infrastructure Development Plan Document and the requirements of regulation 122 of the CIL Regulations 2010 (as amended).

Air quality in parts of Cullompton is poor and the Council has an adopted Air Quality Action Plan which sets out different measures which are proposed in order to improve air quality in the town. The estimated cost of implementing all of the measures has been used to calculate a per dwelling contribution figure of £5,218 per open market dwelling having 2 bedrooms or more. The occupiers of any dwellings on this site would be highly likely to pass through the areas of Cullompton where air quality is poor in order to access facilities such as the library, secondary school, leisure centre and shops. For this reason, the provision of the dwellings would worsen the existing air quality issues and should planning permission be granted, a financial contribution toward air quality improvements should be made in accordance with policies AL/CU/15 of the Allocations and Infrastructure Development Plan Document and the Air Quality and Development SPD.

Objection has also been received in relation to other perceived deficiencies in infrastructure in the village, such as the lack of a doctors surgery. Planning permission has now been



granted for the conversion of the former stable building at The Gables, Gables Road to relocate the village pharmacy, provide community facilities and to construct an extension to house a full doctors surgery.

### **7. Other matters**

The application has been accompanied by an extended Phase 1 habitat survey. No badger setts were found on or immediately adjacent to the site. Three trees adjacent to the site were identified as having some roosting potential for bats but the site itself provides low quality foraging and commuting habitat. The hedgebanks and bramble dominated scrub on the site provide suitable breeding bird, dormouse and reptile habitat and the hedgebanks are proposed to be retained as part of the development. For the purposes of determining this application, no further survey works are required and the proposal will not cause demonstrable harm to protected species.

The Police Architectural Liaison Officer has raised concerns with the presence of footpaths adjacent to the site and the impact upon crime and disorder. At this stage, the application is in outline only and layout and design which would affect crime and disorder considerations are matters reserved for later determination.

### **SUMMARY**

Although the application site is within the current settlement limit boundaries of the village of Willand and so is considered to be in a sustainable location, the site is allocated for employment development under policy WI1 of the Local Plan Part 3 (Development Management Policies). Policy DM21 of the same document sets out the circumstances and the evidence required in order for the development of employment land, or land allocated for employment, to be developed for non-employment purposes. In this instance, Officers have concerns that the information provided to date is not sufficient to demonstrate full compliance with policy DM21 but Officers are still waiting for independent information pertaining to the value of the land and the reasonableness of the prices being sought by the land owners for employment uses. Until such information is received, a conclusion on compliance with policy DM21 cannot be reached and an update on this matter will be provided to members before the Planning Committee meeting.

The applicant has argued that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, however Officers believe that the applicants calculations of five year land supply use an out-of-date annual housing land supply figure and therefore the Council's assertion that it has 107% of the housing land required for the next 5 years is correct and there is no pressing need for the delivery of housing in the district to necessitate the setting aside of prevailing adopted policies.

To deliver 97 houses on the application site would be a significant increase in the size of the resident population of the village and would bring residential development onto an area of land which is, by the nature of the surrounding development and road network, best suited to employment development. For these reasons, the development of the site would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) as it would be out of context with the pattern of development in the village and would not be well integrated with surrounding buildings, streets and landscapes. Furthermore, such significant development in the village would not be a minor proposal in the context of policy COR17 of the Core Strategy (Local Plan Part 1). For these reasons, the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework.

## 8.0 REASONS FOR REFUSAL

1. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to deliver minor development proposals in the recognised villages in the District, of which Willand is one. In the opinion of the Local Planning Authority the development of 97 dwellings in Willand would be a significant development in the context of policy COR17 and therefore be contrary to the objectives of the policy and the development focus set out in policy COR12 of the Mid Devon Core Strategy (Local Plan Part 1) which seeks to reduce housing rates in the rural areas.

2. In the opinion of the Local Planning Authority, the development of the site, sandwiched between two areas of employment development and physically divorced from the existing pattern of housing development in the village would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as it would be out of context with the spatial pattern of development in the village and would not be well integrated with surrounding buildings, streets, landscapes and uses.

<b>Contact for any more information</b>	Miss Thea Billeter, Area Planning Officer 01884 234348
<b>Background Papers</b>	None
<b>File Reference</b>	14/01938/MOUT
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of Planning Committee

AGENDA ITEM 13

PLANNING COMMITTEE  
22<sup>nd</sup> 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**

At the meeting held on the 4<sup>th</sup> March 2015 the Planning Committee considered the above application and the Committee resolved they were minded to refuse the application, subject to the consideration of an implications report, for the reasons set out below.

#### **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:**

As set out above

#### **Relationship to Corporate Plan:**

None

#### **Financial Implications:**

An application for costs on any appeal may be made against the Council. 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 may be a risk of a successful appeal costs claim against the Council.

#### **REASONS FOR REFUSAL AND IMPLICATIONS:**

When considering the application at the meeting on the 4<sup>th</sup> March 2015 the Committee considered the proposed density of development, whether the development was in character with existing dwellings in Pomeroy Road, whether the proposal development was in contravention to the Masterplan approved for the Eastern Urban Extension, if the development proposed, would set a precedent of building in gardens of adjacent properties, whether the site could support 2 dwellings, the need for the development to be in line with

Development Plan Policies COR2, DM2, DM14 and not the Eastern Urban Extension Masterplan.

Policy DM2 of the Local Plan (part 3) requires development to have a clear understanding of the characteristics of the site, its wider context and the surrounding area, it requires development to make a positive contribution to local character and create visually attractive places that are well integrated with surrounding buildings, streets and landscapes and provide developments which do not have unacceptable adverse impacts on the privacy and amenity of adjoining dwellings, taking account of siting, layout and massing. Policy DM14 reinforces the need to ensure development does not result on the overdevelopment of residential curtilages. Policy COR2 of the Mid Devon Core Strategy seeks to maintain local distinctiveness and seeks high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and which creates attractive places.

The Planning Committee considered the proposal was out of character with the existing layout of the area, it would result in a development of uncharacteristically higher density out of character and appearance with the surrounding area, it would lead to a loss of local distinctiveness and provide a dwelling in close proximity to other dwellings contrary to the general character of the area.

The reason put forward is as follows.

**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 COR2 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

Members having taken into account the existing character of the area, the surrounding development pattern, building layouts, plot sizes and density, are able to refuse the application for the reason set out above which can be substantiated particularly when considered against the policy provisions set out above,

**RECOMMENDATION**

If Members are minded to refuse the application it is recommended the application is refused 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 Upplowman 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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**Application No. 99/03432/FULL**

**Agenda Item 14**

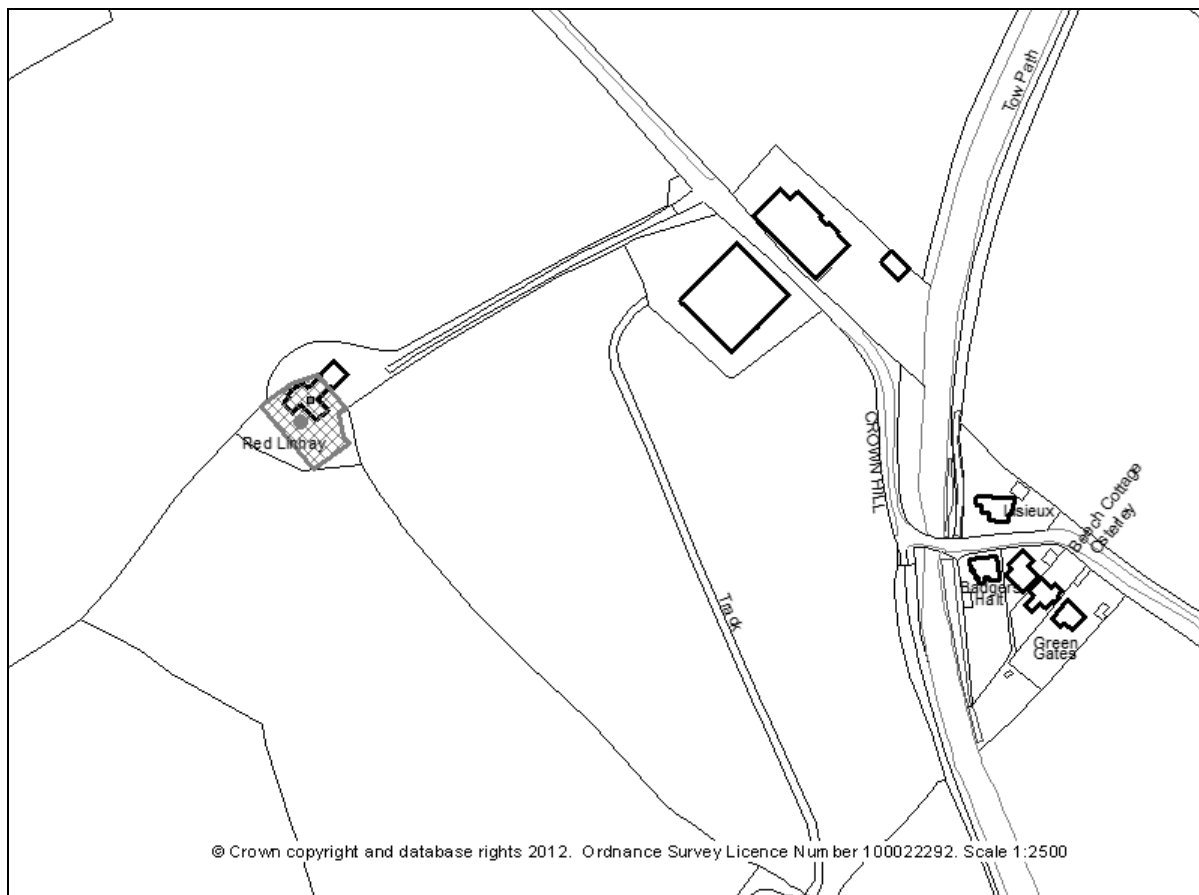
**Grid Ref:** 112789 : 299456

**Applicant:** Hartnoll Farms

**Location:** Hartnoll Farm Post  
Hill Halberton

**Proposal:** Conversion of  
redundant farm  
building to an  
agricultural workers  
dwelling

**Date Valid:** 15th May 2002



**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING  
TO AN AGRICULTURAL WORKERS DWELLING - HARTNOLL FARM  
POST HILL HALBERTON**

**Reason for Report:**

The applicant has made a request to this authority for a variation to the s106 legal agreement attached to this consent. In line with the adopted Scheme of Delegation, this request is reported to committee as the previous application was considered by Planning Committee back in 2000

**RECOMMENDATION(S)**

**To allow the proposed variation to the s106 (to remove one area of land and replace it with another) and instruct the Legal Services Manager accordingly**

**Relationship to Corporate Plan:**

None

**Financial Implications:**

There is no fee to the applicant for making this request, but MDDC legal fees will need to be covered by the applicant

**Legal Implications:**

A supplemental s106 agreement or Deed of Variation will be required

**Risk Assessment:**

None

**Consultation carried out with:**

1. Chair of Planning committee
2. Vice chair of planning committee
3. Ward Member
4. Parish Council



## 1.0 BACKGROUND

- 1.1 Planning consent (ref: 99/03432/FULL) was granted by the LPA for the conversion of a redundant farm building to an agricultural workers dwelling, subject to a s106 agreement tying the agricultural land which made up the holding to the dwelling so that neither could be sold off independently of the other. The dwelling the subject of that application is now known as 'Red Linhay'
- 1.2 In 2014, the LPA granted planning consent for a 500kW anaerobic digester (AD) on land to the east of 'Red Linhay' (ref: 13/01605/MFUL). The application site is on an area of land included within the s106 agreement mentioned above and therefore the LPA have now received a request to remove the area of land from the s106 agreement to enable it to be sold to the AD operators. The applicant has offered a further area of land for inclusion within the s106 agreement to replace it.
- 1.3 In line with the adopted procedure for dealing with these requests, the Chair and Vice Chair of Planning Committee, the Ward Member and the Parish Council have all been consulted and no objections have been received.

## 2.0 MATERIAL CONSIDERATIONS

- 2.1 Planning permission was granted only last year for the AD plant and therefore its provision on the site in question is accepted by the LPA
- 2.2 The applicant has advised that the removal of the area of land included within the AD application amounts to only 4 acres or 2.2% of the total amount of land which makes up the holding.
- 2.3 The applicant is proposing to add in an alternative area of land measuring approx. 3.8 acres in substitution for the 4 acres of land being removed, although this land appears to be woodland.
- 2.4 Therefore as a consequence of the proposal, the land for which the LPA granted planning consent for the AD plant is released and additional land incorporated, therefore the size of the agricultural holding is protected whilst allowing the development of the AD plant to proceed.

## 3.0 RECOMMENDATION

- 3.1 Your officers are satisfied that the removal of the area associated with the AD plant and its replacement with an area of land of a similar size will not affect the viability of the agricultural holding and therefore recommend that the Legal Services Manager be instructed to draw up the necessary Deed of Variation or supplemental s106 agreement

### Contact for any more information

Mrs Alison Fish (ext 4266)

### Background Papers

Application 99/03432/FULL, application 13/01605/MFUL plus correspondence from applicants solicitor in making their request

### File Reference

99/03432/FULL

### Circulation of the Report

Cllrs Richard Chesterton



#### REPORT OF THE HEAD OF PLANNING AND REGENERATION

#### PLANNING PERFORMANCE 2014-15

##### RECOMMENDATION:

For information and discussion.

##### REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the financial year 2014-15 and quarter 4.

##### MATTERS FOR CONSIDERATION:

Performance against targets and Planning Service staffing in the immediate future.

##### RELATIONSHIP TO CORPORATE PLAN:

Well Managed Council

**FINANCIAL IMPLICATIONS:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned.

**LEGAL IMPLICATIONS:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be placed in special measures allowing applicants to apply for permission direct from the Planning Inspectorate and bypassing local decision making. The speed measure is the number of major applications determined within 13 weeks as measured over a 2 years period. The target of more than 40% has been met (50%). The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target has been met (14%).

**RISK ASSESSMENT:** Financial risk as a result of fee return and the placement of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk.

#### 1.0 PLANNING PERFORMANCE

Set out below are the Planning Service performance figures for quarter four 1st January – 31st March 2015 together with that for the whole financial year 2014-15. For comparison purposes, the performance in earlier quarters of the same financial year is also indicated.

Performance data is published quarterly on the Council's website at <http://www.middevon.gov.uk/index.aspx?articleid=4026>

The performance over the last twelve months is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	2013/14	2014/15				2014/15
			Q1	Q2	Q3	Q4	
Major applications determined within 13 weeks	60%	37	50	75	57	70	64%
Minor applications	65%	54	64	71	68	63	67%

determined within 8 weeks							
Other applications determined within 8 weeks	80%	76	84	77	83	70	78%
Householder applications determined in 8 weeks	85%	83	91	82	89	97	90%
Listed Building Consents	80%	71	68	66	77	64	70%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89	100	100	80	100	94%
Delegated decisions	90%	93	94	95	96	92	95%
Applications over 13 weeks old without a decision	Less than 45 applications	53	28	34	30	36	36
Major applications determined within 13 weeks (over last 2 years)	More than 40%	67	57	53	50	50	50%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	94	94	95	96	100	95%
Building Regulations Applications examined within 3 weeks	95%	87	70	92	88	53	74%
Building Regulation Full Plan applications determined in 2 months	95%	99	100	99	93	91	98%

The performance figures given above show that for the majority, targets are being met or exceeded and in terms of major, minor and other planning applications compare favourably with performance for 2013/14. However there are a couple of exceptions to this including performance on other applications which narrowly misses the Government's target of 80% determined in 8 weeks. This is due to increased emphasis being placed upon major applications, the performance of which is closely monitored by the Government and has increased from 37% determined in 13 weeks 2013/14 to 64% for 2014/15 and is now above the target.

The Listed Building Consent application target was not met for this year. However this must be viewed in context of work achieved by the Conservation Team including the assessment and designation of a new Conservation Area centred around Blundell's School, the review of the Article 4 Direction in Cullompton and contribution to enforcement investigation of breaches; the drafting of 5 new Conservation Area Appraisals and Management Plans.

The Government's planning guarantee requires that authorities determine all planning applications within 26 weeks unless an extension of time is agreed with the applicant. If not, the planning fee is returned. Performance under this is closely monitored with only £385 returned to date.

The Building Control team has seen significant changes over 2014/15 with the redundancy of the Building Control Manager at the end of quarter 3. The Manger previously acted as an Inspector over part of the District and managed a caseload of applications. With the reduction in the size of the team the time taken for certain activities has increased. A review

of the Building Control service including workloads and level of staffing is currently being undertaken in conjunction with North Devon Council's Building Control Manager. Recommendations will be made regarding future service delivery.

Current policy production targets are as follows:

<b>Document</b>	<b>Anticipated presentation</b>
Local Plan Review	Pre-submission consultation in progress until 27th April 2015
CIL Draft charging schedule	Pre-submission consultation in progress until 27th April 2015
Annual Monitoring Report	AMR presented to Cabinet February 2015
Heritage Assets Register	Published on website
Cullompton Article 4 Review	Consultation completed December 2014, target to Cabinet 4th June 2015
Conservation Area Appraisals and Management Plans: Thorverton Morchard Bishop Newton St Cyres Cheriton Fitzpaine Silverton	In preparation Consultation completed mid March
Solar & Wind Landscape Sensitivity SPD	In preparation
Self Build guidance / SPD	In preparation
Open Space SPD	In preparation

The priority for the Forward Planning Team is currently the Local Plan Review and associated tasks. At the current time there are vacant posts in the planning policy section due to the team leader being on maternity leave and certain other postholders having left or about to depart. An interim Team Leader is due to start employment on the 13th April 2015 and further resources are being secured via consultancy and external recruitment in order to ensure sufficient staff resources are in place to complete the Local Plan Review process through Examination and to adoption.

Simultaneously there are also vacancies within the Development Management and Enforcement team as a result of maternity leave, departure of postholders and restructuring the service. Recruitment is underway.

Until the recruitment process is completed and staff in place, the number and availability of staff to deal with development management matters and other planning related matters will be reduced. While every effort will be made to maintain our charter standards of customer service and our performance levels within the eight and thirteen week government target periods some reduction in service and performance is inevitable over the next few months.

Performance will be monitored carefully during this period but Members are being made aware that it is likely our response to applications and other enquiries will take longer. This should only be for a short period of approximately three months subject to being able to successfully recruit of order to return the team to its full compliment.

**Contact for Information:** Jenny Clifford, Head of Planning and Regeneration  
01884 234346

**List of Background Papers:** PS1 and PS2 returns

**Circulation of the Report:** Cllr Richard Chesterton  
Members of Planning Committee

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