

# Public Document Pack

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

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A SPECIAL MEETING** of the **PLANNING COMMITTEE** will be held in the Town Hall on Wednesday, 18 March 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 1 April 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

**KEVIN FINAN**  
Chief Executive  
10 March 2015

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

## A G E N D A

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 14*)  
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 5 **ENFORCEMENT LIST** (*Pages 15 - 18*)  
To consider the items contained in the enforcement list.

- 6        **14/01847/MFUL - ERECTION OF 44 APARTMENTS FOR OLDER PERSONS, INCLUDING COMMUNAL FACILITIES, ASSOCIATED CAR PARKING INCLUDING CONSTRUCTION OF PARKING DECK AND LANDSCAPING (REVISED SCHEME) - LAND AND BUILDINGS AT NGR 295350 112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON** *(Pages 19 - 54)*  
To receive a report of the Head of Planning and Regeneration regarding this application.
- 7        **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 8        **THE PLANS LIST** *(Pages 55 - 88)*  
To consider the planning applications contained in the list.
- 9        **APPLICATION 14/00881/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD AT LAND EAST OF TIVERTON, SOUTH OF A361 AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD, TIVERTON.** *(Pages 89 - 138)*  
Report of the Head of Planning and Regeneration regarding this application.
- 10       **APPLICATION 15/00033/FULL - CHANGE OF USE OF RESIDENTIAL GARAGE/WORKSHOP TO DWELLING AT RAVENSDALE, BLACKBOROUGH** *(Pages 139 - 146)*  
To receive a report of the Head of Planning and Regeneration regarding this application.
- 11       **APPLICATION 14/01748/MARM - RESERVED MATTERS FOR THE ERECTION OF 112 DWELLINGS, INCLUDING GARAGES, DOMESTIC OUTBUILDINGS AND STRUCTURES, ASSOCIATED INFRASTRUCTURE, ESTATE ROADS, FOOTWAYS, CAR PARKING COURTS, DRAINAGE, PUMPING STATION AND LANDSCAPING, TOGETHER WITH ALL OTHER ASSOCIATED DEVELOPMENT, FOLLOWING OUTLINE APPROVAL 13/00859/MOUT - LAND AND BUILDINGS AT NGR 302994 107178 (FORMER CUMMINGS NURSERY) CULM LEA, CULLOMPTON** *(Pages 147 - 170)*  
To receive an implications report by the Head of Planning and Regeneration following discussions at a previous meeting where Members were minded to refuse the application.

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

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

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

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

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

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

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 4 March 2015 at 2.15 pm

### **Present**

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

### **Apologies**

**Councillors** J M Downes, A V G Griffiths and  
Mrs L J Holloway

### **Also Present**

**Councillors** Mrs J Roach and Mrs N Woollatt

### **Present**

**Officers:** Jenny Clifford (Professional Services Manager), Tina Maryan (Area Planning Officer) and Sally Gabriel (Principal Member Services Officer)

## 149 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs A V G Griffiths and Mrs L J Holloway.

Apologies were also received from Cllr J M Downes who was substituted by Cllr P F Williams.

## 150 **PUBLIC QUESTION TIME**

Mrs Hopkins referring to Item 10 (Town Hall Site) on the agenda stated that her and her husband had always planned to downsize when they could no longer manage their present property and would like to remain in Tiverton. They had visited other McCarthy & Stone developments and would like to make use of the development in Tiverton. The Environment Agency had checked out any possible flood issues. With regard to car parking people of our age do not need a car and we would not bother. I do hope that the plans go ahead.

Mr Davey referring to Item 10 (Town Hall Site) on the agenda stated that McCarthy & Stone have bought the Mid Devon site; why is the planning department recommending approval for plans that go against recommendations, policies and the flood assessment? With regard to this revised application, why has the developer not been forced to address the security issues of the last application?

Mr Hutchings referring to Item 10 (Town Hall Site) on the agenda; stated that there were differences between the site plans and the reality of the development as marked out on site. It was closer to Memorial Cottage that visualised. He raised privacy issues regarding the flats and the Memorial Hall. A letter had been received from McCarthy & Stone stating that they were moving the parking deck further away by 1 metre. There could be loss of privacy and light issues, the flats were not in keeping with the area. The scheme could be moved closer to the river. The conservation officer does not agree with it. How many councillors lived in Tiverton and feel that this development is acceptable given the amount of grade II listed buildings around it. With regard to the fact that older people do not drive, I do and I would want a parking bay.

The Chairman indicated that answers to the questions would take place when the application was debated.

#### 151 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting of 11 February 2015 were approved as a correct record and **SIGNED** by the Chairman

#### 152 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members of the special meeting of the Committee taking place on 18 March 2015.

#### 153 **MEETING MANAGEMENT**

The Chairman indicated that she intended to take item 6 before item 5 on the agenda.

#### 154 **MANOR HOUSE HOTEL - REPAIRS NOTICE UPDATE REPORT**

The Committee had before it a report\* of the Head of Planning and Regeneration updating members on the Repairs Notice to secure the preservation of the property.

The Senior Planning Officer (Design and Conservation) informed Members that a detailed survey of the property had now taken place by the owner's structural engineer; initial findings should be received within the next few days. She outlined the options identified in the report and the up to date state of the historic building.

The Professional Services Manager stated that there was a need to have a clear understanding of the structural issues, a robust schedule of works, the costs and the timings of any repairs.

Discussion followed regarding:

- The inconvenience of the closure of Tiverton Road and the impact on the town centre.
- Possible compulsory purchase of the property.
- Why had it taken so long for the property owner's structural engineer to undertake the work?
- Timescales for the receipt of the structural engineer's initial report.

- The cost of renovations and repair works.
- Whether the Council employed its own structural engineer to undertake the structural investigations.

As Members wished to discuss the cost of employing specific structural engineers, it was suggested that the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. Consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee decided that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

### **ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC**

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

(Proposed by the Chairman)

Following discussions regarding the cost of employing particular structural engineers the press and the public were readmitted.

Further consideration was given to the possible sale of the property and costs of erecting the scaffolding around the property.

It was therefore

**RESOLVED** that

- (i) If within 2 weeks of the date of this meeting, the property owner's structural engineer has not completed a report of the structural investigations and compiled a schedule of works and submitted them to the Local Planning Authority, then the Council appoint a structural engineer to undertake structural investigations and compile a schedule of remedial works;
- (ii) The Council gain valuations of the property as set out in the report;
- (iii) A further report be brought before the Committee once the results under (i) and (ii) are available with updated options for further action including the consequences of a compulsory purchase and any back to back sale including a valuation and costs.

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

#### Notes:

- (i) Cllr Mrs N Woollatt spoke as Ward Member;

- (ii) The Chairman read a message on behalf of Cllr Mrs L J Holloway (Ward Member);
- (iii) The following late information was reported: a proposed additional recommendation: That the Legal Services Manager be authorised to take any appropriate legal action including compulsory purchase. In the event of any failure to comply with any notice served, the additional authority to prosecute, take direct action and/or seek a court injunction. (This was not agreed).
- (iv) \*Report previously circulated copy attached to signed minutes.

#### 155 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

#### 156 THE PLANS LIST

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

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

- (a) No 1 on the Plans List (***14/01943/FULL – Erection of dwelling – Three Tuns, 14 Exeter Road, Silverton***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location map, aerial photographs of the site, a block plan, proposed elevations, site sections and photographs from various aspects of the site. She outlined the concerns of neighbouring residents that of amenity, light issues and the shared access to the site.

Consideration was given to:

- The distance between the proposed dwelling and neighbouring properties
- The draft and revised plans which had altered the height of the proposed dwelling
- Loss of parking spaces
- The possible impact on neighbouring residents and Development Management Polices DM2 and DM14
- Access via the car park to the rear of the cottages
- The restriction of adding any windows to the west elevation of the proposed development.

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

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

Notes:

- (i) Cllrs M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, P J Heal, D J Knowles, E G Luxton, 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.

- (ii) Mr Snowden (Agent) spoke;
- (iii) Mr Jackson (Objector) spoke;
- (iv) Cllr Mrs J Roach spoke as Ward Member;
- (v) Cllrs Mrs D L Brandon, R L Stanley and K D Wilson requested that their votes against the decision be recorded;
- (vi) The following late information was reported: 1 further objection summarised as follows:
  - There is a right of way across the car park to the rear of the cottages backing onto the car park
  - As the pub was developed in the past, there was always a requirement to increase the car parking provision in line with the improvements. The current application would reduce the level of parking available and increase parking on the road.

Officer comments: These issues are dealt with in the officer's report.

(b) No 2 on the Plans List (***14/02077/FULL – erection of a dwelling with parking and associated access (revised scheme) – 11 Uplowman Road, Tiverton***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site plan, the block plan and proposed floor plans, proposed highway improvements and photographs from various aspects of the site.

Consideration was given to:

- Density issues
- The development was out of character with existing dwellings in Pomeroy Road
- Whether the proposal was in contravention to the Masterplan approved for the Eastern Urban Extension.
- The setting of a precedent of building in gardens of adjacent properties
- Whether the site could support 2 dwellings
- The overgrown garden
- The need for the development to be in line with Development Management Policies and not the Eastern Urban Extension Masterplan.

**RESOLVED** that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed decision based on the following reasons:

The proposal is considered a departure from existing dwelling layout in the area, to have an unacceptable size of plot at an uncharacteristically high density contrary to the character and appearance of the surrounding area resulting in a loss of local distinctiveness and close proximity to other dwellings. The proposal is considered

contrary to policies COR1 Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 Development Management Policies (Local Plan Part 3).

(Proposed by Cllr M D Binks and seconded by Cllr D J Knowles)

Notes:

- (i) Cllrs D J Knowles and K D Wilson made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had had contact with local residents.
  - (ii) Mr Buzzacott (Objector) spoke;
  - (iii) Cllr D J Knowles spoke as Ward Member;
  - (iv) A proposal to grant planning permission was not supported;
  - (v) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, Mrs M E Squires, K D Wilson and P F Williams requested that their vote against the decision be recorded.
- (c) No 3 on the Plans List ***(15/00062/FULL – Relocation of existing parking spaces with access and erection of 2 dwellings with altered access, land at NGR 296643 113493, Beech Road, Tiverton)***

The Area Planning Officer outlined the contents of the report providing an aerial photograph identifying the location of the proposed dwellings and highlighted proposed floor plans and elevations. The current parking spaces were identified and the fact that No 29 and No 43 would be provided with parking spaces. The deeds for No 37 referred to the right to use the parking spaces if available.

Consideration was given to: discussions that had taken place with residents regarding off street parking. The Cabinet Member for Housing stated that parking would be provided for No 37 prior to the construction of the dwellings.

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

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllrs P J Heal and R L Stanley declared personal interests as the Chairman of the Decent and Affordable Homes Policy Development Group and Cabinet Member for Housing respectively;
- (ii) Cllr D J Knowles made a declaration in accordance with the Protocol of Good practice for Councillor dealing in planning matters as a Member of the Decent and Affordable Homes Policy Development Group;
- (iii) Mr Hubbard (Resident) spoke;
- (iv) The following late information was reported: Tiverton Town Council – 18th February 2015

Whilst supporting the application for 2 dwellings the council is concerned about the proposed re-location of car parking spaces for residents and would suggest that present garden space be utilised rather than the proposal, which is feared could result in vandalism and increased crime. Tiverton Town Council respectfully requests that a site meeting be held to outline the problems and the possible solutions.

Officer comments: MDDC has been in discussion with residents and will be providing off-street parking within the front garden of the one dwelling that does not currently have such an arrangement. The relocation of the existing parking spaces has been removed from the plans.

#### 157 THE DELEGATED LIST

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

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

#### 158 MAJOR APPLICATIONS WITH NO DECISION

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

Application 15/00108/MOUT - land west of the Harvesters Uffculme Road, Uffculme, be brought before the Committee for determination and that a site visit take place if minded to approve.

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

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

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Professional Services Manager initially outlined the contents of the report identifying the differences between the original and revised scheme: 44 flats were proposed instead of 45, the balance of the 1 and 2 bedroomed flats had shifted, the 2 access points, the reduction in the size of the parking deck, part of the building has been pulled away from the boundary with properties at Ham Place, elevation and accommodation details had been amended and there were changes to the garage areas.

At this point the presentation equipment which had included the recording system failed. Following several attempt to re-boot the system it was:

**RESOLVED** that this application be deferred until the next meeting to allow for the presentation to be received in full.

(Proposed by the Chairman)

Notes:-

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Cllr D J Knowles declared a personal interest as a Member of the British Legion;
- (iii) Cllr K D Wilson declared a personal interest as he had been in discussion with local residents and the British Legion as Ward Member;
- (iv) Cllrs M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, P J Heal, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;
- (v) The following late information was reported:

Amendments / clarification to report: The upper parking deck area provides 9 spaces.

Parking on the two levels is connected with the lower development area by a lift / stair tower. In addition the upper area connects with an entrance to the apartment building on the second floor.

Finished floor level is 63.3m and above the minimum advised in the flood risk assessment of 61.5m AOD.

Additional information received from the applicant's drainage consultant in response to representations:

Surface water drainage.

It was recognised that flood risk would occur when the river levels reach approximately 61.00mAOD as this would leave the flap valves unable to open. If a rainfall event occurs in conjunction with this high water level in the river then the developments' system would be unable to operate. Discussions with the Environment Agency indicated that the river levels could keep the flaps closed for up to 9 hours. A storm generating approximately 4.0mm rain/hour for a 9 hour period would generate the need for 75,600 litres of storage (75.6m<sup>3</sup>). This provision has been made by placing two storage tanks measuring 20x4x0.55m (83.6m<sup>3</sup>) adjacent to the building. It has been agreed with the Environment Agency that the probability of these two storm events occurring simultaneously is high enough and consequently, the WSP Surface Water drainage proposals provides a sufficiently robust solution to mitigate against flood risk via this mechanism.

On 20 February 2014 Chris Khan of the Environment Agency wrote a letter granting formal consent as required by the Water Resources Act 1991 for two 100mm flapped outfalls to the River.

Foul Water.

The combined sewer on the site is the responsibility of South West Water. On this basis, the sewer diversion works are being procured under Section 185 of

the Water Industry Act 1991. Draft drawings prepared by South West Water's consultants indicate that the sewer will be at approximately the same depth as the existing. We do not anticipate that the sheet piling or sewer works will alter the movement of groundwater within the area, but we will inform South West Water of Mr Thomas' observations and ask them to consider the inclusion of his proposals.

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

#### 160 **DECISIONS AGAINST OFFICER RECOMMENDATION**

The Committee had before it and **NOTED** a report \* of the Head of Planning and Regeneration providing information where the Committee had made decisions not in agreement with officer recommendations.

The Professional Services Manager outlined the contents of the report which reflected the decision making of the committee against officer recommendation, 3 cases had been identified which was a reduction on previous years.

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

#### 161 **MEMBERS ANNUAL APPEAL REPORT**

The Committee had before it and **NOTED** a report \* of the Head of Planning and Regeneration providing information on the outcome of planning appeals for 2014.

The Professional Services Manager outlined the contents of the report stating that 42 appeals were determined or withdrawn within that period, 64% had been dismissed.. Of the 11 appeals allowed 4 of these were refused by the Committee against officer recommendation and costs awarded at a likely cost of £21,677. The Government sought to improve the speed and quality of planning decision making. In the event that the Secretary of State viewed that a Local Planning Authority was not adequately performing it's function of determining applications it would be designated for special measures. The performance of each authority in terms of speed and quality of decision making was monitored. The measure to be used to assess the quality of decision making was the average percentage of decisions on applications for major development that have been overturned on appeal. A report identifying the percentage of major applications overturned at appeal that had been determined over a 2 year period would be brought before a future meeting of the Committee. The threshold for inadequate performance in this respect being 20% or more.

Discussion followed with regard to training that had taken place on robust decision making and the contents of the implications reports.

Note: \*Report previously circulated copy attached to signed minutes.

#### 162 **SCHEME OF DELEGATION TO THE HEAD OF PLANNING AND REGENERATION**

The Committee had before it a report \* of the Head of Planning and Regeneration requesting that the current scheme of delegation to the Head of Planning and Regeneration be updated in light of the restructuring of the Planning Service.

**RESOLVED** that the scheme of delegation to the Head of Planning and Regeneration be amended as follows from 1st April 2015:

In the case of all Applications:

1. In the opinion of the Head of Planning and Regeneration or the Area Planning Officer, the application is of a significant, controversial or sensitive nature.

(Proposed by the Chairman)

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

(The meeting ended at 5.35 pm)

**CHAIRMAN**

**Case No. ENF 14/00124/UDRU**

**Grid Ref: 290886 112555**

**Address:**

Land west of Rowey Bungalow, Plainfield Lane, Withleigh, Tiverton.

**Alleged Breach:**

Without planning permission, an unauthorised change of use has been undertaken namely the change of use of agricultural land to domestic garden.

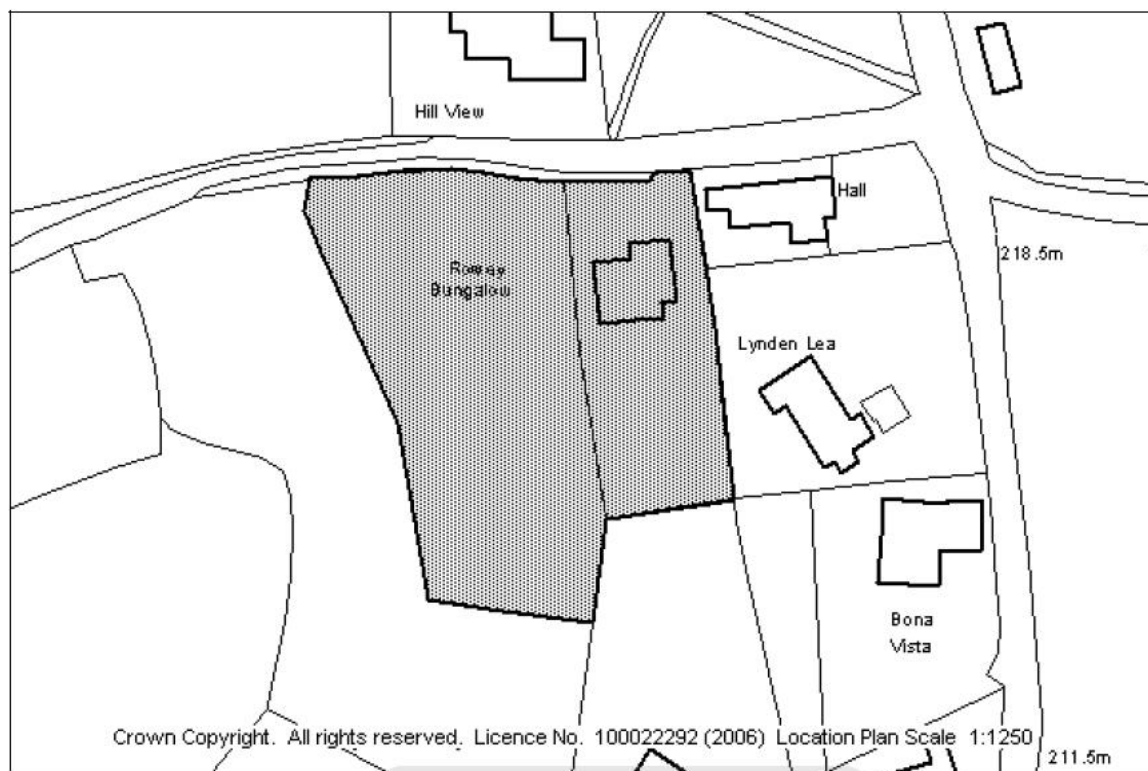
**Recommendation:**

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

**Site Description:**

Rowey Bungalow, Plainfield Lane, Withleigh, Tiverton is a detached bungalow to the west of Withleigh Village Hall. To the west of the residential bungalow and garden is an area of agricultural land the subject of this report.

**Site Plan:**



**Development Plan Policies:**  
DM 31 – Planning Enforcement

**Reasons/Material Considerations:**

Rowey Bungalow was built as an agricultural workers dwelling in the 1970`s. The agricultural occupancy condition was breached for a period in excess of ten years and a Certificate of Lawful Existing Use was issued which allows the lawful occupation of the property without compliance with the occupancy condition. Additionally an area of land to the south of Rowey Bungalow was granted a Certificate of Lawful Existing Use as garden following a breach of planning control for a period in excess of 10 years the certificate now permits the land to the south to be used as garden.

The agricultural land the West of the bungalow was formally separated from the dwelling and curtilage by way of a fence which was removed. Following a complaint in 2005, that the land was being used for domestic purpose, the alleged breach was investigated under ENF/05/00123/UCU. Part of the fence was replaced to form a partial barrier between the field and the Rowey Bungalow curtilage. In 2005 it was considered no breach had occurred at that time as the land was not used principally for a domestic purpose and that the removal of a physical barrier was not in itself a breach.

In 2011 following further complaints about the use and domestic maintenance regime of cutting and mowing the area regularly further investigations took place. Again it was alleged that the land was again being used for domestic purpose. The land at that time was maintained by the current owner, by regular mowing and strimming, it was not considered at that time that it was cut to a level that would be considered domestic and no paraphernalia associated with a domestic use was sited on the land. Therefore it was concluded that a change of use has not occurred at that time. The land owner confirmed that in his view the land was in agricultural use at the time.

Since 2011 further complaints have been received about the use and maintenance regime of the land to the west of Rowey Bungalow. A Planning Contravention Notice was issued in 2014 and that was returned by the owner stating the land was in agricultural use. Following the receipt of that Notice a further letter was sent to the owner asking the nature of the agricultural activities carried out on the land. A response was received at the end of 2014 stating that the land was used for keeping chickens and ducks.

The land to the west of Rowey Bungalow is only separated from the dwelling and its curtilage and garden by partial fencing. The barrier does not prevent free passage between the existing property/garden and the land to the west as the fence is not continuous. The land to the west is regularly mown by the property owner using a domestic sized `sit on` lawn mower, it is not cut using agricultural machinery. The cuttings have not been identified as being used for fodder or any other agricultural purpose. The owner is not employed in agriculture, but in the building industry. The land appears to be mown at least every two weeks, particularly during the summer months. While there is a small penned area in one corner for chickens and ducks they do not appear to have access to the rest of the field and apart from the use of this small area for chickens and ducks no agricultural activities appear to take place on the rest of the land.

The question that arises is whether the regular mowing is an agricultural activity or a domestic one. The grass is not cut for silage, the field is not used for grazing or as a chicken run, the land is not cultivated in any way nor is it left as set aside, the land is regularly mown, cut and strimmed but has no other domestic activities. So is the land in agricultural use or domestic use.



The evidence would suggest that the land is not predominantly in use for agricultural purposes. The land appears to be slowly being domesticated, all be it with a lightness of touch, by regular mowing, no other domestic activities are taking place,

Is a change of use taking place in planning terms. It is alleged by the complainants that change may be taking place from agriculture land to an area of regularly mown and managed garden which can have appearance of additional domestic curtilage for Rowey Bungalow. Is the regular mowing sufficient to establish a change of use?

Is the land being actively used for primarily agricultural purposes? No, a small area is used for ducks and chickens, the rest is mown regularly, but the grass cuttings are put to no agricultural purpose. Does the mowing in itself constitute a change of use? Is it being managed as an extension to the garden area of Rowey Bungalow, by regular cutting and mowing. Does the cutting and mowing constitute agriculture.

Has or is a change of use of land taking place. Currently your officers are not satisfied sufficient evidence is available to demonstrate a change from agriculture to garden has been undertaken.

Apart from regular mowing no other non-agricultural activities take place, while mowing fields is not commonly considered agriculture, the question arises is that in-itself sufficient to substantiate a change of use.

On the basis of the evidence to date officers consider it would be difficult to substantiate a change of use currently particularly as the owner himself has confirmed in a PCN and a letter the agricultural use of the land and some poultry is kept on part of the land.

There will remain concern from the complainants over the activities on this land and it suggested a further report be considered in September this year following the regular monitoring of the site over the summer months.

If the regular moving regime remains the case may need to be reconsidered

**Human Rights and Equality Issues:**

Any formal enforcement action could be considered to affect the land/property owner/occupiers human rights under the provisions of Article 8 and Article 1 of the First Protocol. The human rights of others have to be taken onto consideration. In this particular case, it is felt that there would be no breach of the human rights legislation if no action were taken with regard to the unauthorised development. Should Members resolve to take enforcement action, such action could impact upon the land owner.

**Options for action or remedy:**

The list of options available is as follows:

**Take no action** – This is the recommended action at this time,

**Invite an application to grant consent to regularise the development** – Granting permission to extend the garden would extend residential development into the countryside where there is a general presumption against development outside of defined development boundaries.

**Issue Enforcement Notice** – Your officers are not satisfied sufficient evidence exists at the current time to demonstrate a breach of planning has taken place.

**Reasons for decision:**

While the land is currently in partial agricultural use insufficient evidence exists at the present time to demonstrate that a breach of planning control has or is taking place. A further report be considered in September this year following the regular monitoring of the site over the summer months.

Application No. 14/01847/MFUL

Agenda Item 6

**Grid Ref:** 112455 : 295350

**Applicant:** McCarthy & Stone Retirement Lifestyles Ltd

**Location:** Land and Buildings at NGR 295350 112455 (Rear Of Town Hall) Angel Hill Tiverton

**Proposal:** Erection of 44 apartments for older persons, including communal facilities, associated car parking including construction of parking deck and landscaping (Revised Scheme)

**Date Valid:** 10th November 2014



18TH MARCH 2015

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

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

**Cabinet Holder**                      Cllr Richard Chesterton  
**Responsible Officer**              Professional Services Manager

**Reason for Report:**

To consider the above planning application.

**RECOMMENDATION**

**Grant permission with conditions.**

**Relationship to Corporate Plan:**

The Corporate Plan sets out the following long term visions:

- i) Ensure that the housing needs of residents are met through the provision of affordable homes and good quality housing in both the public and private sector.
- ii) Promote and protect our outstanding environment and beautiful countryside.

**Financial Implications:**

Viability issues have been raised by the applicant in relation to the payment of financial contributions towards public open space and off site affordable housing.

**Legal Implications:**

Parts of the application site are subject to a restrictive covenant and private rights of access. These are not matters that can be considered in the determination of this planning application.

**Risk Assessment:**

None.

**Consultation carried out with:**

See relevant section of the report.

## **UPDATE TO REPORT.**

This application was deferred from the meeting of Planning Committee on 4th March 2015 due to technical problems with the presentation equipment. A Planning Committee site visit has taken place. Queries arising from this visit are addressed below:

Balustrading around the edge of the parking deck is proposed to be a mix of low wall with railings. Details are now required as part of condition 16.

The existing stone wall below the block of garages to be demolished is proposed to be replaced in part by a green (planted) wall as part of the wider landscaping schemes for the site. It is intended to soften the edge of the communal area, but may retain elements of the stone wall towards its base. Condition 5 requires details of boundary treatment. This condition has now been amended to also refer to retaining walls and associated facing materials.

## **1.0 PROPOSED DEVELOPMENT**

This is a full planning application for the redevelopment of the land to the rear of Angel Hill, the Town Hall and part of St Andrews Street. The site is 0.42 ha in size and is bounded on its western side by the River Exe. The site is predominantly on two levels. The highest part is towards the eastern side and is currently occupied by existing parking and garage buildings to the rear of St Andrews Street. The lower part of the site lies further to the west and fronts onto the river. This was until recently cleared, overgrown and was last used as tennis courts. The site is located in Tiverton Town Centre, the Conservation Area and is located close to listed buildings including those in St Andrews Street, The Town Hall, The Royal British Legion building at Angel Hill and St George's Church.

The application seeks permission for 44 later living (retirement type) apartments. Planning permission has previously been granted for 45 new build units on the site under an earlier scheme by the same applicant (13/00298/MFUL). The applicant site excludes the properties in St Andrews Street / Ham Place which are currently undergoing renovation under separate permissions by the Council as landowner with the intention for them to be occupied as affordable dwellings. These 10 units therefore do not form part of the current planning application.

The current proposal seeks to:

1. Erect 44 apartments for older persons comprising 16 one bed and 28 two bed apartments. This compares with 25 one bed and 20 two bed apartments under the previous scheme. The accommodation is proposed to be arranged on the site as 2 mainly 3.5 storey buildings connected by a 2 storey link and set within a private landscaped garden area. This is to be constructed on the lower western area of the site.
2. The proposed buildings will also accommodate a communal resident's lounge, laundry, guest suite, refuse area and a manager's office.
3. Access to the apartment element of the site is to be gained from St Andrews Street through the demolition of numbers 1 and 2. This demolition work has already taken place. This access will serve an upper parking deck area

providing 9 parking spaces. The size of this upper deck has been reduced from the previously approved scheme which sought to provide 21 parking spaces at this upper level.

4. The proposal also includes a lower parking area, accessible through the arch from Angel Hill. Parking and garages currently occupy this area. In this lower parking area, 21 parking spaces are proposed to serve the development. The majority of existing garages are proposed to be demolished in order to provide parking spaces,
5. A total of 28 parking spaces are therefore associated with the proposed development over the two levels. 5 parking spaces are also shown to the rear of the Town Hall, to be retained by the land owner.
6. Parking on the two levels are connected with the lower development area by a lift / stair tower together with an entrance to the apartment building at the second floor.

The main differences between the current proposal and that granted under 13/00298/MFUL are as follows:

1. Parking arrangements as described above. The lower parking area is now proposed to be utilised by the scheme with access through the arch to the rear of the Town Hall.
2. A reduction of the number of apartments by 1, but an adjustment to the proportion of one and two bedroom apartments to increase the number of 2 beds.
3. The proposed building has been pulled away slightly from the edge of the upper level towards the east of the site. A lift / stair tower arrangement provides access between the accommodation and the parking areas /access together with an entrance into the apartments on the second floor.
4. The parking deck has been reduced in size by approx 1m from Memorial Cottage at its northern end and by 11m towards the south.
5. Part of the building has been slightly pulled away from the boundary with properties in Ham Place (by approx 1.5 metres).
6. Elevational detailing and accommodation floor layout have been amended,
7. The red line application site has been reduced to exclude an area towards the southern end of the lower parking area. The existing garage in the ownership of 2a ham Place is now outside the application site. Part of the eastern garage block is proposed to be retained.

The site is allocated for development within the Allocations and Infrastructure Development Plan Document AL/TIV/12. This allocation covers 0.5ha and incorporates buildings in St Andrews Street and Ham Place that are not part of this current proposal. The policy refers to:

- 55 dwellings incorporating conversion of buildings adjoining St Andrew St, including 35% affordable housing.
- Design protecting the character of the adjoining Listed Buildings and enhances the setting of the River Exe.
- Archaeological investigation and appropriate mitigation.
- Ground floors to be raised and provision of flood evacuation / access routes.
- Provision of sustainable urban drainage scheme and arrangements for future maintenance.

The principle of the development of this site for housing and of later living / retirement type is well established, as is the broad form and arrangement of the scheme under the previous permission. The assessment of this application therefore concentrates on areas of difference from approved scheme 13/00298/MFUL.

## **2.0 APPLICANTS SUPPORTING INFORMATION**

Extensive supporting information has been submitted in support of the application:  
Planning statement.

Design and access statement including a sustainability statement.

Statement on the impact of the development upon heritage assets and their setting including the Conservation Area and nearby Listed Buildings.

Archaeological and cultural heritage desk based assessment.

Nesting birds check statement prior to site clearance

Tree survey.

Foul and surface water drainage strategy.

Transport statement.

Traffic management statement.

Construction method and waste audit statement.

Ground conditions and contamination assessment.

Flood risk assessment.

In addition, under the previous, similar 13/00298/MFUL scheme the following was also submitted and are still considered relevant:

Building for Life Assessment.

Statement of community involvement.

Extended phase 1 habitat survey together with additional reports in respect of protected species including bats, water vole, otter, reptiles.

Viability / affordable housing statement.

Archaeology report.

Statements on public open space and amenity space provision in respect of the applicant's sheltered housing developments.

Since the report was written for the Planning Committee meeting on 4th March 2015, additional information has been received from the applicant in respect of the proposed drainage scheme and seeks to address areas of concern from the representation as follows:

Surface water drainage.

It was recognised that flood risk would occur when the river levels reach approximately 61.00mAOD as this would leave the flap valves unable to open. If a rainfall event occurs in conjunction with this high water level in the river then the developments' system would be unable to operate. Discussions with the Environment Agency indicated that the river levels could keep the flaps closed for up to 9 hours. A storm generating approximately 4.0mm rain/hour for a 9 hour period would generate the need for 75,600 litres of storage (75.6m<sup>3</sup>). This provision has been made by placing two storage tanks measuring 20x4x0.55m (83.6m<sup>3</sup>) adjacent to the building. It has been agreed with the Environment Agency that the probability

of these two storm events occurring simultaneously is high enough and consequently, the WSP Surface Water drainage proposals provides a sufficiently robust solution to mitigate against flood risk via this mechanism.

On 20 February 2014 Chris Khan of the Environment Agency wrote a letter granting formal consent as required by the Water Resources Act 1991 for two 100mm flapped outfalls to the River.

Foul Water.

The combined sewer on the site is the responsibility of South West Water. On this basis, the sewer diversion works are being procured under Section 185 of the Water Industry Act 1991. Draft drawings prepared by South West Water's consultants indicate that the sewer will be at approximately the same depth as the existing. We do not anticipate that the sheet piling or sewer works will alter the movement of groundwater within the area, but we will inform South West Water of Mr Thomas' observations and ask them to consider the inclusion of his proposals.

### **3.0 PLANNING HISTORY**

90/00065/OUT - Outline for the erection of offices and parking and construction of new and alteration to existing vehicular access - Granted July 1990.

04/02120/CAC - Conservation Area Consent for the demolition of a derelict pavilion - Granted January 2005.

08/00639/MFUL - Erection of 46 dwellings and cafe with associated car parking following demolition of 1 and 2 St Andrew Street, conversion of 3-10 St Andrew Street and 1, 2 Ham Place into 10 dwellings - Granted June 2009.

08/00640/LBC - Listed building consent for internal and external alterations, 9 & 10 St Andrew Street - Granted August 2008.

08/00641/CAC - Conservation Area Consent for demolition of 1 and 2 St Andrew Street and garages, sheds, buildings and north/south retaining wall on land to rear - Granted August 2008.

12/00745/MFUL - Application to replace extant planning permission 08/00639/MFUL (to extend time limit) Erection of 46 dwellings and cafe with associated carparking following demolition of 1 and 2 St Andrew Street, conversion of 3-10 St Andrew Street and 1, 2 Ham Place into 10 dwellings - Granted

12/00755/LBC - Listed Building Consent for internal and external alterations - Granted

12/00756/CAC - Conservation Area Consent for demolition of 1 and 2 St Andrew Street and garages, sheds, buildings and north/south retaining wall on land to rear - Granted

13/00298/MFUL - Erection of 45 apartments for older persons, including communal facilities, associated car parking and landscaping, following demolition of 1 & 2 St Andrew Street - Granted

### **4.0 DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR6 - Town Centres



COR7 - Previously Developed Land  
COR11 - Flooding  
COR13 - Tiverton

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

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/IN/6 - Carbon Footprint Reduction  
AL/TIV/12 - St Andrew Street

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

DM/1 - Presumption in favour of sustainable development  
DM/2 - High quality design  
DM/3 - Sustainable design  
DM/4 - Waste management in major development  
DM/8 - Parking  
DM/14 - Design of housing  
DM/15 - Dwelling sizes  
DM/16 - Town centre development  
DM/27 - Development affecting heritage assets

## **5.0 CONSULTATIONS**

SOUTH WEST WATER - 5 December 2014 - South West Water has no objection

TIVERTON TOWN COUNCIL - 4th December 2014 - Further information required regarding whether the reduction of the parking deck will result in reduction in car parking facilities for the new development.

4th February 2015 - Some of the details shown on the new plans are incorrect. The Memorial Building is shown as being part of the Town Hall.

Tiverton Town Council remains very concerned that a full drainage plan has still not been provided. This is becoming very stressful for the residents of Ham Close. Concerns that this development will during periods of heavy rain, cause flooding to Ham Close.

We are still concerned that the quality of design of these properties does not compliment the two listed buildings beside it.

The new plans, whilst showing some improvements has reduced the amount of car parking space by 13 vehicles.

We are very concerned about the use of the archway for traffic. This is a very dangerous entrance with very poor visibility. We are surprised at the conditions suggested by highways, and indeed feel they will make the problem worse.

We remain concerned that it would seem that little regard has been taken to public opinion regarding this proposal and the severe impact that it is felt it will have on the area.

Concerns regarding how close the development will still be to the RBL club which often has entertainment. We can see a conflict between the new residents and the club regarding this. Whilst this may not be a pure planning matter it should be taken into consideration as an environmental issue.

NATURAL ENGLAND - 25th November 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 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 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).

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.

ENVIRONMENT AGENCY - 28th November 2014 - We have no in principle objections to the proposal as submitted, subject to your authority deeming that the Sequential and Exception Tests, as detailed within the National Planning Policy Framework, can be met.

Parts of the site lie within Flood Zone 3a of the River Exe, albeit that the site benefits from a flood defence scheme. The risk of flooding and presence of flood defences has dictated the form and layout of the development and we are pleased that the latest proposal incorporates the fundamental requirements in terms of high flood levels and surface water drainage strategy. It is also pleasing to see a firm intention to incorporate piling for the proposed new build and sewer diversion works as this will help safeguard future repairs/replacement of the existing flood defence wall that forms the western boundary of the site.

We advise that Conditions 9 and 10 associated with the planning permission 13/00298/MFUL be applied should your authority grant permission.

We take this opportunity to confirm that the prior written consent of the Environment Agency, under the terms of the 1986 Land Drainage Byelaws, is required for the sheet piling/sewer diversion, works given that they would lie within 7m of our flood defence wall. A fundamental part of an application for such a Flood Defence Consent of this nature will be a Method Statement.

HISTORIC ENVIRONMENT SERVICE - 8th December 2014 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have a significant impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

23rd February 2015 - I have just spoken to AC Archaeology, who undertook the archaeological investigations and historic building recording at the above development site. They have just submitted the report on the results of this work to the client, so I would anticipate receiving this soon. They have also informed me that the site archive will be deposited and, as such, I do not regard there to be a need to apply an archaeological condition to any new planning application for the development of this site.

No further archaeological mitigation is required, and the Historic Environment Team would have no comments to make on any new application for this site.

DEVON & CORNWALL POLICE AUTHORITY - 1st December 2014

Following a site inspection with the town centre Beat Manager Sarah Stevens I can comment as follows:

At the present moment there is no reported anti social or unacceptable behaviour in this car parking area, with very little crime reported.

It is the Police Town Centre Beat Managers and my own opinion that the proposal of covering a percentage of the car park will indeed encourage youths to gather as a dry area which is closer than the car park and bridge area which is currently used.

CCTV will do little to deter or prevent rowdy or noisy behaviour, and unlike to prevent crimes involving damage to vehicles or property, drug related abuse, and intimidating behaviour.

The only solution would appear to be a gate just prior to the covering which only authorised persons that have some form of electronic access. The other end is already gated, although I am not sure of its legality.

HIGHWAY AUTHORITY - 5th December 2014 - The Highway Authority has no objections subject to the off site highway works detailed as part of the application and previously conditioned being imposed on this application. The applicant is reminded of the need to enter into a section 278 legal agreement with the Highway Authority for the delivery of these works.

26th January 2015 - The Highway Authority has considered the revised plans and has no further observations to make and the previous off site highway works required by the highway Authority are relevant to the current submission.

ENVIRONMENTAL HEALTH - 9th February 2015 - Contaminated Land - No objections

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

ENGLISH HERITAGE - 3rd February 2015 -

We were last consulted on proposals for this site in March 2013, when my colleague David Stuart provided advice on a scheme which envisaged a neo-classical form of architecture, developed around a central piazza. We expressed some reservations about whether the architectural approach was too formal for the site, and advised that its success "will be heavily dependent on authenticity and attention to detail in its execution".

The current proposals for the site have moved away from the idea of a neoclassical composition, and are now based around the genre of Georgian-style townhouses. Perhaps articulating the design in the form of individual plots is more appropriate to the market town of Tiverton than the previous proposals, but our previous concerns about authenticity and attention to detail are not alleviated.

While Tiverton Conservation Area contains a number of detached Georgian villas, a grand terrace of relatively uniform appearance is not characteristic of the conservation area. The proposed design contains an uneasy mix of modern elements such as Juliet balconies, non-local features such as stone coping / water tabling, yet a lack of traditional features such as chimneys. This is despite your council having a commendable conservation area appraisal in place which gives a thorough analysis of the character and appearance, and could have been followed.

The loss of the central piazza detailed in the previous proposals has brought the building line against to the river, with the result that the bellcote of St George's Church is barely visible, and becomes merely an ornament above the proposed development's apologetic central entrance feature squatting between the two proposed white rendered properties. The view of the church is so restricted we question whether there is any point to the designed gap.

We suggest that if a traditional appearance to the development is preferred, much further work is necessary here to secure a design which truly reflects the local character and appearance, as per our previous advice. Replica architecture by volume housebuilders can be successful; for example you might consider an internet visit to the CABE review of the City of Durham's Highgate development. We would be happy to provide further advice on the subject, but strongly urge your council to consider the architectural shortcomings of the present proposals, and whether this really meets the good standard of design required by section 7 of the NPPF.

Recommendation

We are unable to support this application at present, and recommend further revisions to achieve a design which successfully responds to the character and appearance of the conservation area and the setting of the Grade I listed St George's Church. We would be pleased to meet with your authority and the applicant to discuss means by which this could be achieved.

19th February 2015 - Further to my letter of 30 January 2015, it has been brought to my attention that a letter from my colleague David Stuart dated 27 March 2013 was not referring to the previous proposals shown in the design and access statement of the current application. My letter had built upon an assumption that the current proposals were a new scheme previously unseen by English Heritage and completely revised from the earlier scheme shown in the applicant's design and access statement. However, I have subsequently been made aware that David Stuart's letter was in fact referring to proposals with little difference to those tabled in the current application, which were granted planning permission last year. Given we previously expressed a view that the precedent for the proposed development has been established, I wish to withdraw my comments relating to the relationship between the proposed development and the bellcote of St George's Church. It is apparent that the scale, form, layout, and massing of the development has been previously agreed through detailed discussion and I would not wish to revisit our previous position on these aspects.

However, David Stuart's letter of 27 March 2013 noted that the success of the development will be heavily dependent on authenticity and attention to detail. We therefore continue to query whether the detailed design of the proposed development is of sufficient quality for this prominent site. As I noted in my letter of 30 January 2015, the proposed elevations comprise an uneasy mix of modern elements such as Juliet balconies, non-local features such as stone coping / water tabling, yet a lack of traditional features such as chimneys.

I apologise for any confusion caused by my initial response, and reiterate my willingness to take part in discussions regarding the proposals if you feel that would be useful.

## **6.0 REPRESENTATIONS**

6 letters of objection have been received including from Tiverton Civic Society and are summarised as follows:

1. Memorial Cottage is incorrectly shown on Angel Hill. Misleading.
2. War Memorial Hall and Cottage are listed – this is not referred to.
3. The height of the buildings fronting the river have increased. It will obliterate the Royal British Legion and Memorial Hall building when viewed from across the river.
4. The security risk to Royal British Legion has not changed, but the applicant has agreed to improve the situation.
5. The applicant has not altered the deck at the Memorial Cottage end.
6. Why is the parking deck necessary? There are not enough parking spaces for the number of flats. Residents will use the area behind the club, creating problems especially over our busy weekends. There are two fire exits and access from Memorial Cottage onto the car park. The only disabled entrance

to the Club and Hall is through the cottage gate which is a collection /drop off point and must be kept clear. Contractors are already blocking our access and using our parking.

7. All deliveries and refuse are taken through the arch to Angel Hill.
8. Cracks are appearing in the Remembrance Hal and around the building since work started.
9. The tunnel (under the deck) will create vandalism and drug problems.
10. The Royal British Legion club has entertainment and music. Do not want complaints from our new neighbours. We do not currently get complaints from our neighbours.
11. The applicants stopped consulting us –many issues remain unresolved.
12. Previous objections on earlier schemes remain valid. The application must go before planning committee. There is chance to reverse the previous disastrous decision and give the town the innovative Angel Project scheme which a large majority preferred.
13. The St Andrews Street entrance is too near to a bend and narrow. It is dangerous and will lead to an accident. Demolition has left a gaping hole and damaged the Conservation Area. The bollard landing will further narrow the road.
14. New traffic islands will throw traffic leaving the arch or existing St Andrews St into the path of traffic coming up the hill.
15. The raised deck will cover the majority of the car park. It will still create a black hole of a tunnel, increase anti-social behaviour, drunkenness and rough sleepers. Concerns of the Police have not been addressed. There will be serious security and privacy implications of the deck for Ham Place and the Royal British Legion Club.
16. The buildings will dominate the river frontage which on this bank is green space.
17. Development of the site for green space (Angel Project) would reduce the town centre green space deficit and create a focal point for the regeneration of this part of the town centre. This will not happen with a block of flats.
18. In this WW1 centenary year the developer seeks to develop on land which has a covenant to safeguard the views, light and integrity of the listed War Memorial hall.
19. MDDC's strategic flood risk assessment states the site is vulnerable to flooding and not suitable for residential development. Raising development to create an island is unacceptable. Other recommendations of the report are being ignored.
20. Drainage and flooding proposals are laughable and have not been adequately addressed. The flap valves draining surface water to the river will not open when the river is in full spate. The two storage tank proposed will only have sufficient storage for 9 hours of rain. Given weather last winter and climate change this will be insufficient. Flooding of our property took place in January 2015.
21. Rerouting of the sewer is insufficient. It is too small and causes flooding of lower Ham Place. Even if the diameter were increased, there would be a restriction in Ham Place where it meets a smaller pipe increasing risk of flooding. The removal of surface water will not compensate for increased load on the sewer.
22. During storms of less than 1 in 100 years, the surface water system will be

surcharged and flood Ham Place, breaking the 1 in 100 year flood protection provided by the flood wall. The system should be designed for a 1 in 100 year storm with the river valve flaps closed (84mm over 12hrs rather than 4mm/hr). Attenuation tanks should be increased in size to ensure no manhole /gully covers are at a level lower than the top of the wall by re-routing the low level pipes through the plinth surrounding the building. This has not been addressed.

23. The foul sewer diversion is likely to collect ground water and lead it to Ham Place. Prevention measures should be included such as a puddle clay barrier at the end of the trench. This has not been addressed.
24. The proposal will not revitalise the town centre. Any benefits from the accommodation will be offset by additional services needed for the elderly residents
25. The scheme is a gross overdevelopment of the site shoe-horning a massive building into a small site and create a slum for tomorrow. If unconnected with the Council it would have been refused. A better scheme at Old Blundells was refused. The Council has turned a blind eye and wants to make a quick buck to pay for the St Andrew Street renovation works.
26. Economic benefits are small to none. Environmental benefits –none with greater flood risk, less open space, damage to Conservation Area and listed buildings. No need on this site – this accommodation type could go elsewhere.
27. Missed opportunity to create outstanding riverfront centrepiece.
28. No information on how surface water from the existing car park area will be drained. Surface water currently runs down Angel Yard as surface water drain blocked by MDDC.
29. Concern will block out light in winter to Riverside Mews basement flat. The height of the building will create this problem.
30. Parking arrangements for contractors during construction are inadequate – they will park near the site. The area and junction with St Andrews / Angel Hill /Fore Street will be congested and dangerous. Need to insist on off—site parking facilities or space rental in a car park. No construction traffic beyond this point sign should be placed in St Andrews Street after the entrance.
31. Details of adequate access for residents of Ham Place, for building maintenance and emergency vehicle access to Ham Place are unknown.

1 letters of support have been received and are summarised as follows:

1. Hope the changes will be viewed favourably.
2. The plans have been altered to be more sensitive to surrounding properties.
3. Wish to downsize to one of the apartments and stay in Tiverton. Will release their property for another family.

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. History.**
- 2. Policy.**
- 3. Flood risk.**
- 4. Highways and parking.**



5. **Impact upon existing residential properties.**
6. **Impact upon the Listed Buildings, Conservation Area and townscape of Tiverton.**
7. **Other design and layout issues.**
8. **Other site issues including ecology, trees, archaeology, contamination, drainage.**
9. **Other issues.**
10. **Carbon reduction.**
11. **Financial considerations.**

## **1. History**

Planning permission has been granted on three separate occasions for the residential redevelopment on this site. The most recent application, 13/00298/MFUL was by the same applicant for a very similar scheme of 45 later living (retirement type) apartments.

Conservation Area Consent has already been granted under 12/00756/CAC for the demolition of 1 and 2 St Andrew Street and garages, sheds, buildings and north/south retaining wall on land to rear. These works are therefore already established as being acceptable.

## **2. Policy**

The Allocations and Infrastructure Development Plan Document (Local Plan Part 2) allocates the site for residential development (55 dwellings) under policy AL/TIV/12. This allocation site as a whole has a policy target of 35% affordable housing.

**Local Plan Part 1: Mid Devon Core Strategy 2007** Policy COR1 promotes managed growth to meet sustainability objectives including meeting housing needs, efficient use of land with densities of 50-75 dwellings per hectare in town centre locations, accessible development and managing flood risk. Local distinctiveness is sought in policy COR2 through high quality sustainable design reinforcing the character and legibility of the built environment and creating attractive places. Tiverton town centre's vitality and viability is to be protected and enhanced under policy COR6. This promotes enhancement an regeneration and well-designed new homes and key town centre uses and traffic management measures. A sequential approach to development seeks the development of previously developed or underused land in policy COR7. Policy COR11 seeks to manage the impact of flooding to reduce the risk of flooding, guide development to sustainable locations with the lowest flood risk by applying the sequential test and locate development in areas of higher flood risk only where the benefits outweigh the risk of flooding and ensure the development does not increase the risk of flooding elsewhere. Policy COR13 sets out the framework for the development of Tiverton. High quality development is sought in order to manage the town centre for economic success and heritage promoting new homes and other uses contributing to vitality and viability and reduce the risk of flooding.

**Local Plan Part 2: Allocations and Infrastructure DPD.** The site is located in the

settlement limits of Tiverton, the town centre and identified for residential development (55 dwellings) as an allocation within policy AL/TIV/12. There is therefore no objection in principle to the proposed redevelopment and the proposed use. 35% affordable housing is sought. Policies also make provision for inclusive design and layout of the market and affordable dwellings within a scheme (AL/DE/5), financial contributions towards public open space where not provided on site and carbon footprint reduction (AL/IN/6).

**Local Plan Part 3: Development Management policies** Relevant policies relate to the presumption in favour of sustainable development DM/1 and a positive approach to sustainable development which works positively to find solutions which allow proposals to be approved wherever possible and to secure development that improves the economic, social and environmental conditions of the area. Planning applications according with policies should be approved without unnecessary delay unless material considerations indicate otherwise.

Policy DM/2 requires high quality design that demonstrates a series of principles including an understanding of the characteristics of the site, its context and surrounding area; positive contribution to character safe and accessible places, visually attractive places that are well integrated and do not unacceptably effect privacy and amenity taking account of architecture, siting, scale, massing and scale, orientation and fenestration, materials, landscaping and green infrastructure. DM/3 requires that proposals demonstrate how sustainable design and construction methods will be incorporated with major housing schemes being required to meet level 3 of the Code for Sustainable Homes from 2013. DM/4 requires waste management in major applications.

Policy DM/8 requires appropriate levels of parking, taking into account the accessibility of the site including the availability of public transport and the type, mix and use of development. Class C3 residential schemes have a minimum car parking standard of 1.7 spaces per dwelling, together with a minimum cycles parking standard and 1 electric vehicle charging point per 10 units in Tiverton.

Housing design is addressed in policy DM/14 and seeks to deliver high quality local spaces, adequate daylight, sunlight and privacy to principal windows, suitably sized rooms and floorspace, adaptable accommodation, private amenity spaces reflecting aspects of the property, sustainable development forms and 20% of dwellings to be built to the lifetime homes standard. Minimum internal floorspace requirements are set out in DM/15.

DM/16 supports sustainable growth and regeneration of Tiverton and supports residential development in the town centre where the character, appearance, vitality and viability is retained or enhanced, sustains or enhances diverse town centre uses and customer choice and are accessible by public transport, walking and cycling.

Development affecting heritage assets is addressed in policy DM/27 which broadly reflects the requirements of the National Planning Policy Framework in this respect. Impact upon heritage assets and their setting

### **3. Flood risk**

The assessment of flood risk in relation to the current application remains the same as that at the time of consideration of 13/00298/MFUL. Policy COR11 Mid Devon Core Strategy 2007 and guidance in the National Planning Policy Statement (together with its technical annex) apply. The application has been supported by a Flood Risk Assessment. Most of the site is located within the flood plain of the River Exe. This area is categorised as being flood zone 3a 'high probability of flood' where flood risk is a 1 in 100 year (or greater) flood. National flood guidance advises that residential development is a 'more vulnerable' development type. The National Planning Policy Framework advises that for individual developments allocated in development plans through the sequential test, the applicants need not apply the sequential test. The allocation of this site for development within the Allocations and Infrastructure Development Plan Document incorporates the results of a strategic flood risk assessment and sequential test. An earlier application for dwellings on the site was assessed against both the sequential and exception tests and was considered to pass both. The Environment Agency previously advised that it was satisfied that the development is safe and provision is made for dry access / egress routes from each dwelling to higher dry land in the event of flooding. No objection to the residential allocation, previous or current scheme has been raised on flood risk grounds: neither in respect of the site itself nor increased flood risk elsewhere. The provisions of the Framework have been met in terms of flood risk.

The current application takes account of the findings of the submitted flood risk assessment which indicates that the site is unlikely to be flooded during a 1 in 100 year event due to the presence of the defence wall and concludes that the flood risk to people when the site is complete is low. Finished floor level is 63.3m and above the minimum advised in the flood risk assessment of 61.5m AOD. The consultation reply from the Environment Agency confirms that the proposal meets the policies within the Framework. A condition safeguards minimum floor levels and reflects the floor levels already incorporated into the scheme. The Agency have also indicated that it is now satisfied with the design in terms of proximity to the flood defence wall separating the site from the River Exe although prior formal written consent must be obtained from them for any works within 7m of this wall in order to safeguard it's structural integrity. This will be addressed by way of an informative note.

The proposal is therefore considered acceptable from a flood risk perspective and in compliance with policy COR11 Mid Devon Core Strategy 2007 and guidance in the National Planning Policy Statement.

#### **4. Highways and parking**

Access to the development is now proposed from both St Andrews Street following the demolition of numbers 1 and 2 and via the arch adjacent to the Town Hall. Conservation Area Consent for the demolition works has already been granted and the suitability of this access was established under the previous planning permission. This new access is intended to serve the new build properties and will connect directly with a decked parking arrangement to the rear of the St Andrews Street properties.

The proposed parking deck accommodates 9 parking spaces to serve the proposed

development. This is substantially reduced from the earlier scheme. Policy DM/8 of Local Plan Part 3 (Development Management Policies) Post Inspectors Report sets appropriate levels of parking. For residential schemes it sets a minimum standard of 1.7 spaces per dwelling, together with a minimum cycle parking standard and 1 electric vehicle charging point per 10 units in Tiverton. For this scheme, the standard would require 75 parking spaces instead of the 28 proposed for the use of this development. The parking associated with the scheme has increased from the 21 previously granted through the utilisation of parking at the lower level accessed through the Town Hall arch. However, the policy also allows for variation from the standard to be justified on a case by case basis and refers to taking into account the accessibility of the site including the availability of public transport and car parking; the type, mix and use of development. The applicant has sought to justify the lower parking provision and has submitted a transport statement identifying the accessibility of this town centre location in terms of proximity to facilities and services including public transport; comparative information on car ownership levels from other schemes operated by the applicant and likely traffic generation and vehicle trip levels. Average car ownership of 0.35 cars per 1 bed unit and 0.39 per 2 bed unit would equate to the need to provide approx 17 spaces to meet the expected car ownership levels of the occupants. Based on the nature of the accommodation, the comparative information submitted and the town centre location, the parking levels proposed are considered to have been justified in this instance and within the terms set out within policy DM/8. The current scheme also provides an additional 7 parking spaces over and above the previously approved scheme.

The proposal does not include cycle parking, but given the average age of entry into comparative developments of 76 years, it is not considered that this is grounds to refuse the application. The proposal also does not provide for electric vehicle charging points in the manner intended by policy DM/8. However it does include charging points for electric mobility scooters within a store. On this basis, this is not considered grounds to justify a refusal of the application given the nature of the accommodation proposed even though it is not fully compliant with this policy and associated parking Supplementary Planning Document.

The size, appearance and impact of the parking deck is considered elsewhere in this report. The area under the parking deck is proposed to retain its existing access from the yard to the rear of the Town Hall and associated arch from Angel Hill. Vehicular access to this area will not be provided from St Andrews Street and it is completely separate from the parking on top of the deck. The lower parking area comprises 21 spaces now associated with the development scheme. A further 3 garage spaces are proposed, intended to replace existing garaging which is to be demolished. 5 parking spaces are to be provided by reorganising the area immediately to the rear of the Town Hall. Parking on this lower level will therefore be provided to replace the 18 existing spaces and garaging currently existing.

The existing pavement in St Andrews Street (at a point immediately south of the new access) is proposed to be extended into the road and a crossing point formed. This will provide a road narrowing and reduce traffic speeds. The Highway Authority has requested this feature, checked the proposals and considers them to be acceptable in highway safety terms. This view also takes account of the revised access arrangements to the site. The traffic generation from the proposed 44 apartments is

set out on the transport report accompanying the application and is also accepted by the Highway Authority. Conditions will secure the provision of parking, access and pavement widening works. The pavement widening works remain as previously approved.

Supporting information has included a construction method statement and a traffic management plan which seeks to establish principles of construction traffic management. The Highway Authority has confirmed that in several respects that it is currently insufficiently detailed. Insufficient information included arrangements for pedestrian and vehicular access across the lower yard / parking area during construction or alternative measures. A full proposal should be submitted and approved by the Local Planning Authority. Notwithstanding the submitted details, a condition will secure this. It is understood that contractor parking is proposed to be granted at nearby public car parks.

Representations were received on the previous scheme relating to private rights of access and easements crossing the site in the area of the existing parking and garaging court, particularly as held by residents of Ham Place. These are not a material planning consideration to be taken into account in the determination of this application and would be addressed independently of the planning process in the event that it is implemented. The applicant is aware of these private rights and has taken them into account in the design of the proposal.

## **5. Impact upon existing residential properties**

The earlier application saw objections from residents of nearby properties in Ham Place, St Andrews Street and on the northern side of the site. Fewer objections have been received to the current scheme, but it is still important to consider the impact of the scheme as amended upon surrounding properties. The site is currently vacant, and apart from existing garage structures and temporary buildings on the top part, generally free from any buildings. Development on the site will by its nature have a marked impact upon surrounding dwellings, especially those in Ham Place which are located in close proximity to the site boundary and whose rear elevations and windows look towards the site. The small rear gardens to these dwellings also face the southern boundary of the site. These dwellings and gardens are set at a lower level than the application site. The impact upon the occupiers of existing residential properties can be best considered in four areas:

- i) Relationship between the proposed building and dwellings in Ham Place.
- ii) Relationships between the parking deck and dwellings in Ham Place and properties in St Andrews Street.
- iii) Relationship between the parking deck and Memorial Cottage (a dwelling) / Royal British Legion
- iv) Relationship between the proposed building and Memorial Cottage / Royal British Legion
- v) Relationship of the proposed building to dwellings to the north.

Dwellings in Ham Place are generally located approximately 3 – 5 metres from the boundary wall with the site although extensions reduce this distance in places. The proposed building is mainly 3½ storeys in height, but this varies slightly between

elements of the building. The wing closest to Ham Place has been reduced in height to 2½ storeys (11m high to ridge) in response to this being the closest point to the boundary with the properties in Ham Place (10.5m away). The gable end of this closest elevation is blank, without any windows or doors. This boundary distance is not constant, but increases in other areas to approximately 13 – 18m, at which point the building is 3½ storeys with a height of approx. 13.7m to ridge. Windows are located on all floors of the proposed building facing Ham Place with a window to window distances of approximately 20 – 22 metres. Amended plans have been received to remove balconies on the elevation facing Ham Place.

The main southern wing of the development building has been moved slightly further away from Ham Place in comparison with the previously approved scheme.

The relative level and height of the development in relation to existing dwellings must also be considered. The proposed sections indicate that the current scheme is approximately 8.4m higher (ridge to ridge) than the properties in Ham Place and at a distance where they are apart by 20m. The section showing the equivalent relationship close to the bottom of Ham Place shows this building height difference as being approximately 5.2 m due to the reduced storey height of the proposed building at this point. Finished floor levels within the proposed building are approximately 2m higher than the Ham Place dwellings. The differences in levels and height with Ham Place are therefore large.

The parking deck has been significantly reduced in size from that in the previous scheme. It's southern extent has been reduced by 11m and it is now is approximately 21.5 m long rather than 32.5 metres. It's width is some 19m. It decks over the parking area below which slopes down towards the south.

The height of the parking deck therefore varies from north the south. At its northern end it is approximately 3.3m high and at the southern end this increases to 4.8m due to the dropping of ground levels. As the deck has been pulled back from the south, its maximum height is now less than 5.4m at this end as previously approved. At this southern end the deck now is some 26 metres (rather than 15m) from properties in Ham Place. The relationship with the properties in Ham lace is therefore significantly improved from the approved scheme. Nevertheless, the southern end of the parking deck will still appear elevated in comparison with the properties in Ham Place, but the previous tightness and somewhat uncomfortable relationship between them is now improved.

The parking deck is also in close relationship with the rear of the St Andrews Street properties. These dwellings are set at a higher level than those further down into Ham Place. A range of temporary buildings at the rear have now been removed. The outlook and setting of these properties is currently compromised and they are unoccupied and undergoing renovation. The demolition of numbers 1 and 2 Ham Place will also improve the outlook by removing the high, rear projection of this building. The resultant improvement in outlook will to some extent also act to offset the impact of the parking deck. This impact has also improved as the southern extent of the parking deck has been significantly reduced.

Memorial Cottage is also located close to the application site being situated on the

end of the Royal British Legion building. The distance between the gable end of this property and the parking deck was previously approved at approximately 2.5 metres and at a raised level at this point approximately 2.1 m higher than the yard immediately adjacent to the gable end of the cottage. Under the current scheme the parking deck has been pulled away from Memorial cottage by 1m in comparison with the previous approved scheme and is therefore a slight improvement in the relationship between them. The parking deck still partially projects across the gable end of Memorial Cottage. This gable end contains the fire exit staircase from the Royal British Legion Hall on the first floor, but also a kitchen and lounge window to Memorial Cottage. The deck is not considered to overlap either of these windows but will be in close and higher proximity to the kitchen window and yard area. The approach to Memorial Cottage will also be affected due to the proximity and height of the parking deck. Even with the modest improvement within the current proposal, the current scheme is considered to still have a detrimental impact upon the amenities of Memorial Cottage compared to the present situation due to the height and proximity of the parking deck which will appear overbearing. However this impact is to some extent reduced due to the presence of the fire exit staircase on the gable end closest to the deck and position of the windows on this side of the cottage.

Representations have expressed concern at the relationship between the rear of Memorial Cottage / the Royal British Legion Hall building and the proposed development. Extensive windows are located on the rear elevation of the Cottage and hall together with a patio area. This is significantly raised in relation to the lower development site. The proposed building is located to the west with an intervening gap of some 11.6m to the retaining wall and 14m to the Hall / Cottage building itself. The height of the development to ridge is estimated to be some approx 9.5m above the floor level of the Hall / Cottage. The new building does not extend to the north across the full rear elevation of the Hall / Cottage building, but is estimated to overlap by some 3m beyond the main part of the building. The outlook from the rear windows of the Hall / Cottage are angled slightly north west and as such also look across land to the north of the application site in the vicinity of Angel Court rather than directly towards windows associated with upper floor accommodation in the application building. This reduces the impact of the scheme upon the outlook of the Hall / Cottage building. The relationship between them is considered acceptable taking into account relative site levels, distance and northerly extent of the proposed building. This relationship has not changed significantly from that within the previously approved scheme.

The proposed building is located in close proximity with the northern boundary of the site beyond which is located the garden to an existing property. Windows are located within the wide gable end of the proposed building at this point and serve living rooms and bedrooms. However this area of garden is at distance from the dwelling to which it relates and appears little used in comparison with the area closest to the dwelling. It is already overlooked from the rear windows of Angel Hill properties.

It is acknowledged that there will be a detrimental impact upon the occupiers of certain dwellings around the site as identified within preceding paragraphs. The degree of this impact has reduced in the current scheme in comparison with that previously approved. The degree of impact must still be taken into account in the planning balance when considering the negative impacts of the development and

whether they are outweighed by the scheme's planning benefits. Also to be taken into account is the previously approved scheme, which in many respects is very similar to that now submitted. In respect of the relationships with certain properties, the application still cannot be said to be in strict conformity with relevant Development Plan policies, but is an improvement over the previous scheme.

Conditions will be required to establish boundary treatment between the scheme and adjacent dwellings. Details submitted on the proposals are currently unclear regarding the nature and intended height of boundary treatment. Boundary details will also need to include the height and design of the edge of the parking deck for the same reasons.

## **6. Impact upon the Listed Buildings, Conservation Area and townscape of Tiverton, design approach.**

The site is located within Tiverton Conservation Area, close to Listed Buildings - Town Hall Grade II, St George's Church Grade I, Tiverton Museum Grade II\*, Memorial Hall and Cottage Grade II and other properties in St Andrews St further south are Grade II. The site also lies adjacent to two Grade II Listed Buildings at numbers 9 and 10 St Andrew Street. The site occupies a prominent waterfront location readily visible within the townscape of Tiverton from the river bridge to the north and south, from across the river and the northern part of the site forms part of the existing streetscene in St Andrews Street. The site is therefore sensitive and important in historic building, wider conservation and townscape terms.

Prior to the previous scheme, extensive pre-application discussions took place involving English Heritage and the Council's Conservation Officer. The impact of the proposal upon Tiverton Conservation Area, including the waterfront and associated views together with the setting of multiple listed buildings formed part of these discussions. The scheme has been supported by a comprehensive design and access statement together with a separate report examining the heritage assets providing the context of the site, the significance of these assets and the impact of the proposal upon them, together with the national policy context. The previous scheme established the approach to the site, general layout, massing, height and relationship between the proposed development and surrounding listing buildings including the inclusion of a lowered section of the building to retain a view to St George's Church from across the river.

The National Planning Policy Framework is of relevance. Of particular importance are the following paragraphs:

Core planning principles refer to securing high quality design.. take account of the different roles and character of different areas.. conserve heritage assets in a manner appropriate to their significance.

56 - Great importance is to be attached to good design which is a key aspect of sustainable development.

126 - It is desirable to sustain and enhance the significance of heritage assets and to put them to viable new uses consistent with their conservation. That new development should make a positive contribution to local character and distinctiveness draw on the contribution made by the historic environment to the



character of the place.

128 and 129 - These require the significance of the affected heritage asset to be assessed. The level of detail should be proportionate to the significance of the asset. When considering the impact of the proposal upon the heritage asset, its significance should be taken into account.

131 - In determining applications, account should be taken of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities and that new development should make a positive contribution to local character and distinctiveness.

132 - When considering the impact of the proposed development upon the significance of a heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight. Any harm or loss should have clear and convincing justification.

134 - Where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use

English Heritage commented on the previous scheme. It was seen as expanding upon basic principles established under the previous proposals in respect of scale, massing and form, and a design concept formulated on polite and formal traditional architectural principles. Their comments on the current scheme conform that the scale, form, layout and massing of the development has previously been established through detailed discussion. However, it is noted that the success of the scheme will be heavily dependent upon authenticity an attention to detail and query whether the detailed design is of sufficient quality. Reference is made to an uneasy mix of modern elements such as Juliet balconies with non-local features including water tabling and stone coping coupled with a lack of traditional elements such as chimneys. No fundamental concern has been raised in respect of impact upon the conservation area, Tiverton's townscape and views from the river, nor the impact upon listed buildings and their settings.

The Council's Conservation Officer has previously offered detailed views in respect of impact upon heritage assets and the design approach under application 13/00298/MFUL, some of which remains relevant to the current scheme:

*"This is a dominant site in the middle of Tiverton conservation area. There are very clear views towards it from a variety of positions, including the riverside walk and the two bridges over the River Exe. The setting of the conservation area and various listed buildings will be affected by any development on the site and therefore creating a quality development worthy of the character of the area is of paramount importance, as identified in the NPPF para. 17, 58, and section 12 (conserving and enhancing the historic environment) and also the EH guidance on setting 'The Setting of Heritage Assets' and the emerging local plan part 3 policies DM2, DM15 and DM28.*

*The current development pattern for the core area of Tiverton does not generally demonstrate river frontage development – the land by the river tends to be garden space, industrial (associated with the factory and milling) and back land or secondary structures associated with housing. The topography also slopes down from the town centre and the taller buildings along the ridge line of St Peter Street and St Andrew*

*Street, towards the lowest point of the river and then to the flatter levels of Westexe. However, there is a current allocation for development on this site and an existing consent also in place and therefore the principle of development is accepted. It is the shape, heights and volumes of the structures that will define a successful and respectful scheme for the site.*

*The development proposed will change the development pattern and historic response to the topography by creating a tall building with a strong character and high massing next to the river frontage. In my response I have considered height, massing and volume, design detailing and the materials of the proposed development as well as the setting of the listed buildings and conservation area.*

*The application is very thorough in its analysis of the character of the surrounding area, its history and development and the setting of the site and heritage assets around it. The verifiable images are extremely helpful in understanding the impact of the development on views and visual context.*

- 1. The proposed building is broken down into architectural sections which allow differing shapes, foot prints and detailing to be introduced to try and break up what is a building with a large mass and significant depth. The changes of materials and introduction of breaks in the roof all contribute to distracting from the size of the development overall.*
- 2. The height of the development is substantial but given the context where many buildings are three storeys high, and the back drop of the tall town hall I think that the scheme will work without being overly dominant. The juxtaposition of the housing on Ham Place and the height of this proposal is likely to be somewhat discordant.*
- 3. The break in the middle of the building to allow views from the river walk towards St George's church is good, although the detailing of the contemporary style joining section could potentially be rather institutional in appearance if not carefully detailed.*
- 4. The long ridge line from the west to the east is dominant in views from the southern bridge and is at odds with the stepped nature of development down this slope towards the river. However, my feeling is that there is sufficient other housing and buildings in views towards this elevation that views are interrupted and therefore this will not be substantially harmful.*
- 5. The landscaping for this scheme is going to be critical to its success at blending in with other green spaces along the river frontage. The specifics of planting are important and worth considering carefully.*
- 6. The listed buildings on St Andrew Street will have a changed setting and views both to and from them. Their setting is however, currently poor with dilapidated and overgrown spaces and a variety of poor 20<sup>th</sup> century pre-fabricated structures. The buildings currently have a steep drop-off topographically to the west and the proposed new parking platform will bring parking and movement closer to them, but with gardens enclosed in high walls. I do not think that this is necessarily a bad thing though – the local area is compact already with lots of enclosed and tight-knit urban spaces and this change will not be unusual for the locality.*

7. Views from the listed buildings will still be long distance given their height although they will be seen over the top of the modern and unusual roof shapes of the proposed development. This is change but not one that I would classify as being substantially harmful, especially given the poor quality of the space that they currently overlook.

The Conservation Officer has also commented on the current application:

*“The drawings have now reintroduced various features previously removed or altered, for example, rainwater goods, fan lights, parapet gable / water table detailing, lintels etc. The drawings remain poor with these details clearly just scribed over and therefore the accuracy is not entirely convincing. Other elements are not as good as the previous scheme – for example, the door designs, the expansion joint right down the front of the riverside elevation (with no attempt to hide it or locate it more sympathetically) but these could be refined easily.*

*The detailing for the scheme remains lacking – in order to achieve a cohesive design with good proportions, materials, detailing and overall impact there will need to be a much greater degree of information at least via condition. Appropriately scaled drawings of features such as windows, doors, parapet / water table features, rainwater goods, dormer windows etc. will be required to achieve a high quality scheme that preserves or enhances the conservation area and meets the criteria for our local policies, the NPPF and the guidance provided by EH in ‘The Setting of Heritage Assets’ and ‘Seeing the History in the View’.*

### Summary

*The scheme remains less than substantially harmful to the conservation area and setting of various listed buildings. These revised drawings go some way to recovering the mitigating elements of design that made the 2013 proposal acceptable. However, I believe that the erosion of quality and the lack of certainty regarding some details and materials do not tip the balance towards the scheme being acceptable. Unfortunately, therefore I remain of the opinion that the application should be refused.”*

The site is allocated for housing in the Local Plan, with an expectation that the lower and flatter land adjacent to the river would be developed. The proposed development concentrates development on the lower area of the site adjacent to the river and addresses the river frontage. It introduces 2 buildings, each of 3 ½ storeys, linked by a connecting 2 storey section. The buildings are higher than the majority of riverside development in this area as a result of the number of storeys and the minimum floor levels required for flood risk reasons. The height of the buildings is up to 15m to ridge along the river frontage elevation as measured from the bottom of the plinth. The height of the buildings echo those at the bottom of Angel Hill adjacent to the bridge and the higher, more formal scale of buildings in St Peter Street.

The Town Hall and St George’s Church occupy important and skyline positions in the Conservation Area as well as being Listed Buildings. Views of these buildings will change as a result of the development and from certain vantage points their elevation will not be as visible as present (or lost as in the case of the Town Hall),

particularly the view from directly across the river. However the scheme has sought to retain a view corridor to St George's Church through the height and positioning of the lower link between the 2 proposed buildings. The impact of the scheme upon this view and those from the two river bridges either side of the site has been illustrated through the submission of verifiable images. Whilst submitted in the context of the earlier scheme, due to the degree of similarity between the schemes, they remain relevant. The view of the Town Hall would be masked by the proposed buildings from directly opposite across the river, the images from the two river bridges show the retention of the prominence of the Town Hall from those points.

The scheme gives emphasis to the river front through the scale of the design and introduces a scheme that seeks to respect the form and character of Tiverton, its conservation area and nearby listed buildings whilst being a more contemporary approach than the previously approved scheme. The site is not considered to currently contribute positively to the character of the Conservation Area, being derelict and overgrown. The scheme addresses these issues and provides an opportunity to regenerate this area. The scale and height of the development has been justified in relation to other areas of the Conservation Area.

The scheme represents a significant change to the appearance of this part of the conservation area. The design and detailing of this scheme seeks to deal with the difficult constraints of the site in a way which is respectful of surrounding heritage assets. In concluding on the impact of the proposal upon these heritage assets in terms of the conservation area, listing buildings and their setting, the Conservation officer concludes that this impact will be less than substantially harmful. Paragraph 134 of the Framework establishes in such instances that this harm should be weighed against the public benefits of the proposal, including its optimum viable use. Accordingly the detrimental impact of the site upon these assets due to its condition and derelict state needs to be taken into account. The scheme will benefit the conservation area through regeneration.

Both English Heritage and the Conservation Officer have identified concerns over the quality of the scheme in terms of detailed design and architectural detailing. The conservation officer recommends refusal, but makes reference to addressing the greater level of design detail being needed via condition. The design quality and architectural detailing of the scheme has been watered down in relation to the previously approved scheme resulting in a less sympathetic elevational treatment. Whilst the applicant has sought to address this through the submission of amended plans, the elevational treatment remains less resolved and of poorer quality than previously. However it is intended that the necessary level of architectural detailing be addressed through the addition of a condition.

Taking all these matters into account, the scheme is seen as causing less than substantial harm and will deliver some benefit over and above the current appearance of the conservation area. The concerns raised by English Heritage and the Conservation Officer can be reduced through appropriate conditioning. On balance, the proposal is therefore considered acceptable in relation to heritage asset impact in accordance with the approach set out in the National Planning Policy Framework and DM/27 of the Local Plan Part 3 (Development Management policies).

The design approach to style, scale, massing and location of the buildings on the site is considered acceptable and has been addressed in detail within the design and access statement accompanying the application. This document considers the townscape context of the site, the local building traditions, form and materials and explains how the proposal has sought to be respectful of these aspects. There is no objection to these elements which remain very similar to the approved scheme. In respect of the overall approach to scale, massing and location, the proposal is considered in compliance with policies COR2, COR6, COR13 Core Strategy (Local Plan Part 1); AL/TIV/12 Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and DM/1, DM/2, DM/14 and DM/16 Local Plan Part 3 (Development Management Policies).

## **7. Other design and layout issues**

The site is a challenging one and is heavily constrained in terms of access location and significant levels differences between the eastern and western areas need to be accommodated. The layout of the site places the proposed buildings within a landscaped private amenity area that fronts the River Exe with parking at a higher level to the east. Access to both parking levels is gained a lift / stair tower in order the address the levels differences across the site. The buildings have been positioned to take advantage of the river frontage, to be sited in the lower part of the site, whilst still achieving the minimum floor levels in order to meet the requirements of the Environment Agency. Areas around the buildings are to be laid out and landscaped as communal gardens. The lack of public open space within the scheme: either through on site provision or via off site financial contributions is considered later in this report.

Policy DM/14 assesses new housing design in the round. The current application seeks permission for a specialist form of residential accommodation that it designed to meet the needs of later life. All apartments will be built to lifetime homes standard and have been designed to take account of the accessibility needs of occupiers. The communal amenity space provided rather than private amenity space per apartment reflects the nature of the accommodation. Internal floorspace standards set out within policy DM/15 are met. The layout of the scheme and detailing are considered acceptable, but issues such as materials, surfacing and boundary features will need to be controlled by condition.

Representations have previously been received regarding fear of crime and anti-social behaviour in association with the parking area under the proposed deck. They have been repeated on the current application, although the size of the deck has now been significantly reduced. The Police Architectural Liaison Officer has been consulted and has suggested that some form of controlled access to this area may be appropriate. However, any such scheme will need to have regard to existing access rights and easements. A lighting scheme will also be required for the site, including the area under the parking deck in order to balance the need to add to security without disturbing the amenities of the occupiers of nearby residential properties or bats. The issue of crime prevention / reduction measures was previously addressed by condition and it is proposed to do so again.

## **8. Other site issues including ecology, trees, archaeology, contamination,**

## **noise, drainage**

A phase 1 habitat survey together with protected species reports were undertaken in 2011 / 2012. The assessment for protected species and ecological importance found little of significance. Natural England confirms that the proposal is unlikely to affect protected species and the site has recently been cleared. The proposals are not considered to have a detrimental impact upon protected species and complies with policy ENV16 Mid Devon Local Plan (LDF) and the National Planning Policy Framework. The few trees on site were of low quality and value use as they were vegetation arising from the disuse of the site and had had no management. The scheme is an opportunity to enhance the arboricultural value of the site through a landscaping scheme.

The County Archaeologist now confirms that the scale and situation of the development will not have a significant impact upon any known heritage assets and have no further comments to make. Archaeological investigation has taken place. The County Archaeologist confirms that no archaeology condition is required.

Contamination and geotechnical investigation has taken place as evidenced by the report submitted with the application. Contamination potential is thought to be low and the conditioning of the approach in case of unexpected contamination coming to light during construction and mitigation (if required) is an acceptable approach in this instance and is recommended by Environmental Health.

As part of sustainable construction and energy efficiency air source heat pumps are proposed. There is no objection in principle to their use and they are not expected to cause a noise nuisance to nearby residents, however Environmental Health recommends the submission and approved of details.

A foul and surface water drainage strategy has been provided. A combined sewer running through the site will require diversion and will once diverted will accept foul drainage from the site. South West Water has confirmed capacity to deal with this. The buildings on the site have been designed to accommodate the relocated combined sewer. Surface water flows are to be discharged through two outfall discharge points into the River Exe, as agreed with the Environment Agency. These discharge points are to be designed to prevent flows from the River Exe into the site. Underground surface water storage is to be provided as part of the proposed scheme to accommodate flows whilst the river is high and surface water is unable to be discharged through the flood wall. This arrangement is as previously approved and as fully discussed and agreed by the Environment Agency.

Objections received raise concern at the drainage arrangements and fear that the scheme will increase flooding for the residents at the lower end of Ham Place. Surface water flows from the site previously entered the combined sewer running across it. This surface water element is now to be diverted to the river. Even having regard to the additional foul flows associated with the development, the diversion of the surface water represents an improvement over the previous sewer flows.

## **9. Other issues: viability and impact upon the provision of affordable housing and public open space.**

Policies AL/DE/3 and AL/TIV/12 set out the requirements for the provision of affordable housing. The size of the site and number of houses proposed dictate that 35% affordable housing is sought subject to maintaining a viable development and achieving other planning objectives. 35% across the whole allocation site would equate to a total of 19 units. 10 (18%) are to be provided on land now outside this application site through the conversion of properties in St Andrews Street / Ham Place. None are proposed as part of this application, nor a financial contribution towards off site provision due to viability concerns. It is understood that the capital receipt to the landowner from this development will be used to convert the adjacent properties to affordable housing. However this is a separate matter and not secured under this application.

The planning statement submitted with the current application confirms that the previous arguments justifying the lack of affordable housing provision remain relevant to this revised scheme. This is based upon economic conditions and scheme viability taking into account the costs associated with developing this site. The need to take account of market conditions and scheme viability is recognised in national and local policy. Affordable housing would render the development unviable. Abnormal development costs are claimed and listed as including site clearance and demolition to form the access, sewer diversion, archaeology works and investigation and empty property costs. The latter relates to costs associated with empty apartments during the longer sales period associated with specialist accommodation of this type. The design of the scheme has also incorporated a bespoke parking solution with the building of the parking deck.

It is agreed that this is a highly constrained site necessitating a bespoke development and approach to access and parking. These constraints and abnormalities have a significant effect on viability and increase developer risk. As previously, it is accepted that the scheme cannot support an affordable housing. A variation to policies AL/DE/3 and AL/TIV/12 is therefore justified.

Public open space is not provided on site, requiring an off-site financial contribution under policy AL/IN/3 Allocations and Infrastructure DPD and Supplementary Planning Guidance. It is considered that in principle this type of accommodation is not automatically exempted from this requirement. In order to comply with section 122 of the CIL Regulations, such contributions must be necessary, directly related to the development and fairly related in scale and kind. The applicant argues that it would not be in compliance with these tests to request public open space contributions towards children's play provision or sport pitches. This argument is considered reasonable given the nature of the prospective occupiers and would result in a contribution only towards informal open space including parks. As already covered above, the information has been submitted to demonstrate that the scheme is unviable with any additional financial contributions. The scheme provides communal private open space.

## **10. Carbon reduction and waste.**

Policy AL/IN/6 of the Allocations and Infrastructure DPD currently requires that 15% of the energy to be used on site to come from decentralised on site renewable or low

carbon sources. Information contained with the Design and Access Statement seeks to address this requirement, but refers to a 10% need. The measures indicated in order to ensure that the policy is met involve improvements to the fabric of the building together with low carbon technology. Building fabric measures include insulation specification, increasing window and door U values, incorporating ventilation with heat recovery and reducing air permeability rates. Low carbon technology to be incorporated includes energy and water efficiency together with air source heat pumps. A condition will be needed to require a carbon reduction strategy to demonstrate in more detail the necessary measures to achieve this.

Site waste management plan will be compiled based upon sustainable waste management principles as set out in the policy DM/4 of the Local Plan Part 3 (Development Management Policies).

## **11. Financial considerations**

The Localism Act has introduced financial considerations as a material planning consideration. At present it is only the money received under the New Homes Bonus that can be taken into account under this provision. For New Homes Bonus purposes, each apartment is treated as a market house. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each apartment is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years is therefore estimated to be £271,392. Members are advised that this consideration has little weight in the overall assessment of the issues on this application.

## **12. Rights of way.**

Private rights of way exist through the existing car park to the rear of the Town Hall and garage forecourt area. These rights of way are not material planning considerations, but relate to private legal issues between the owner of the land and the holder of the right of way. Their presence does not prevent planning permission being granted for the scheme and will need to be addressed separately from the consideration of this application.

### **The planning balance.**

In coming to a recommendation on this application, its impacts must be considered and whether they are outweighed by the benefits. Detrimental impacts have been identified including its relationship with heritage assets (setting on listing buildings and conservation area), but this is considered to be less than substantial harm by the Conservation Officer. However the design quality of the scheme including architectural detailing has been identified as poor by Conservation Officer and English Heritage. Amended plans are not considered sufficient to fully address this. Accordingly a conditions requiring approved details of architectural features is proposed. The scheme will bring a marked benefit in the redevelopment of this currently derelict and untidy waterfront site that is currently detracting from the character and appearance of the conservation area and setting of surrounding listed buildings. The site has remained undeveloped for a considerable period of time and is identified as suitable for residential development through the allocation process.



Other negative impacts include to the amenities of the occupiers of Ham Place and certain other surrounding properties. Their amenity would significantly change as a result of any scheme for this site that delivered the level of development for which it has been allocated. It is acknowledged that the impact of this proposal will be detrimental upon these dwellings. However the current scheme represents an improvement over that previously approved as a result of the reduction in the size of the parking deck, particularly to the south. The scheme also seeks to mitigate by a lower building element on the southern end of the scheme and by pulling back from the previously approved building line.

The scheme does not deliver the degree of affordable housing or public open space that would normally be sought. However viability information has been submitted that demonstrates the cost of the scheme, abnormal construction costs and that with the addition of these requirements the scheme will not be viable. It is also understood that the capital receipt arising from this scheme will be used to deliver the conversion of the St Andrews Street / Ham Place properties for affordable housing. Some of these properties are listed and all are currently detracting from the conservation area due to their dilapidated condition. This is to be secured separately from this application.

The proposal will deliver a specialised form of accommodation suited to later life and located in a suitable location within the town centre, close to the associated range of facilities, services and public transport. There are few such sites available and little equivalent accommodation within the Tiverton area to assist meeting the needs of an aging population.

Within the National Planning Policy Framework, Local Planning Authorities are urged to deliver growth in the form of sustainable economic development and every effort should be made to objectively meet the housing, business and other development needs of an area. It states that significant weight should be placed on the need to support economic growth through the planning system. The planning issues in this case remain finely balanced and the current scheme is very similar that previously approved. Taking into account all the material considerations, it is recommended that planning permission is granted subject to conditions.

### **Summary.**

The site is allocated for residential development in the Allocations and Infrastructure Development Plan Document and has previously been granted planning permission. The scheme will secure the regeneration and environmental enhancement of a semi-derelict and mainly vacant site in a prominent waterfront location within Tiverton Conservation Area. The impact of the development upon the Conservation Area has been justified using examples from the local area and regional tradition and the layout, design style, scale and appearance of the scheme are considered to have a significant but less than substantial impact upon the character and appearance of the Conservation Area and the character, appearance and setting of nearby Listed Buildings including St George's Church and the Town Hall. This analysis has had regard to the impact of the scheme upon principal views of the Conservation Area, these buildings and the townscape of Tiverton. The creation of the new vehicular access has previously been found to be acceptable and the associated buildings have been demolished under previous permissions. The impact of the development

upon highway safety is acceptable and although less than standard, sufficient parking is provided taking into account its location in the town centre within walking distance of a range of facilities and services and type of accommodation. The lack of provision of affordable housing and other planning contributions has been financially justified. The site is located in flood zone 3a, the Local Planning Authority and Environment Agency have assessed it against the requirements of the National Planning Policy Framework and are satisfied that it is safe and does not increase the risk of flooding elsewhere. The impact of the scheme upon certain nearby existing residential properties has been assessed. Whilst there will be a loss of amenity due to the relative height and proximity of the development, this loss has been in part mitigated through reductions to the size of the parking deck and is not considered so severe as to warrant refusing permission in this instance having regard to the balance of material planning considerations. The scheme provides for a type of accommodation that will meet the needs of an aging population where little other equivalent provision currently exists within the local area and on a suitable site within the town centre. The application has been assessed against development plan policies and guidance and the grant of planning permission whilst finely balanced is warranted. The proposal is considered acceptable and to be in broad compliance with policies COR1, COR2, COR6, COR7, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1); AL/IN/6 and AL/TIV/12 Allocations and Infrastructure Development Plan Document (Local Plan Part 2); DM/1, DM/2, DM/3, DM/4, DM/8, DM/14, DM/15, DM/16, DM/27 Development Management Policies (Local Plan Part 3) and the National Planning Policy Framework.

## **1.0 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development shall take place in accordance with the contents of a phasing scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of access arrangements both pedestrian and vehicular across the car park area / yard during construction or such alternative arrangements.
4. No development shall begin within each phase of the development until samples of the materials including colour to be used for all external surfaces of the buildings, boundary treatment and hard landscaping relating to that phase have been submitted to and approved in writing by the Local Planning Authority. No other materials or colour shall be used.
5. Notwithstanding the submitted details, no development shall begin within each phase of the development until details of the treatment of the boundaries (including height, design and materials) of the application site and retaining walls together with associated facing materials relating to that phase have been submitted to and

approved in writing by the Local Planning Authority. Boundary treatment and retaining walls shall be in accordance with the agreed details and so retained.

6. No development shall begin within each phase of the development until details of proposed external lighting relating to that phase have been submitted to and approved in writing by the Local Planning Authority. Installation shall be in accordance with the submitted details and so retained.

7. Landscaping scheme shall be carried out in accordance with the submitted scheme. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of that phase of the development and shall be retained. Any trees or plants which, within a period of five years from the completion of that phase 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 or species.

8. None of the apartments shall be first occupied until the parking and turning facilities on the parking deck have been provided, laid out and are available for use in accordance with the approved plans together with the lift / stair access to it. The approved parking shall be retained for that purpose at all times.

9. Finished floor levels shall be no lower than 62.7m AOD.

10. Foul and surface water drainage shall be provided in accordance with the approved details prior to first occupation of each residential unit to which it relates and thereafter shall be so retained.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme together with time scale for their completion must be prepared which is subject to the prior approval in writing of the Local Planning Authority. The measures shall be completed in accordance with the approved remediation scheme. 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.

12. No development shall begin within each phase of the development until a Carbon Reduction Strategy for the development of that phase has been submitted to and approved in writing by the Local Planning Authority. Such strategy shall identify means by which the carbon footprint of the development shall be reduced and shall include measures to reduce the energy use of the development in accordance with the requirements of policy AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2). Such measures shall be implemented in the development in accordance with the strategy.

13. Notwithstanding the submitted details, no part of the development hereby approved shall begin until:

(1) The offsite highway works on St Andrews Street and Angel Hill (to include build-outs, a footway crossover and all associated works) have been provided and maintained in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority, and

(2) A Construction Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) hours of operation
- (g) measures to control dust and mud
- (h) protective fencing

shall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.

14. Prior to the commencement of the phase in which it relates, details of crime prevention and security measures in relation to the lower parking area shall be submitted to and approved in writing by the Local Planning Authority. Works shall take place in accordance with the approved details.

15. Prior to their first installation, details of any air source heat pumps including the noise generation from them shall be submitted to and approved in writing by the Local Planning Authority.

16. Prior to the commencement of the construction of the apartment accommodation hereby granted, scaled working details including sections, mouldings and profiles of architectural features of the external elevations shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include windows and fan lights, reveals, doors, frames, parapet / water table features, rainwater goods, dormer windows, lintels, balconies and ironwork, corbels, coping and plinth together with parking deck balustrading. Work shall be in accordance with the approved plans.

## **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. In the interests of safeguarding the amenities of the site and surrounding area due to the constrained nature of the site and sensitive location.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of this important riverfront location, the character and appearance of the Conservation Area and setting of nearby Listed Buildings in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

5. In the interests of reducing the impact of the scheme upon the privacy and amenities of the occupiers of the adjacent dwellings in accordance with policy DM2 Mid Devon Local Plan Part 3 (Development Management Policies).
6. To reduce the impact of the development upon the amenities of the occupiers of nearby dwellings, to reduce the impact of the scheme upon the bat population in the area and in the interests to preventing crime and creating safe places in accordance with policies COR1 Mid Devon Core Strategy and DM2 Mid Devon Local Plan Part 3 (Development Management Policies)
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
8. To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy DM8 Mid Devon Local Plan Part 3 (Development Management Policies)
9. In the interests of reducing the risk of inundation by flood waters and to ensure the safety of the occupiers of the proposed development in the event of flooding in accordance with the National Planning Policy Framework.
10. In the interests of ensuring that adequate drainage is provided to serve the development and to reduce the risk of pollution in accordance with policy DM2 Mid Devon Local Plan Part 3 (Development Management Policies)
11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies)
12. In the interests of reducing the carbon footprint of the development and in order to incorporate measures that to meet the requirements of Policy AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
13. To provide an adequate site access, and to minimise any disruption and inconvenience on the local highway network and to nearby residents during the construction period in accordance with, COR1 Mid Devon Core Strategy, DM2 Mid Devon Local Plan Part 3 (Development Management Policies)
14. In the interests to preventing crime and creating safe places in accordance with policies COR1 Mid Devon Core Strategy and DM2 Mid Devon Local Plan Part 3 (Development Management Policies)
15. In the interests of safeguarding the amenities of nearby dwellings in accordance with policy DM2 Mid Devon Local Plan Part 3 (Development Management Policies).

16. To ensure detailing appropriate to the development/works, in order to safeguard the visual amenities of the area, character and appearance of the conservation area and setting of listed buildings in accordance with Mid Devon Core Strategy (Local Plan part 1) policy COR2 and policies DM2, DM14 and DM27 Mid Devon Local Plan Part 3 (Development Management Policies).

## **INFORMATIVE NOTES**

1. You are advised that a Section 278 Agreement will be required for works on the highway. More information may be gained from the Highway Authority (Devon County Council).

2. You are advised that prior written consent must be gained from the Environment Agency for any works with 7 metres of the existing flood defence wall. This includes the sewer diversion and associated sheet piling works and piled foundations to the buildings. You are advised that this is a statutory requirement, the purpose of which is to safeguard the structural integrity of and thus function of the existing flood defence wall during and after the construction of the development.

<b>Contact for any more information</b>	Mrs Jenny Clifford, Professional Services Manager 01884 234346
<b>Background Papers</b>	None
<b>File Reference</b>	13/00298/MFUL
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of Planning Committee

## PLANNING COMMITTEE AGENDA - 18th March 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description   |
|-----------------|---|
| 1.              | <p>14/01915/FULL - Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon.</p> <p><b>RECOMMENDATION</b><br/>Had the Committee had the opportunity to determine the application the application would have been refused.</p> |
| 2.              | <p>14/02116/FULL - Erection of retail store, formation of access, car parking and service area, with landscaping and associated works at Land at NGR 303843 111382 (Mid Devon Business Park), South View Road, Willand.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 3.              | <p>15/00069/FULL - Creation of new farm entrance at Land and Buildings at NGR 271138 108264(Road from West Barton Cross to Eggesford Cross), Nymet Rowland, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |

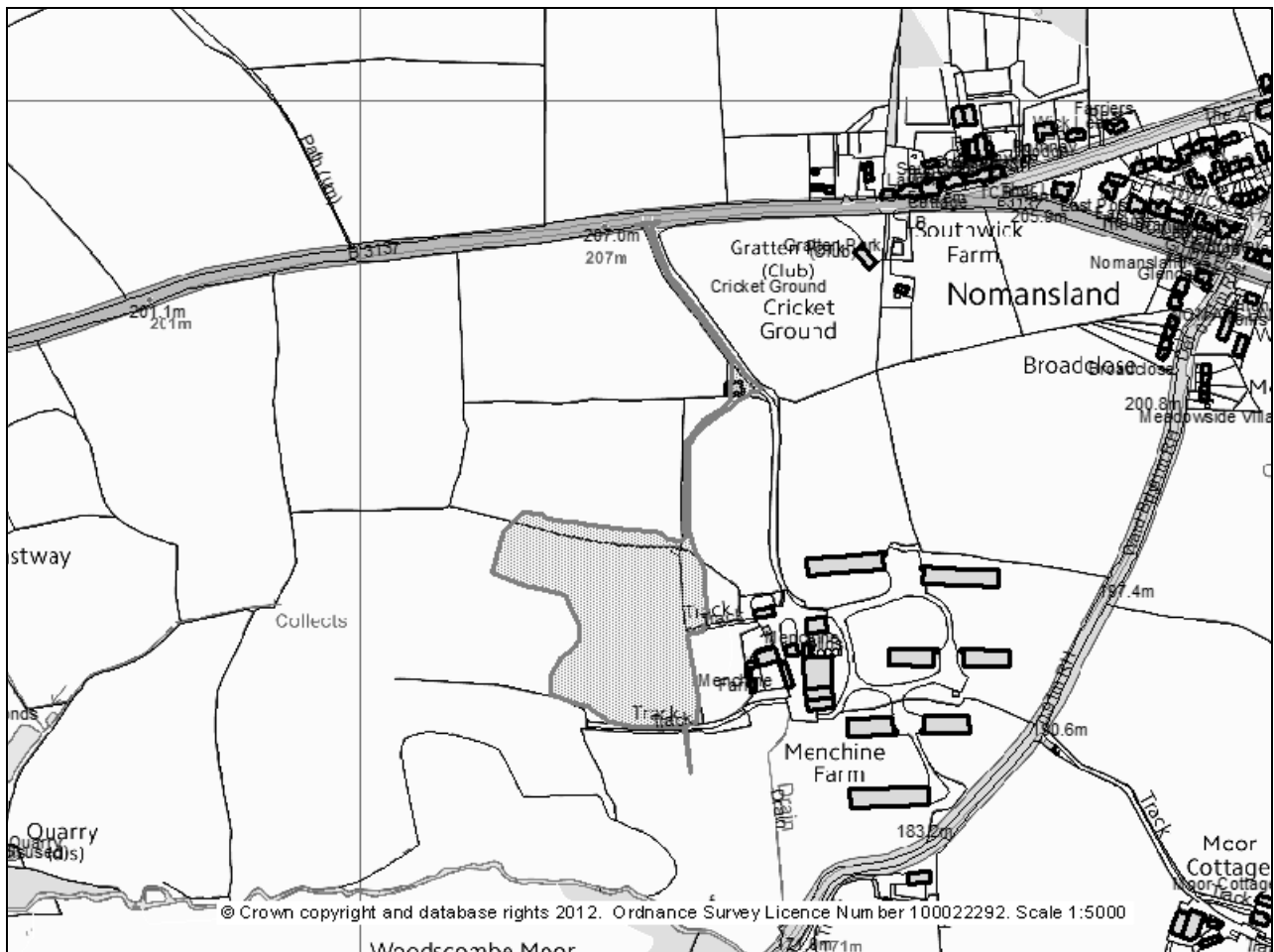
**Grid Ref:** 283096 : 113579

**Applicant:** Nomansland Biogas

**Location:** Land at NGR 283096 113579  
(Menchine Farm)  
Nomansland Devon

**Proposal:** Variation of Condition 10 of  
Planning Permission  
14/00575/MFUL to allow for  
the erection of an Anaerobic  
Digestion (1,000Kw installed  
capacity) Facility

**Date Valid:** 1st December 2014





## Application No. 14/01915/FULL

### RECOMMENDATION

Had the Committee had the opportunity to determine the application the application would have been refused for the reasons set out below

### REASON FOR REPORT

In order to consider the planning application proposal and arrive at a decision as to what the Local Planning Authority case will be in the appeal given that the applicant appealed on grounds of non-determination by the Council.

Had the Local Planning Authority still been the determining authority that planning permission should be refused for the reason as set out below, and explained in the following report:

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

### PROPOSED DEVELOPMENT

This application has been submitted to vary the terms of condition 10 of planning approval 14/01915/FULL to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity, instead of 500kw as set out below.

10. The development hereby permitted is for the erection of an Anaerobic Digestion (500 Kw) installed capacity and shall be carried out in accordance with the following approved plans: MF/AD/01A, MF/AD/02A, MF/AD/03A, MF/AD/04A, MF/AD/05A, MF/AD/06A.

### APPLICANT'S SUPPORTING INFORMATION

Application Form  
Supporting Statement and Summary Tables. Relevant information as follows: **APPENDIX 1**

Taking into account natural efficiencies that have arisen from technological developments since planning permission was first granted, the applicant considers that the increased output level of 1000 Kw can be achieved by increasing the annual feedstock quotas by 60%, ie from 9,545 tonnes to 16,100 tonnes which would increase the digestate output from 7,480 tonnes to 11,080 tonnes.

The applicant has clarified where the additional feedstock will be imported from and the additional digestate will be exported to as set out in the table which is reproduced in appendix 1 to this report. They are: Stourdon Farm, Bill Hole, Westway Farm and Cleave Farm, and unspecified local farms in terms of receiving digestate. In addition an updated map of the feeder farms, also reproduced in the appendix, has been submitted confirming that all the locations are within the 6km radius from the site.

The applicant goes on to state that the increase levels of feedstock and digestate can be transported between the site and the feeder farms with only a small variation to the number of traffic movements associated with the operation that were envisaged when the proposed output was set at 500 Kw as follows:

- Delivering Feedstock to the site (arable crop): Using a tractors and trailer arrangement that carry up to 16 tonnes, instead of 10 tonnes.
- Delivering Feedstock to the site (chicken waste): Using Lorry and drag trailer that carry up to 20 tonnes, instead of 10 tonnes. - the applicant suggests this is now a legislative requirement.
- Exporting digestate from the site: Using a tractors and trailer arrangement that carry up to 16 tonnes, instead of 10 tonnes.

Based on this transport strategy the applicant has suggested that on average this would result in daily movements of 9.68 vehicular trips per day. As a comparison the applicant suggests that based on the arrangements envisaged when the appeal scheme was being considered this represents an increase from 9.13 daily movements.

For Members information these calculations are based on a daily average (Monday to Saturday all year round). It also does not take into account existing movements on the local roads associated with delivering digestate to the feeder farms or movements associated with exporting crop.

Further email submissions from applicant dated: 12th February, 22nd January, 15th January, 7th January (plan of the feeder farms which will supply the feedstock), 6th January, 19th December to seek to clarify points relating to transport and movement implications of the proposals:

19th December : The applicant has not entered into agreements with farmers regarding land/acres of additional feedstock required as theoretically the variation of condition may not require any additional feedstock. Using variable calorific feedstock can mitigate against additional traffic movement requirements, as stated throughout it is a variable process which needs fine tuning when the AD plant is up and running. The reason for the variation of condition is to prevent the wasting of gas and renewable energy should the plant exceed performance expectations and the applicant running the site in breach of the condition limiting it to 500kW. The recent additional transport movements on the road have been attributable to construction and harvesting which has resulted in more traffic movements than would be as standard relating to the AD plant. Normal operations will start to commence now but construction probably won't be complete until February. The submitted information relating to the application should suffice in the LPA being in a position to determine the application. The figures as submitted are for a worst case scenario with the traffic movements identified as being the upper threshold of required feedstock/digestate associated movements. Through diligent monitoring, the process will be as efficient as possible and the unnecessary need for additional traffic movements will be obviated wherever possible to ensure maximum efficiency of the process.

6th January:

Question from Case Officer: The 52 movements associated with Cow slurry coming from Cleave are not carried through into the summary table on the sheet that sets out the annual averaged traffic movements. It is therefore uncertain if the summary table is correct.

Answer provided: It's not a summary table but a separate table that analyses from which direction traffic will travel to and from. The figures for the cow slurry did not carry over to this sheet which have now been included, the total figures used do not change so were correct. The table shows that of the 9.68 movements per day, only 3.51 come through Nomansland as most come from the west and pass very few if any properties. This table clearly shows the fact that on average there will less than 2 vehicles a day (1.76) that visit the site which travel through Nomansland. The next table identifies what movements are already occurring, when this is viewed then the net increase over existing movements going through Nomansland is just over 1 vehicle a day (1.07).

Question from Case Officer: The issue about clarification of the local farms receiving 2000 tonnes of dried fibre needs to be clarified to understand the impact - in terms of confirmed destinations as my understanding is these trips will definitely occur given the changes in terms of the proposed operations at the site.

Answer provided: Current regulations only allow it to be used as a fertiliser but technology is overtaking regulation and the applicant is currently talking to the Environment Agency (EA) and DEFRA about being able to use the dried and pasteurised digestate as animal bedding and/or biomass fuel. This extra process has real potential to further recycle animal wastes and get more out of the feedstocks that are being used. 'Local farms' are identified as the recipients because whatever it is used for, it will be used by local farms but definitive farms cannot be identified at this stage due to the regulations. The traffic movements associated will amount to 125 movements a year so only one every 3 days and if it is used for bedding or fuel it will directly replace existing traffic movements that currently deliver those products to local farms so would have a zero net effect.

7th January: The applicant submitted a map of the feeder farm which will supply the feedstock as set out above.

15th January:

Question: How much chicken litter is generated at Menchine Farm.

Answer provided: 'Menchine Farm has 7 sheds and currently has 54,000 chicks placed at day old's and are kept until they are 56 days under a Free Range system. The site has an EA permit to keep up to 93,000 chickens if it wishes.

At the clean out completed we weighed the contents of one shed and calculated the amount produced on the site which came to 178 tonnes. The site has 5.6 cycles per year which come to just under 997 tonnes per year total. In the summer the litter will have a low dry matter content so will weigh less but the biogas potential of the litter as an AD feed stock will remain the same. Same goes for all feedstocks as DM is the key to biogas production.

At present at least half of these movements leave the farm by road to be stored and used on other land but from now on no litter will leave the farm so traffic movements will be nil.'

22nd January: Further comments from the applicant regarding the change in transport movements arising:

As we both attended the initial appeal hearing regarding the 500kW AD plant at Menchine Farm, we are both aware of the conditions imposed on the approval and the discussions which took place regarding additional conditions to ensure that the traffic impact was measured. This is why a condition relating to a record of vehicular movements to and from the site was required. The current application albeit with a revised transport strategy (regarding nature of vehicle and loads) is the same as what can be undertaken on the roads without breaching any condition on the original approval. We feel that if there was a justifiable reason for limiting the approved plant to particular vehicle types and loads then we would have expected this to form part of the control strategy by the appeal officer. The applicant is seeking to double the output of the plant with a nominal increase in traffic movements above that which he can undertake under the current consented plant, the only difference is the vehicle type and loads. Regarding the NPPF and the thrust for renewable energy being material considerations, so long as the harm is (or can be made acceptable) then the application should be approved. Given the previous appeal considerations, conclusion and decision, we feel that the nominal increase in traffic movements and variation of vehicle types would not tip the balance from what is deemed to be acceptable to a position where it was deemed unacceptable. We feel that we have submitted sufficient information to justify the increase in output of plant when weighed against the nominal increase in traffic movements. We do not feel that at this juncture it would be correct to expect the applicant to enter into a S106 agreement regarding site locations for importation of feedstock and exportation of digestate as the variable between this application and the approval appeal are verifiable in so much as they are almost the same. The applicant is harnessing and exploiting the renewable energy available to its fullest potential.

With regards to Mr Bratbys suggestion, the previous transport/feedstock/digestate calculations submitted along with the approved appeal were deemed to be sufficient for the appeal officer to conclude that the impact vs the benefit was not sufficient enough to dismiss the appeal. We do not feel that it is appropriate for Mr Bratby to dictate the way in which the planning unit interpret the application. We will therefore not be addressing Mr Bratbys comments at this time.

12th February

Question from Case Officer: In terms of the feeder farms who will be supplying the chicken litter are you able to confirm if the feeder farms generate chicken litter on site or is it imported to these destinations.

Answer provided: The farms that the litter will come from are all poultry farms so produce the litter on site themselves.

The litter stored in fields at the moment is nothing to do with the AD plant as it will be spread direct to land and will not go to the AD plant. Only litter delivered direct to the plant can be used in the AD plant under waste transfer regulations. Some of it is on the applicants land but the vast majority of it belongs to other farmers.

19 February

Question from Case officer - I would be grateful if you could clarify the following matters.

1. Is the AD plant now operational. If so can your client provide the following details which as you will be aware is an on going conditional requirement of planning consent(s):

The number of vehicles which have entered or left the site (for purposes associated with the operation of the AD plant) on each day since operation commenced, including the size, type and load details, as well as the vehicles point of origin or destination.

2. Has the second CHP (which was submitted for consideration by the LPA as a back- up unit at the time) approved as one of the changes under app 14/00575 been installed.

No specific response to this email at the time of writing.

## **PLANNING HISTORY**

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works - REFUSAL OF PLANNING PERMISSION 15TH DECEMBER 2010 and subsequent appeal dismissed - This application was refused for 3 reasons, including the increase in traffic and resultant additional hazards that will be caused for existing highway users

12/01659/MFUL: Erection of an Anaerobic Digestion Facility (APPEAL FOR NON DETERMINATION-ALLOWED 26.07.13).

14/00575/MFUL: Erection of an Anaerobic Digestion Facility (Revised Scheme) - this application was considered by committee on the 30th June and approved subject to 10 conditions, including condition 10, as set out above, and to which this current application relates to.

14/01887/FULL: Erection of extension to existing office premises (The cricket barn) and provision of 10 additional parking spaces was permitted on 6th January 2014.

## **ENVIRONMENTAL IMPACT ASSESSMENT ISSUES**

The development scheme as proposed and approved under this application reference was screened under the EIA regulations and the local planning authority concluded that although the site area exceeded 0.5 hectare, under the terms of schedule 3 an EIA under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations was not required.

Having reviewed the screening opinion with regards to this revised application scheme the Local Planning Authority remain of the same view.

## **DEVELOPMENT PLAN POLICIES**

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

COR9 - Access

COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development

DM5 - Renewable and low carbon energy

DM6 - Transport and air quality

DM7 - Pollution

## **CONSULTATIONS**

### **MORCHARD BISHOP PARISH COUNCIL - 2nd December 2014**

Concerns were expressed about the size and frequency of vehicles passing through Morchard Bishop and the narrow lanes.

### **CRUWYS MORCHARD PARISH COUNCIL - 15th December 2014**

At the Parish Council meeting on Thursday 11th December 2014 Cruwys Morchard Parish Council recommends refusal of this planning application for the following reasons:

1. An increase in traffic to and from the AD facility
2. There would be the use of even larger lorries/tankers delivering the required waste material
3. The country lanes are not suitable for such large lorries, tankers and double trailers
4. There is an extreme detrimental effect on the roads caused by such large vehicles
5. There is already noise produced by these large vehicles, reversing and unloading the waste material and to increase the size will only double the noise being inflicted on the neighbouring residents.
6. The traffic attributable to this AD facility already exceeds what was given in the agreed planning application, so doubling its size will only further increase the vehicles delivering.  
Also, the agreed planning application for this AD had a monitoring condition imposed on it, which the Parish Council are not aware is happening, please confirm when this monitoring has been done and what the results were.

### **NORTH DEVON DISTRICT COUNCIL - 11th December 2014**

It is considered that the proposed alterations to increase the capacity of the Anaerobic Digester would not have any significant impact on North Devon above the existing approved scheme.

### **WITHERIDGE PARISH COUNCIL - 10 December 2014**

Witheridge Parish Councillors were concerned with 1000MW generating capacity on site this could lead to import of feedstock levels over and above that stated in the original proposal; this would increase traffic movement associated with the application.

### **TEMPLETON PARISH COUNCIL - 22nd December 2014**

At a meeting on Tuesday 9th December 2014 Templeton Parish Council unanimously and unreservedly agreed to request Mid Devon District Council (MDDC) Planning to refuse the above for the following reasons:-

1. The doubling of the output of this AD will exceed the stated classification of on-farm AD which we understand to be set at a maximum capacity of 500 kw.
2. The proportion and type of feedstock at present going into the AD has already been changed from original Application with a larger amount of waste crop in the form of slurry being added and less green crops.

3. Qualification for on Farm AD requires the majority of the feedstock to come from the host farm upon which the AD is situated and the majority of the energy produced to be utilised on the said farm. This is not the case.

4. We query whether this Application should now be a Devon County matter.

5. In view of the revision and doubling of capacity of this plant there should be a full Environmental Impact Assessment provided by the Applicants which should encompass:-

- a. Odour assessment.
- b. Noise and vibration assessment.
- c. Full revised Traffic Assessment.
- d. Hours of Operation specified especially as there will be more importing and exporting from the site of waste matter which is not dependent on seasonal harvesting.

6. The list of named farms to both supply feedstock and receive liquid digestate has been changed but no revised map has been supplied.

7. Are the councillors aware that Reed Farms Limited and Partnership are now in administration, Cleave Farm and Crossparks being involved within the operations of this site.

8. No agreements submitted from the listed farms to provide/receive feedstock for AD.

9. The Applicant proposes to double the weights of loads imported to the AD by way of preventing a doubling of vehicle movements incurred. This will be difficult and could entail the breaking of the legal limit for combined weight allowed for tractor/trailer on the highways.

10. As a Parish Council all the roads within our parish are minor C roads and we are continually being told by Highways that they do not have the funding to repair them - with possible closures. In view of the insufficient acreage/hectares at Menchine Farm to service this Industrial AD the proposed increase in vehicle size/journeys will cause a worsening scenario.

11. It is common knowledge that the Environment Agency are already in dispute with the Operators Greener for Life Energy Ltd. and there are no precise Planning controls listed to ensure the stated proportions of green crop to waste are adhered to. The Environment Agency control the type of waste within their Standard Permit and the maximum volume but not the proportion Waste to greencrops.

12. What system has MDDC installed to inspect/monitor/verify the existing condition No. 8 [need for explained under Reasons 8] of the permitting Appeal dated 26/07/14 to regulate the proposed import/export of feedstock to and from Menchine Farm by Greener for Life Energy Ltd.

13. How would the quality of life and human rights of the local residents be protected as the said Appeal decision dated 26/07/13 [App/1138/A/13/2193382 25/06/13] clearly recognises the importance of volume/capacity/varying feedstock affecting this site as having a direct impact on both Planning and Permitting controls. Please note [Reasons 8 ].

## CONCLUSION

From what we can ascertain from the unclear and incomplete evidence submitted with this Revised Application, it now exceeds the parameters and concept as understood and approved by the Inspector Mr. Mike Robins [see Appeal App/1138/A/13/2193382 25th June 2013]. Therefore , we feel we have no option but to request MDDC to Refuse this Revised Application - it no longer bears any resemblance to an on-farm AD project and now constitutes a proportional change to waste/energy project relating directly to the previous Plan Application 12/01659/MFULL dated 7th November 2012 which was Refused by MDDC [their decision being upheld by the Inspector in the First Appeal made via Public Enquiry].

## ENVIRONMENTAL HEALTH - 15 December 2014

Contaminated Land - N/A

Air Quality - N/A

Drainage - no objections to this variation

Noise and other nuisances - no objections to this variation  
Housing Standards - N/A  
Licensing - N/A  
Food Hygiene - N/A  
Private Waste Supplies - N/A

**HIGHWAY AUTHORITY - 29th January 2015**

The Highway Authority has been made aware of the various concerns raised by members of the public over the traffic generation figures and the email trail between the Local Planning Authority and the applicant. The Highway Authority in viewing the applicants assessment raised concerns over the applicants ability to insist of all the suppliers using larger vehicles to deliver feed stock and take digestate as the applicant is not in control of these farms it would be unreasonable to impose a condition which they have no control over. In addition to gain such control would necessitate the imposition of a section 106 agreement and have all suppliers party to it.

The Local Planning Authority have sought to obtain alternative figures using the existing size of vehicles which the applicant has declined to supply and as a result the figures identified by the Local Planning Authority in their email dated 20 January 2015 will be commented upon. These are that the current approved scheme allows for 3074 trips on the public highway.

This level of traffic was not objected to by the Highway Authority and has consent. The applicants proposals with larger delivery vehicles would have resulted in an additional 10 trips per annum , from the 8 to 10 farms to be used. The Local Planning Authority has calculated that the use of the size of vehicles attributed to the approved scheme will result in a total of 4806 trips per annum an additional trip generation of 1732 per annum from 8-10 farms. Not including weekends and Bank holidays this will deliver an average daily generation on the network of 7 movements per day. Given the previous daily generations along the B3137 such an increase in traffic to the development would not be considered significant or severe. In addition the various points of generation would give rise to less than material increase on the Country lanes. Therefore subject to the conditions previously imposed by the inspector and recommended by the Highway Authority being equally relevant to the application and being imposed on the current proposal The Highway Authority would raise no objections. The Highway Authority would wish to see the new access hard surfaced in a bound material ( no loose Stones or Chippings) to avoid mud and debris being taken on the highway. It should be noted that should some of the farms take up the proposed larger vehicles which will be legal vehicles on the highway, particularly with emerging legislation, then the benefits of traffic reduction from worse case scenario above would be enjoyed and the impact would be even less severe.

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

1. The site access road shall be hardened in a bound material, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10.00metres back from its junction with the public highway.

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

**THELBRIDGE PARISH COUNCIL - 5th January 2015**

Thelbridge Parish Councillors were unanimous in their objection to this planning proposal on the grounds that the size and frequency of the lorries coming to and from the digester was not suitable for the local road system especially the large tankers and the lorry and drag trailers.

## REPRESENTATIONS

37 letters have been received from local stakeholders, expressing concern about the planning application suggesting that it should be refused. Some of the comments that have been submitted raise concerns about the information submitted to support the application, in terms of its accuracy and the way in which it has been set out which has been considered confusing.

The applicant has sought to respond to some of the issues raised by local stakeholders as set out above in the further email responses.

Overall, and with the exception of a single letter of support, there remains very strong local objection to the ongoing activity at the site, and with regards to the current applications proposals, the main areas of concern are as follows:

1. Increase in traffic movements and associated noise pollution on local network.
2. Impact on Nomansland and Withleigh (highway safety implications) arising from the increase in traffic that will arise from the proposed output levels - resulting in a detrimental impact on the amenities of local residents.

One of the letters received stated that on occasions up to 40 vehicles have been witnessed passing through Nomansland to get to the site - although no formal evidence was provided.

3. Increase in size of vehicles travelling on local network - incompatible and will result in damage to local network.
4. Misleading information / traffic data has been provided against which to make a judgement on the proposals.
5. If the applicant has constructed plant that is too large in terms of the allowable levels of energy to be generated, this should not automatically mean that an increase in traffic is should be allowed
6. Similar proposals for 1000Kw have been refused - this one should be no different.
7. The financial benefit arising for the applicant should not outweigh the transport and highway.
8. A positive decision would be contrary to the view and decision expressed by the Inspector who granted permission for the scheme under LPA ref: 14/00575/MFUL.
9. Is there any connection between this application and other is the locality proposed by Greener for Life and its operational partners.
10. The increase in traffic will lead to damage to properties that present to the A3137.
11. No hours of operation for the existing farm.
12. The changes in feedstock levels will further affect amount of land used for traditional farming - ie growing food, and negative associated environmental impacts.
13. The increase in movement of feedstock will increase spread of air borne pathogens - although no evidence provided.
14. Is there any legislation that would prevent the use of tractors and trailer in terms of importing chicken waste to the site.



## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

Menchine Farm is located off the B3137 immediately west of Nomansland Cross. The part of the farm that accommodates the AD plant comprises an area of approximately 1.95 hectares, and is operated by Nomansland Biogas Ltd and which is owned by the Greener for Life Renewable Energy company.

The AD Plant is located adjacent to the existing buildings on the site, including the on site farmhouse and 7 poultry rearing sheds and associated feed silos.

**The main determining factors in this application are set out below:**

- 1. Planning history and the principal of the proposed development**
- 2. Transport and highway safety issues**
- 3. General amenity issues for the locality**
- 4. Planning Balance**

### **1. Planning History and the principal of development at the site.**

A summary of the relevant planning history is listed above. Planning permission was granted for the development of an AD plant on the site in 2013 at appeal.

Subsequently the applicant at the time (Mr S Cole) applied to vary the scope of the permitted scheme and permission was granted for a number of alterations, including an additional Combined Heat & Power Unit (CHP), in July 2014. When this application was submitted for consideration the applicant confirmed that the plant size was to generate 500 Kw and the 2nd CHP unit was for back up.

No additional development is proposed as a result of this current application. In arriving at a decision on this current application - discussed at point 2, 3 and 4 below, the following paragraphs of the Inspectors decision (2013) are considered to be relevant:

*Para 5: I consider that there are two main issues in this case, firstly the effect of the proposed development on the character and appearance of the area, and secondly, the effect of traffic generated by the proposal on the local road network, with particular regard to highway safety, noise and vibration.*

*Para 8: This proposal would provide an anaerobic digestion facility which would operate under a continuous mesophilic process, taking in some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage, with an output of up to 500kW. With a relatively low proportion of waste feedstock, the scheme is considered as a renewable energy proposal. It is clear to me that there could be variation in feedstock, both in the proportion of waste to silage, but also in the balance of maize and grass. This may effect yields and have a limited effect on transportation. However, were the scheme to change significantly, particularly were it to increase the proportion of waste feedstock, this would have implications for both planning and permitting controls.*

*Para 9: Such a scheme is not before me, and on the evidence presented I am satisfied that it would operate within the parameters set out, both in terms of feedstock and the transportation implications to and from the site.*

*Para 21: Overall, I consider that there would be some harm to the character and appearance of the area. Although this would be limited as set out above, it would nonetheless not be fully in accord with Polices COR2 and COR18 of the Mid Devon District Council Core Strategy (the Core Strategy). These seek to sustain the distinctive quality and character of Mid Devon's environmental assets and allow for appropriately scaled farm diversification. I consider that these policies are in general conformity with the aims and objectives of the Framework in this regard - PLANNING BALANCE*

*Para 22: The appellant submitted a transport statement in which the location of feedstock and future locations for digestate spreading were considered. While I accept that these locations may be subject to change, I note that letters of intent have been submitted by farmers associated with this activity. In simple terms this assessment concluded that there would be an average requirement of up to 10 movements per*

day utilising tractor and trailer units. This, it was suggested, needed to be offset against the existing movements of the silage and poultry litter for other purposes, which would be replaced by the AD proposal.

Para 23. These figures were strongly disputed by local residents, as they considered that the process would be seasonal with a focus of traffic movements associated with harvest time and with periods outside of the Nitrate Vulnerable Zone (NVZ) restrictions. Furthermore, they considered that the movements would take place on the narrow local roads, through villages and near houses, in order to access the relevant farms.

Para 24: I visited a number of the proposed locations and noted that while the B3137 provides a spine route for traffic, and would appear to be operating well within its capacity, there were some smaller rural lanes that would be used by vehicles involved in this scheme.

Para 25: I am satisfied that the volumes of feedstock and digestate lead to the averaged trip movements as set out in the assessment. A clearer statement on the cyclical nature of the business may have allowed a more detailed assessment of movements, although I accept that the peak times for activity would coincide with the peak times associated with the existing transport of silage and poultry litter for distribution and spreading.

Para 26: Nonetheless, even were movements to be clustered into the allowed spreading periods for the NVZ, or centred on the principle harvest period, this may only result in a doubling of trips. While this may mean approximately 20 movements to and from the main farm access and onto the B3137, the actual numbers associated with the individual farms, would be significantly less. Therefore these associated sites, which are all within approximately 6km of the site, would experience much lower numbers of additional movements, and these must be considered in light of the existing movement of poultry litter or of silage. Overall, I consider that this would not represent a significant increase in traffic movements.

Para 27: The previous scheme relied on HGV movements. While these would have carried a greater quantity, they would have to travel significantly greater distances. While tractor and trailer units have increased in size, over the short distances they would travel here, I consider that they would not be materially harmful.

Para 28: I have sympathy for the existing conditions experienced by some local residents. This is an agricultural area, and the gradual decrease in mixed farming operations is likely to have increased the amount of on road traffic of farm wastes and produce. Nonetheless, my assessment must consider whether the additional movements represented by this scheme would be sufficient to lead to material harm. In this case, I consider that it would not do so.

Para 29. Subject to securing junction improvements to improve visibilities at the main farm access, I am satisfied that the proposal would not result in material harm to the highway safety of users in the surrounding area, nor would it lead to a material increase in traffic such as to result in harm from increased noise or vibration. In comparison to the previous scheme, this would be a local centre for AD, drawing feedstock from a small area which would limit traffic movements. The proposal would therefore comply with objectives of Core Strategy Policy COR9, which amongst other things seeks development that properly assesses the transport impacts and manages transport demands. This is consistent with the Framework that seeks to promote sustainable transport which achieves safe and suitable access for all.

39. Policy DM/5 seeks to balance the benefits of renewable energy developments against their impacts, and indicates that they be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. In this case, I have found some limited impact to the landscape and visual quality of the area. I have noted that a landscaping scheme would not address this entirely in the short term, but in the longer term would establish native woodland of value which would be characteristic of the area.

40. There are significant benefits that would arise from this locally centralised AD unit, which include the management of poultry litter, offsetting the use of artificial fertilizers and production of renewable energy of value both on-farm and as a contribution to overall renewable energy generation. These reflect the objectives of the Framework in relation to renewable energy and supporting rural economic growth and the

*development and diversification of agriculture. On balance, I consider these benefits outweigh the limited harm to the character and appearance of the area, in accordance with the Framework and with emerging Policy DM/5.*

In summary the inspector considered that the:

- o The AD plant as proposed would cause limited harm to the landscape character and visual amenities of the area, but on balance off -set this limited harm against the wider renewable energy benefits, and still concluded that the proposals were compliant with the NPPF and emerging policy DM/5 as it was at the time.
- o The evidence presented by the application suggested 10 vehicular movements per day from the feeder farms. However he also accepted that in reality this may increase to upto 20 movements to and from the site per day to reflect restrictions on silage spreading arising from NVZ designations. He considered the spread of the feeder farms and how this would affect the level of traffic on the highway, and finally the fact the net increase in numbers of movements arising may be lower than in terms of discounting trips that are already on n the highway associated with the removal of chicken litter from the site and silage to the feeder farms.
- o Notwithstanding all the variables that remained following his assessment, and whilst expressing sympathy for local residents in terms of the likely increase in trips on the highway, the Inspector concluded on this matter (Transport) that even using larger tractor and trailer the increase in number of trips would not be materially harmful. He did however draw the distinction between managing the increase in trips on the way using tractor and trailer as opposed to HGV movements.

Therefore in this case the benefits of increasing the output from the AD plant will need to be weighed against the impacts that result when operating at the higher level. Policy DM5 establishes a presumption in favour of permitting proposals for renewable or low carbon energy where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments within the parish or adjoining parishes.

However where significant impacts are identified there will be a need to be a balance of the impact against the wider benefits of delivering renewable and low carbon energy.

## **2. Highway capacity and safety Issues**

Local stakeholders continue to express concern about the vehicular activity on the A3137 and it is alleged that there has been a significant increase of vehicular movements on the networks to coincide with the completion / commencement of operation of the AD plant.

In response to the details submitted with this application a number of stakeholders have confirmed that the information as submitted was difficult to understand, and furthermore is not reflective of what is happening, and therefore should be given little weight in the determination of the application.

In terms of a baseline of acceptability regards movements on the highway arising from the development, the Inspectors decision letter in 2013 (para.26 as referred above) suggested that even allowing for 20 movements a day (tractor and trailer) would not be significant increase in terms of the capacity of the highway and would not result in material harm to local conditions enjoyed by residents.

As stated the main strand to the applicants case is that based on the revised transport arrangements the increase levels of feedstock and digestate can be managed without a significant change to the number of movements on the highway.

The County Council has advised that legislative changes are going through the parliamentary system that would enable a revision to the size of vehicles that could be used in the process of transporting feedstock to the site and digestate away. However even if the changes become law it would not require the use of larger sized vehicles, and therefore to make a decision based on the applicants information would require a control mechanism, either a specific planning condition or a clause within a legal agreement.

Neither option is really considered to be in line with relevant guidance as it would have to involve all the feeder/partner farmers (some of which would be outside the applicants control). Furthermore the applicant has been made aware of this concern, and not supported the use of either approach relying on reference to the condition that the appeal Inspector established in 2013 appeal process and as set out below:

The operator of the development hereby approved shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby approved. These records shall include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority on request .

Whilst the wording of this condition will provide an up to date record of vehicles arriving at and/or departing from the site, it neither restricts the feeder farms to those indicated, nor does it establish a requirement to use a particular vehicular size in terms of carriable weight load.

As stated by the Highway Authority as set out in their consultation response above the level of control imposed by this condition presents an issue regards the certainty and robustness of the case put forward by the applicant in support of this current application, as set out in the table above and summarised below.

The proposed feedstock levels (16,1000 tonnes) in order to generate 1000Kw output would based on revised transport arrangements generate 1542 proposed trips equating to 3,084.00 separate vehicular journeys on the highway, including the trips associated with exporting the digestate from the site. This would represent a slight increase in the annualised number of trips based on the approved scheme which required 9,650 tonnes of feedstock to generate 500 Kw output which based on approved transport arrangements would generate 1537 proposed trips equating to 3,074.00 separate vehicular journeys on the highway, again , including the trips associated with exporting the digestate from the site.

However given that there are no realistic planning controls that can be imposed to ensure the proposed transport arrangements, your officers in discussion with officers at DCC Highways consider that it is necessary to consider a worst case scenario as set out below. This prediction has been calculated reflecting on the proposed feedstock levels but utilising the transport strategy that was envisaged with the approved scheme:

The proposed feedstock levels (16,1000 tonnes) in order to generate 1000Kw output would generate 2403 proposed trips equating to 4,806 separate trips on the highway, including the trips associated with exporting the digestate from the site. In summary approximately 1732 more trips than estimated by the applicant.

On an annualised basis this would represent 16 additional daily movements on the highway, (44% more than the 20 per day envisaged by the inspector) and 7 more movements than the applicant had estimated would arise with the consented 500Kw scheme. On this basis the Highway Authority are not objecting to this current application as it is not considered by them that an average daily generation of 7 additional movements per day (based on an loads arriving and departing as specified by the applicant Mon -Sat) over and above the level already approved would be considered significant or severe along the B3137. Furthermore given the starting and finishing destination are spread across 17 different locations as highlighted on the plan included in the this report, the Highway Authority do not consider that overall the trip generation levels would give rise to less than a material increase on the Country Lanes off of the A3137.

In summary in terms of highway capacity and safety issues arising for other road users the Highway Authority do not consider that there would be reason not to grant planning permission.

### **3. General amenity issues for the locality**

The level and magnitude of the responses to the consultation on this planning application suggest that there remains considerable objection to the AD plant and to this application proposal to allow an increase in the energy output from the AD plant. Whilst a number of comments have been made that are not relevant to the assessment of this planning application, the impact of the increase in movements on the highway and how it affects the general amenities (noise, odour, congestion and general disturbance issues) of the area is relevant over and above the highway capacity and safety issues as reviewed above.

This matter was acknowledged by the appeal Inspector (ref: para 28 as referred above), and as part of his considerations on this matter he acknowledged that the suggested number of additional journeys may not be spread out across the year as suggested by the applicant because the NVZ spreading restrictions that apply to the feeder farms. Given the lack of evidence available to the Inspector in terms of seasonal variations to the additional traffic generated, it would appear that he based his assessment on this matter by doubling the predicated daily average, and assessing if it would lead to material harm. As set out he concluded that 20 additional trips would not lead to material harm.

Based on the worst case scenario as outlined above this could increase to 32 additional trips. Taking this into account, and given that the size and nature of the vehicular types is significantly different to that envisaged when the Inspector resolved to grant permission, local residents concerns would appear in part justified.

The difficulty with this aspect of the assessment is the lack of robust evidenced to arrive at a conclusion that is reasonable and provides the Local Planning Authority and local residents with a level of comfort that their concerns have been considered and weighed in the planning balance.

Condition 7 of the planning permission for the AD plant (as originally granted by the Inspector and subsequently by the Local Planning Authority (LPA) for the revisions to the on-site infrastructure) requires the applicant to provide information relating to the number of vehicles which have entered or left the site (for purposes associated with the operation of the AD plant) on each day since operation commenced, including the size, type and load details, as well as the vehicles point of origin or destination. Ideally your officers consider the provision of this information over a year period would provide a definitive review of the additional traffic levels from a numerical point of view that the approved scheme generating 500 Kw generates. This time period would also allow a clearer picture to develop as to how the increase in traffic on the local network affects the general amenities of the area.

At the time of writing the applicant has been unable to provide this information, and this is likely to be because the site may not have been become operational yet.

In summary, there remains an inadequate evidence base to firstly accurately predict the number of additional trips on the highway, taking account seasonal variances, that would arise if the restriction on the output from the AD plan of 500 Kw was lifted. In addition the use of a planning condition to impose a level of control on the relevant matters is considered to fail the guidance on the use of conditions as outlined in NPPG, not least from an enforcement point of view. It is considered that the applicant would be able to supply the level of information after the permitted AD plant has been operating for at least 6 months.

#### **4. Planning Balance & Summary**

Policy DM5 seeks to balance the benefits of renewable energy developments against their impacts, and indicates that they will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area.

With the approved scheme of development (500 Kw Output) for the site it was concluded by the Inspector that it would have some limited impact to the landscape and visual quality of the area, and although mitigation in the form of native tree planting would address the long term impact it would not mitigate the visual impact in the short term. He did not identify any material harm to the general amenities of the area arising from likely level of vehicular trips that would be generated in terms of transporting feedstock to the site and digestate away from the site. Whilst the Inspector acknowledged that harm to the visual amenities would arise, he resolved to grant planning permission as the overall package of renewable energy benefits outweighed the level of perceived harm that would result from the development.

Since that decision the LPA have approved a revised proposal which included additional infrastructure on the site. This application was submitted on the basis that the predicted energy output, and therefore vehicular movements would remain largely the same as with the scheme that was approved by the Inspector. This included an additional CHP unit which the applicant had advised was for back up purposes.

The assessment as set out above has highlighted various uncertainties regards how many additional trips this variation to the arrangements at the AD plant would generate. Furthermore there is no clear and transparent planning control mechanism that would provide sufficient control regards the proposed transport strategy to serve the development that the applicant is suggesting.

Given that the applicant has lodged an appeal against non -determination against this current planning application, there is little to scope to investigate this matter further with applicant, or to suggest that the application is withdrawn and potentially re-submitted for consideration with operational evidence as to existing transportation impacts in terms of trip numbers once the AD plant has been operating for a minimum period of at least 6 months. This would also provide local stakeholders, including (local residents, the environment agency and the local authority) with a clearer insight as to what impact these additional trips have and the capacity of the local environment for additional trips, and to make a judgement regards balancing the potential harm against the future benefits in terms of renewable/clean energy benefits.

In summary the LPA has no longer has the ability to determine this current applicant which would allow the AD plant to operate so that it could generate 1,000Kw of power. However if it were still the determining authority, on the basis of the application details it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance).

On this basis the application proposals are considered to be contrary to Policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

## **REASONS FOR REFUSAL**

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

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

**Plans List No. 2**

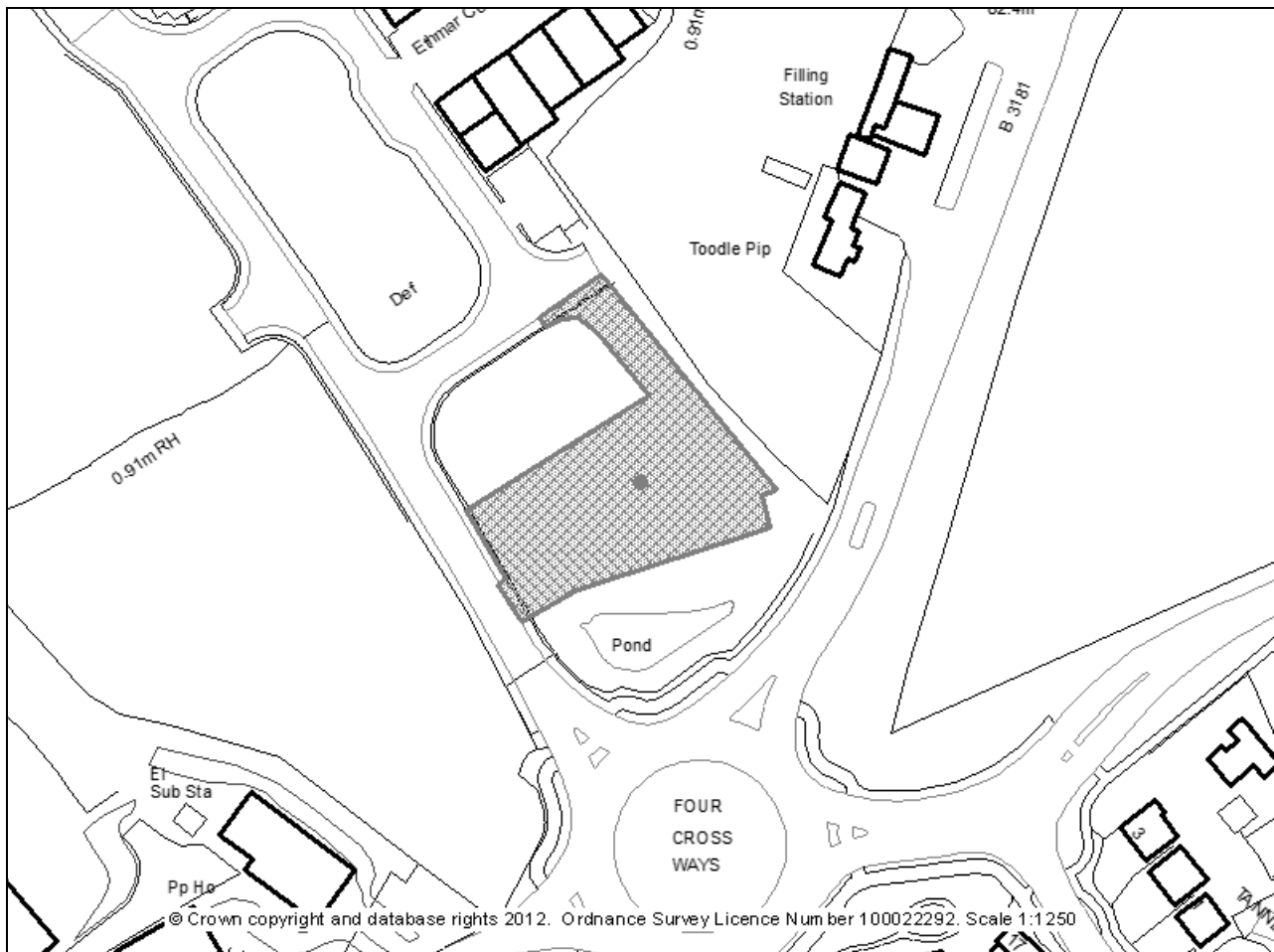
**Grid Ref:** 303843 : 111382

**Applicant:** The Co-operative Group Food Limited

**Location:** Land at NGR 303843 111382 (Mid Devon Business Park) South View Road Willand

**Proposal:** Erection of retail store, formation of access, car parking and service area, with landscaping and associated works

**Date Valid:** 23rd December 2014



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

### **RECOMMENDATION**

Grant permission subject to conditions.

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

To consider the concerns around pedestrian access

### **PROPOSED DEVELOPMENT**

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

This is a full application for the erection of a 410sqm A1 retail store with a net sales area of 232sqm, on currently undeveloped land at the southern most end of the Mid Devon Business Park . The site is accessed from an existing arm of the roundabout which leads onto the service road into the Business Park. Access into the application site itself for service vehicles (deliveries etc) is proposed from an existing service road to the north of the application site with no direct vehicular access to the site from the roundabout itself. The retail unit is shown to be accessed from the main service road running north/south through the site. The site is generally flat and there is an existing SUDS pond and hedgerow between the site and the roundabout and B3181.

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

The application is accompanied by landscaping and drainage proposals

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

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

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

Design and Access Statement

Planning and Retail Statement

Transport Assessment and Travel plan

Phase 1 Ecological Survey

Arboricultural Survey

Drainage Statement

Employment marketing history report (held confidentially)

### **PLANNING HISTORY**

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

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

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



## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR11 - Flooding

COR17 - Villages

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

DM2 - High quality design

DM17 - Development outside town centres

DM19 - Rural shopping

DM21 - Protection of employment land

WI1 - Willand Industrial Estate

## **CONSULTATIONS**

### **HIGHWAY AUTHORITY - 16th January 2015**

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

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

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

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

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

Recommendation:

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

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

REASON: To protect water quality and minimise flood risk.

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

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

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

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

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

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

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

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the public highway

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

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

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

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

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

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

#### **ENVIRONMENT AGENCY - 3rd March 2015**

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

#### **ENVIRONMENT AGENCY POSITION.**

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

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

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

The information contained with the applicants 'Drainage Statement dated Nov 2014, are somewhat of a departure from the agreed Peter Brett Associates strategy, we advise that the applicant revises the scheme so as to align with that previously agreed. An element of permeable paving must be incorporated into the

design to achieve this, rather than reliance on an underground storage tank. The provision of permeable paving is quite feasible and has been delivered on the existing developed plots within the business park.

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

5th January 2015

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

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

**WILLAND PARISH COUNCIL - 13th January 2015**

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

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

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

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

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

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

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

**ENVIRONMENTAL HEALTH - 9th March 2015 -**

Contaminated land - I have no objections to this proposal

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

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

Housing standards - N/a

Licensing - No comments

Food hygiene - No objections

Private water supplies - N/a

Health and safety - No objections

## **HALBERTON PARISH COUNCIL - 16th January 2015**

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

### **REPRESENTATIONS**

8 letters of objection have been received summarised as follows:

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

1 letter of support has been received summarised as follows:

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

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

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

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

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

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

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

In the case of the current application the proposal is one which will generate in the region of 20-25 jobs. Paragraph 3.13 of LP3 (under the heading 'Employment development within settlement limits') states that whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and that the council will accordingly take a 'flexible approach' towards the meaning of employment within Mid Devon. Policy DM21 states that other uses will be permitted, subject to a number of tests, where there is no prospect of employment coming forward. However, given the application falls within the broader definition of

employment it is not considered that the provisions of DM21 need to be met, and accordingly the proposed use is acceptable on employment land.

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

b) Is a main town centre use acceptable in this location?

The proposed retail unit falls within the Use Class A1, which is categorised as a 'main town centre use'. National and local policy requires a sequential test to be undertaken for main town centre uses in edge of centre or out of centre locations. Willand is a designated village within the Core Strategy, and does not have a defined town centre, with the nearest being at Cullompton. The applicant states that the purpose of the facility is to meet local needs, with a proposed catchment which primarily covers Willand and some of the surrounding area. It would be an illogical application of the sequential test to require a facility designed to meet local needs to justify why it should not be located elsewhere, e.g. in Cullompton. National planning guidance also notes that certain main town centre uses also have specific market and locational requirements which mean a town centre location is inappropriate. This point would apply to this case. Retail applications are often required to be accompanied by an impact assessment to examine impact on other similar uses within the catchment area, and on town centre viability and vitality. However, the application, falls below the policy threshold of 500 gross square metres and therefore no assessment can be required. DM19 states that retail development will be permitted within defined villages, providing it meets local needs and is accessible to a range of transport modes. In considering the former point reference can be made to Mid Devon's Retail Study. This was commissioned in 2012 to provide an evidence base to assist in plan-making and decision taking. The study focused primarily on the retail function of the three towns of the district, and did not specifically consider any of the villages. The study divided the district into retail catchment areas, Willand being within Zone 7, along with Cullompton. In examining retail expenditure within Zone 7 it presents a number of findings. About 54% of both main and top up shopping by residents of Zone 7 is undertaken in Cullompton. Only 1% of main shopping is undertaken at stores within the district's villages, this being 29% for top up shopping. These findings indicate that there is scope for increasing opportunities for main shopping at other locations within Zone 7, to draw back trips being lost to Cullompton or elsewhere. This indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for local needs. Furthermore, the fact that the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) is a further indicator of the modest scale and likely impact of the proposal. With regards to the location of the site and its access to a range of transport modes, the Mid Devon Business Park is located within an easy walking distance of bus stops on 2 different bus routes with a regular service. There are designated cycle routes to and from the Four Cross Ways roundabout serving Tiverton Parkway Station and Willand Old Village. The site is also in close proximity to a residential housing estate and industrial estate where residents and employees will be able to travel on foot to the proposed shop facility. The Highway Authority have not raised any objection on the grounds of available transport modes. Accordingly, it is considered that the application is acceptable in terms of national and local planning policy with regards to main town centres uses.

c) Highway safety

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

On the South View Road arm of the roundabout, a pedestrian walkway has recently been provided ( as required by policy WI1 III) which enables pedestrians to reach the Business Park from South View Road, without the need to walk on the road. With regard to the remainder of the provisions of policy WI1, the application does not prevent but nor could it assist with 'Adequate access into the site for existing units immediately adjacent to the proposal;' (as required by criteria I) of WI1 and 'Provision of a cycle link from Muxbeare Lane to the existing Industrial estate' (as required by criteria II) of WI1. Subject to no adverse comments being received on pedestrian safety from the Highway Authority, the proposal is considered to be acceptable. An update on this will be provided to committee

d) Impact on the amenity of nearby residents

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

e) Other issues

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

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

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until a surface water drainage scheme together with details of how it will be managed and maintained post-construction have been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the

development and so that storm water flows are attenuated. The development shall be carried out, managed and maintained in accordance with the approved scheme.

4. In accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. . The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the existing Mid Devon Business Park estate road.
6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the existing Mid Devon Business Park estate road
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) The footway on existing Mid Devon Business Park estate road frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
8. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using any public highway.
9. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. No development shall commence until existing and proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Work on site shall thereafter be carried out in accordance with the agreed details.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect water quality and minimise flood risk.
4. In the interest of public safety and to prevent damage to the highway.
5. To prevent mud and other debris being carried onto the public highway.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
8. To ensure that the floodlighting associated with the does not result in detriment to the safety of drivers using the public highway.
9. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that there is no raising of levels on site which may affect the overall drainage strategy for the site but to ensure the building is sufficiently high so as not to be at risk of surface water flooding should the SUDS schemes capacity, in particular the attenuation pond, be exceeded.

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

The site is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. Whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and accordingly the LPA have taken a 'flexible approach' towards the meaning of employment within Mid Devon. The principle of this development which will create in excess of 20 jobs is considered to comply with policy WI1. Mid Devon's Retail Study indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for local needs. Furthermore, the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) indicating the modest scale and likely impact of the proposal. Highway safety and amenity together with other issues raised in letters of objection and consultee responses have all been considered and with appropriate conditions, the Local Planning Authority consider that any significant adverse impacts may be mitigated. Consequently the proposal is considered to comply with policies COR1, COR2, COR11 and COR17 of Mid Devon Core Strategy (Local Plan 1) and policies DM2, DM17, DM19, DM21 and WI1 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework



**Application No. 15/00069/FULL**

**Plans List No. 3**

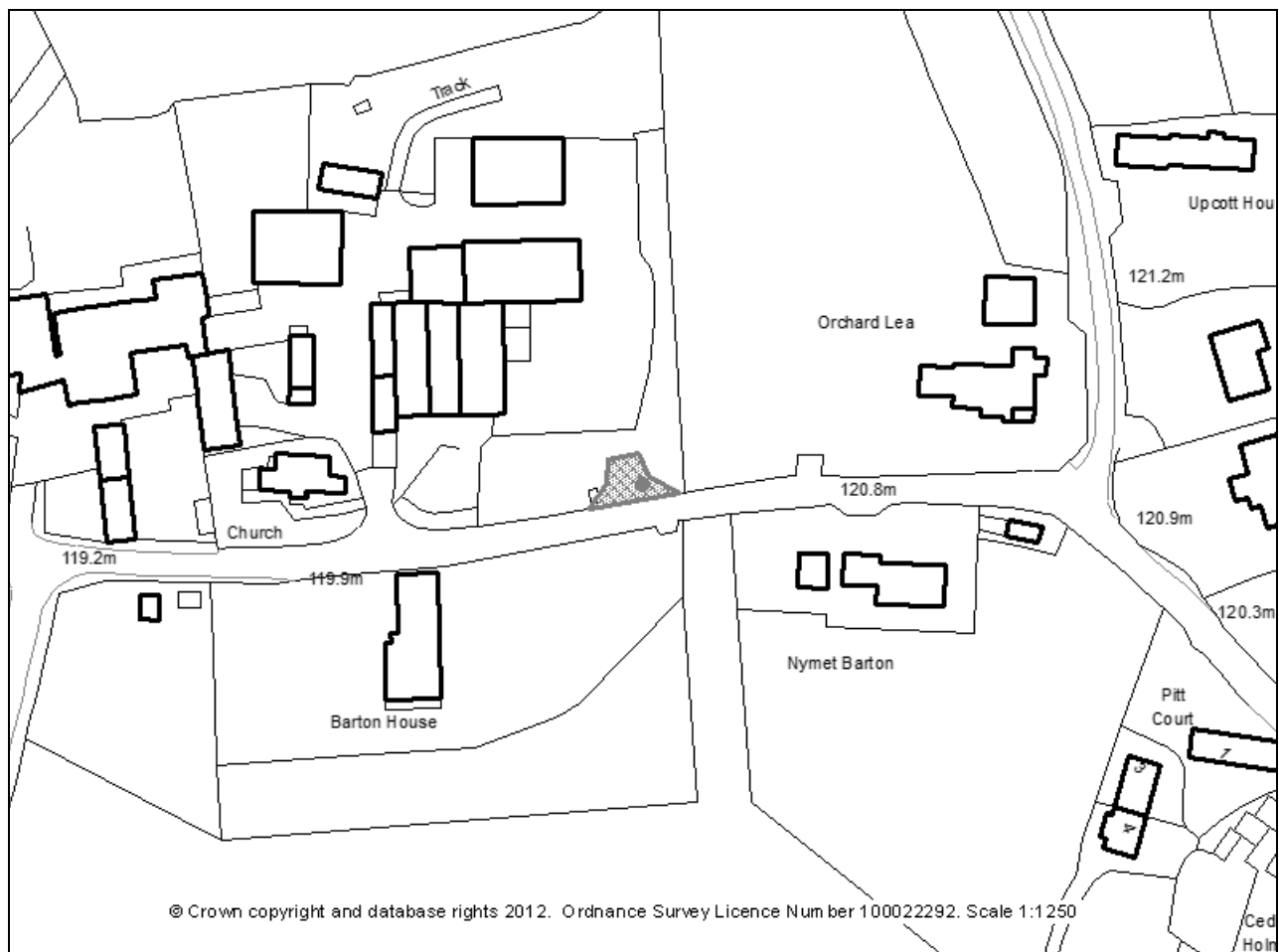
**Grid Ref:** 271139 : 108264

**Applicant:** Mr W Dawe

**Location:** Land and Buildings at  
NGR 271138  
108264(Road from  
West Barton Cross to  
Eggesford Cross)  
Nymet Rowland Devon

**Proposal:** Creation of new farm  
entrance

**Date Valid:** 19th January 2015



## **Application No. 15/00069/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

The development proposed is the creation of a new farm entrance on the road from West Barton Cross to Eggesford Cross, Nymet Rowland (NGR 271138 108264).

Nymet Rowland is a small village mainly set along the class 3 highway from West Barton Cross to Eggesford Cross and continuing south east towards the A377. The farm is located to the western edge of the village, adjacent to the grade 1 listed St Bartholomews Church.

The agricultural unit comprises a combination of traditional buildings and more modern agricultural buildings used for the housing of livestock and general agricultural storage, and a large open yard area directly adjacent to the highway. The current access to the farm is immediately adjacent to the listed Church. The proposal is to create a new farm entrance from the class 3 highway.

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

Plans

### **PLANNING HISTORY**

15/00069/FULL Creation of new farm entrance - PCO

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM22 - Agricultural development

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

#### **HIGHWAY AUTHORITY - 25th February 2015**

Happy with plan and condition, make sure there is a condition to hard surface the access for 6.0m in a BOUND material that is all , and advise them that they need to apply for a licences from the Highway Authority under section 184 of the Highways Act

10th February 2015 - I have no objections to the proposed access and the width and alignment of the access as shown on the plan are acceptable. The applicants details on drainage and concrete construction are welcomed and I would be happy to comment on them. The access should demonstrate and should be conditioned to provide visibility splays 2.4m back along the centre line of the access and extending to a point 25m to the nears side kerb line to the west and 25m to the centre of the road to the east with no obstruction greater than 600mm. You may wish to ask the developer to show these on the plan as well.

21st January 2015 -standing advice applies [www.devon.gov.uk/highways-standingadvice.pdf](http://www.devon.gov.uk/highways-standingadvice.pdf)

## **NYMET ROWLAND PARISH COUNCIL - 20th February 2015**

Nymet Rowland Parish Council feel we are unable to support the application in the current format.

The following valid issues were raised at our meeting and we feel they need to be addressed or investigated further. Consequently we would be pleased to comment on a revised and enhanced application.

Points raised:

1. Current drainage from existing entrance frequently allows effluent/slurry to spread all over the road, occasionally blocking drains and presenting problems to pedestrians and neighbours. New drains and grading of road required to avoid this occurring in both existing entrance, and new one if approved.
2. Loss of Devon bank and associated flora and fauna. Although it has been said that this bank would be put back on either side of the new splayed entrance, there will still be a loss of several metres of mature beech hedge, possibly along with a very old American Oak tree and Yew tree. How can these be moved and reinstated successfully?
3. The size and level of the required concrete base at the new entrance will most likely cause more effluent/slurry/mud to end up on the road surface unless new drainage and grading of road is done see item 1.
4. There is only one lane which allows articulated lorries and large rigid based trucks entry to the village. This is a turning off from the road to Winkleigh from Morchard Road, the B3220. This is a single width lane with no suitable passing places for large commercial vehicles. Will or how would this problem be addressed if there is an increase in these larger vehicles delivering goods to this farm? All three other lanes into Nymet Rowland are unsuitable for long vehicles or HGV's, as is noted and signed by the Highways Department.
5. Last but not least there is the fact that the last application for a new entrance further along this road was turned down in part because of the closeness to the 15th century listed Church building. This new entrance would be even closer.

It is noted that a planning application to erect a new fodder and machinery building on this site has now been withdrawn.

Therefore after considering all these points we wonder why the existing entrance cannot be modified to fulfil the requirement of the applicant.

## **REPRESENTATIONS**

11 letters of representation have been received and are summarised below;

- The previous planning decision for proposed alteration to the existing field entrance and new domestic driveway at the immediately adjacent property was refused on the basis that it would result in unnecessary alteration harming appearance and character of this part of the countryside.
- An 18m opening within the hedgerow would have an extremely detrimental effect on the rural character of the village and result in the loss of wildlife
- The proposal would destroy one of the original village water wells and an old pump house.
- There will be a considerable increase of disruptive and destructive heavy vehicles through the village on roads which are not suitable.
- There may be alternative ways of securing improvements to the existing access into the site, which is considered by local stakeholders to be acceptable for most vehicles.
- The proposal would have a detrimental impact on the setting and foundations of the listed church.
- The present deliveries are made by lorries outside of the gate of Barton House where they are taken off to the farm with a forked loader, which has not caused any great inconvenience.
- The new concrete driveway will act as rainwater, surface water catchment area, with "run off" to the existing highway, which already floods and presents an unsatisfactory situation on the highway.

- The proposals will result in greater noise and disturbance to neighbours.
- The farmyard is just a yard with outbuildings for storage and livestock, and is generally in a poor state and conditions. The applicants live out of the village and as such will be unaffected by such a change.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

Policy DM22 permits agricultural development where;

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

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

A) The existing access is situated adjacent to the church and due to the siting of traditional farm buildings, it is increasingly difficult for long goods vehicles that deliver fertiliser to the farm to manoeuvre into the farm yard to the east of the farms main storage buildings. This results in the road outside the farm being blocked. The proposed access is required to provide a suitable access that can accommodate the farm traffic and allow unloading of larger vehicles within the site, as opposed to on the highway.

B) The proposed access is sited approximately 40m from the existing access which is adjacent to the grade 1 listed church. The church is clearly delineated from the surrounding buildings and road by a combination of stone wall and mature hedging. A number of representations have been received which raise concern on the impact of the new access on the setting of the church. At the closest point, the proposed access is 44m from the boundary of the church. The proposed access would alleviate pressures on the existing access which is directly adjacent to the church by providing an alternative access away from the immediate setting of the church. The Conservation Officer has viewed the proposal and is satisfied that the proposed access would not have a harmful impact on the setting of the listed building.

Two of the representations highlighted a previous planning application at the neighbouring domestic property, Orchard Leigh, which included alterations to the field access to provide new access and driveway, and which was refused for the following reason;

"the proposed alterations to the existing field entrance and the provision of a new domestic driveway across the paddock adjoining the existing residential curtilage of the dwelling to which the application relates would result in unnecessary alteration harming the appearance and character of this part of the countryside..."

There are a number of access points along the highway, mainly residential. Although the provision of this new agricultural access will change the appearance of this immediate area, the impact is not considered to be harmful to the rural nature and character of the area. Subject to details to be provided by condition, the proposed access would be surfaced and drained to prevent surface water discharge onto the highway, thus preventing concerns in terms of slurry/water running onto the highway and therefore improving the amenity of users of this stretch of highway.

C) A section (20m) of hedging is to be removed to allow for the new proposed access, the largest tree will remain but some smaller species will be removed. Local residents have expressed concern in terms of how the proposals will affect the hedgerow in terms of ecological impact. Clearly the hedgerow could provide nesting and sheltering opportunities for birds and small mammals and is a possible commuter route for bats. Removal of this small part of the hedge line is not considered to cause significant fragmentation of the surrounding hedge network due to the relative short length that is to be removed, and presence of other hedges. An advisory note is set out accordingly.

D) The access would be from the class 3 highway that runs along the south of the site. There are a number of accesses on either side of the highway, including the existing farm access approximately 40m from this proposed entrance. A number of representations raised concerns with regard to the nature of the

country lanes around the site, lack of passing places and general unsuitability to accommodate the large traffic associated with the holding that the proposed access is required to accommodate. It should be noted that the Local Planning Authority have no control over the existing use of the highway by large traffic that is already delivering to the site and the applicant's agent has advised that there will be no increase in traffic to the farm as a result of the proposed entrance. The Highway Authority has raised no concern in terms of the impact the proposed new entrance would have on the local road network and the safety of highway users, provided that sufficient visibility is achieved. The land to either side of the proposed entrance is within the applicant's ownership and the required visibility has been demonstrated on the block plan (drawing number 2014.057.01). Having regard to the speed of the traffic and the intended use of the access it is not considered that the provision of the access will cause harm to the safe operation of the highway.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The visibility splays shown on the approved plan shall be constructed prior to the first use of the access hereby permitted. There shall be no obstruction to visibility within these splays over 600mm above adjoining road level, and such visibility splays shall be so retained.
4. No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority, the details of which shall ensure that the proposals does not result in flooding on the highway. The approved development shall be implemented in accordance with the approved strategy prior to the use of the new access hereby approved.
5. The site access shall be hardened, surfaced in a bound material, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.

## **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. In the interest of highway safety to ensure adequate visibility at the point of access and egress from vehicles entering or leaving the site.
4. To prevent surface water run off onto the highway.
5. In the interest of highway safety.

## **INFORMATIVE NOTE**

1. The applicant is advised that wild birds and common species of reptile are legally protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If any hedgerow removal works are to take place during the bird nesting season (March to September), works should only be undertaken immediately following an inspection by an ecologist to minimise the risk of killing or injuring reptiles and to confirm the presence/absence of nesting birds.
2. The applicant is advised that they will need to apply to the Highway Authority for a license under section 184 of the Highways Act.

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

The creation of a new farm entrance at this site is considered to be reasonably necessary in order to provide an alternative and more suitable means of access for visiting traffic to the holding. The proposed access, whilst in reasonable proximity to the grade 1 listed church is not considered to have a harmful impact on the setting of the church which is clearly defined by its boundary walls. The proposed access will change the appearance of the immediate area however there are a number of accesses along the road and it is not considered that the proposed access would have a harmful impact on the wider street scene. The proposal would result in approximately 20m of hedgerow being removed, however from an assessment point of view it is not considered that this aspect of the proposal, given the overall context and length of hedge, would have an unacceptable adverse impact on the overall character of the area or on potential of the area as a wildlife habitat. The submitted plan demonstrates that sufficient visibility can be provided, and overall it is therefore not considered that the application scheme would have an adverse impact on the local road network.

On this basis the application scheme is considered to be in accordance with the following policies; Mid Devon Core Strategy (Local Plan part 1) COR2 and COR18, Local Plan part 3 (Development Management Policies) DM1, DM2, DM22 and DM27 and Government advice in the National Planning Policy Framework.

Jonathan Guscott  
Head of Planning and Regeneration

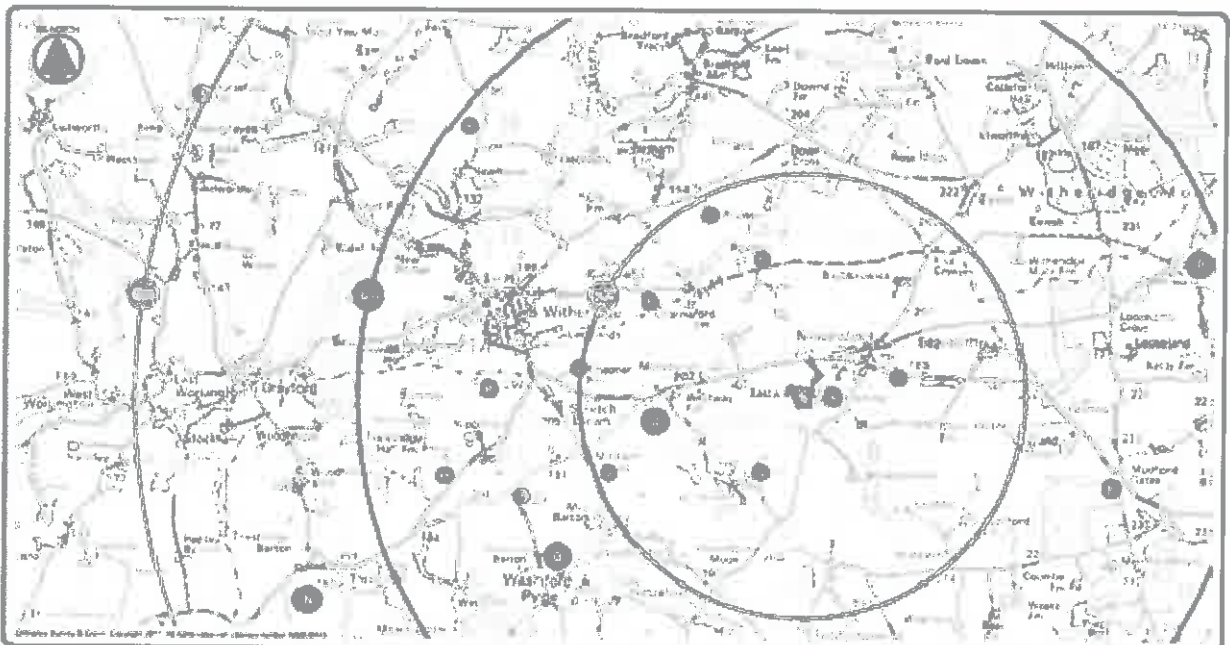
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Type	Source	Map	km	Ha	Yield	Amount Tonnes	Mode of transport	Load capacity	Mar - Sep	May - Nov	All year	Total loads
Poultry litter	Menchine	a	0			500	on site					
Poultry litter	Tolgate	b	3			1,750	Lorry & Drag	20			88	88
Poultry litter	Theilbridge	c	3			1,000	Lorry & Drag	20			50	50
Poultry litter	Horseford	d	9			1,200	Lorry & Drag	20			60	60
Poultry litter	Stourdon					2,000	Lorry & Drag	20			100	100
Maize/Grass Silage	Menchine	a	0	24	35	840	on site					
Maize/Grass Silage	Menchine off ground	e	1	18	35	630	Tractor & trailer	16		39		39
Maize/Grass Silage	Westway	f	2	25	35	875	Tractor & trailer	16		55		55
Maize/Grass Silage	Upcott	g	1	40	35	1,400	Tractor & trailer	16		88		88
Maize/Grass Silage	Summer View	h	3	20	35	700	Tractor & trailer	16		44		44
Maize/Grass Silage	Mont Villa	i	1	30	35	1,050	Tractor & trailer	16		66		66
Maize/Grass Silage	Mill Barn	j	2	30	35	1,050	Tractor & trailer	16		66		66
Maize/Grass Silage	Bill Hole			35	35	1,225	Tractor & trailer	16		77		77
Maize/Grass Silage	Westway Farm			35	35	1,050	Tractor & trailer	16		66		66
Cow Shit	Cleave Farm					830	Tractor & trailer	16		66		66
<b>Total:</b>				252		16,100				499	349	848
<b>Loads per day in (mon to sat)</b>												
<b>2.72</b>												

Digestate Out

Type	Destination	Map	km	ha	t/ha	Tonnes	Mode of transport	load cap				Load/yr
Digestate liquor	Menchine	a	0	24	20	480	on site					
Digestate liquor	Menchine off ground	e	1	18	20	360	Tractor & tanker	16	23			23
Digestate liquor	Westway	f	2	25	20	500	Tractor & tanker	16	31			31
Digestate liquor	Upcott	g	1	40	20	800	Tractor & tanker	16	50			50
Digestate liquor	Summer View	h	3	20	20	400	Tractor & tanker	16	25			25
Digestate liquor	Newhouse	k	5	20	20	400	Tractor & tanker	16	25			25
Digestate liquor	Chapner	i	2	32	20	640	Tractor & tanker	16	40			40
Digestate liquor	Cannington	m	3	97	20	1,940	Tractor & tanker	16	121			121
Digestate liquor	Mont Villa	i	1	30	20	600	Tractor & tanker	16	38			38
Digestate liquor	Mill Barn	j	2	33	20	660	Tractor & tanker	16	41			41
Digestate liquor	Pillivan	k	5	35	20	700	Tractor & tanker	16	44			44
Digestate liquor	Bill Hole			40	20	800	Tractor & tanker	16	50			50
Digestate liquor	Westway Farm			40	20	800	Tractor & tanker	16	50			50
Separated Fibre	Local Farms					2,000	Tractor & tanker	16			125	125
<b>Total</b>				454		11,080	Tractor & tanker		538		125	663
<b>Loads/day out (mon to sat)</b>												
<b>2.72</b>												

<b>Total loads/day</b>			<b>4.94</b>
<b>Vehicle movements/day</b>			<b>9.68</b>



<p><b>NOTES</b></p> <ul style="list-style-type: none"> <li>1 MENCHINE</li> <li>2 TOLGATE</li> <li>3 THEILBRIDGE</li> <li>4 HORSEFORD</li> <li>5 MENCHINE OFF GROUND</li> <li>6 WESTWAY</li> <li>7 UPCOTT</li> <li>8 THEILBRIDGE</li> <li>9 MONT VILLA</li> <li>10 MILL BARN</li> <li>11 PILLIVAN</li> <li>12 CHAPNER</li> <li>13 CANNINGTON</li> <li>14 BILL HOLE</li> <li>15 WESTWAY FARM</li> <li>16 CLEAVE FARM (CROSSROADS)</li> <li>17 STOURDON BARN</li> </ul>	<p><b>APPLICATION SITE</b></p> <ul style="list-style-type: none"> <li>18 Bill Hole</li> <li>19 Westway Farm</li> <li>20 Cleave Farm (Crossroads)</li> <li>21 Stourdon Barn</li> </ul>	<p><b>UNISURVEY CO. I</b></p> <p>Hydrock</p> <p>12298/003</p>
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**Application No. 14/00881/MOUT**

**Agenda Item 9**

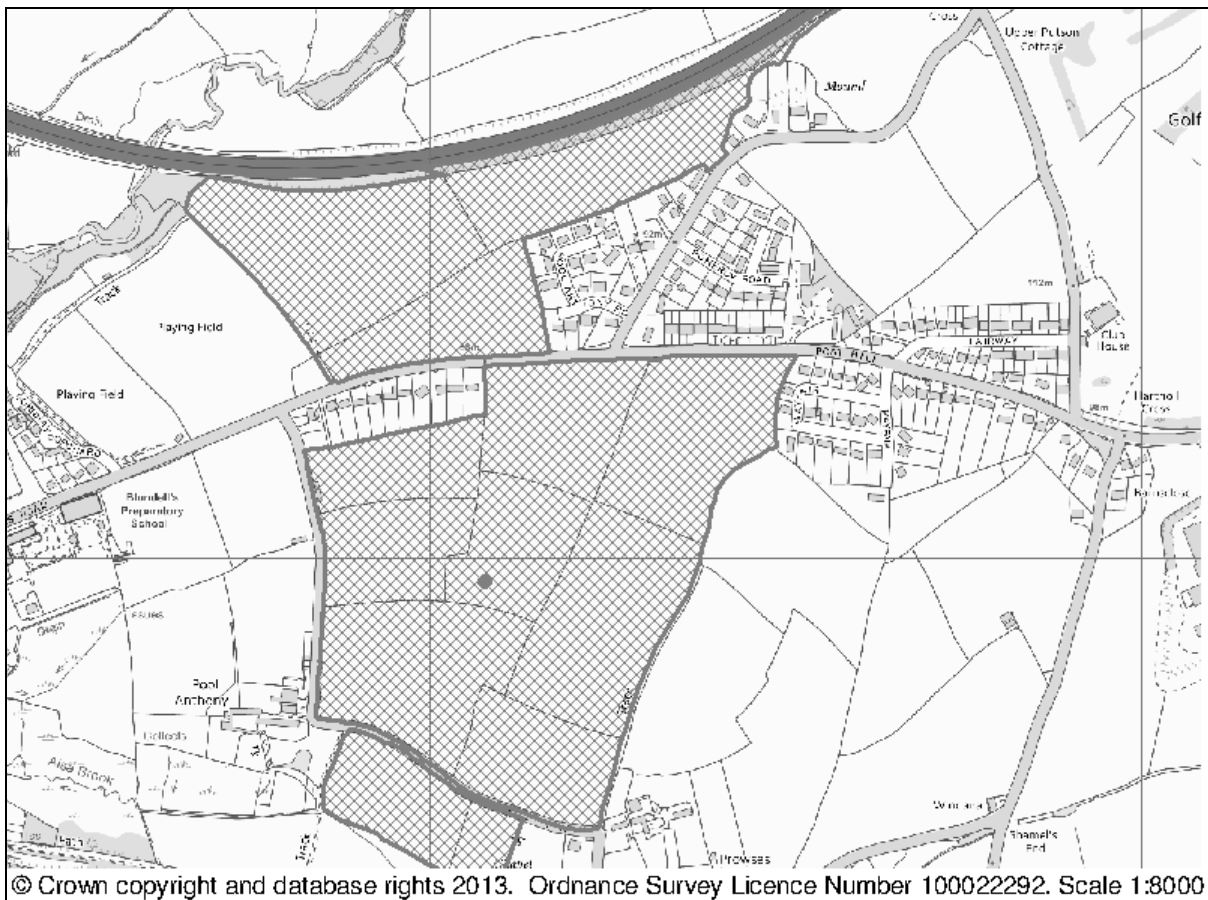
**Grid Ref:** 113549 : 298246

**Applicant:** Sir Ian Amory

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

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

**Date Valid:** 4th June 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

**Reason for Report:**

To determine this application.

**RECOMMENDATION(S)**

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

S106 to provide:

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

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

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

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

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

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

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

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

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

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

(xviii) Agreement to transfer land due south of the Sustrans Cycle route and accessible from Glebelands to Tiverton Town Council for use as allotments – extent of area and transfer details to be agreed.

(xiv) 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.

**Relationship to Corporate Plan:**

Managing the environment.

**Financial Implications:**

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

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

**Legal Implications:**

The application would be subject to a Section 106 agreement.

**Risk Assessment:**

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

**Consultation carried out with:**

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

## 1.0 PROPOSED DEVELOPMENT

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

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

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

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

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

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

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

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

- Architecture and design of all buildings

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

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

Site Plan.

Illustrative Masterplan prepared by Clifton Emery 131206 L02 02

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

Street Hierarchy prepared by Clifton Emery 131206 SK 140920

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

Access Junctions Roundabouts arrangements prepared by PFA Consulting C698/25

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

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

Access junctions drainage arrangements prepared by PFA Consulting C698/24

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

Planning Statement prepared by PCL Planning dated May 2014.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

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

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

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

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

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

## **6.0 CONSULTATIONS**

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

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

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

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



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

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

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

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

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

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

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

Recommendation:

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

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

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

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

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

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

REASON: To ensure the proper development of the site.

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

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Local transport provision
- Potential historic environment impacts

- Local education provision
- Library services

5. These topics are discussed under separate headings, below.

Local transport provision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. The access roads for both residential and commercial estates served by the link road to the A361 should have a junction analysis to satisfy the Highway Authority that a simple

junction can be accommodated and should show the implications of the junctions on the roundabouts and the slips to the A361.

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

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

28. Highways Reasons for Refusal

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

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

Contrary to the National Planning Policy Framework.

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

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

Historic environment

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

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

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

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

#### 35. Historic Environment Reason for Refusal

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

Contrary to guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraph 128 of the National Planning Policy Framework (2012).

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

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

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

#### Local Education Provision

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

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

#### Primary School Provision

41. In accordance with the above capacity assessment and the adopted Masterplan, a new primary school within the overall Masterplan area will be necessary to accommodate pupils

generated by the development - in a central location that provides an acceptable walking distance to school from the new houses. As per the application details, the proposed school site lies within this application site.

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

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

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

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

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

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

#### Secondary School Provision

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



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

Legal costs

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

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

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

Plus land (Index linked from 3rd quarter 2012)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason

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

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

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

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

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

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

**Designated sites - withdraw objection**

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

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

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

Natural England will also need to be consulted at the reserved matters and discharge of conditions/S106 phases to ensure the detailed mitigation is right. SUDs is key in preventing harm to the SSSI and maintenance in perpetuity is vital. In the event of a maintenance company folding, we would suggest that a backup plan, such as the LPA adopting the SUDs, must be identified.

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

**Suggested Condition**

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

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

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

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

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

#### Additional matters

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

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

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

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

Thank you for your correspondence in the last few months regarding the above outline application. The new full, grade separated (raised) road junction over the A361 (referred to as the Cloverleaf) has recently been granted planning permission by the Planning Committee. This road junction also forms part of the outline application 14/00881/MOUT in terms of access to the development land. I have discussed the English Heritage response with the consultant team representing the application. As the application is outline with all matters reserved except access, at this stage we do not know what form of development would be proposed on the northern part of the site and therefore have no idea how high it would be or what it would look like. The site Masterplan that was submitted is illustrative only and a future reserved matters application may or may not use it as a base plan for the actual development of the site. In addition to this, between the outline planning process and the reserved matters process it will be necessary for any developer to go through an additional process of establishing through illustration urban design and architectural principles. As a result it is difficult to have a single image photomontage of the site and possible development prepared at this time. Any photomontage would not be meaningful as the layout of potential development is subject to change and considerable further discussions and design work. I do not think a single image photomontage at this time would illustrate the potential impact/visibility of the potential development on views from Knights Hayes 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 SUstrans route from the development
- no public footpath should be provided near residential development south of the SUstrans route (Glebelands)
- green infrastructure area close to Glebelands should be left alone

2 x letters of support

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

West Manley Lane Conservation Group x4

- concern over some of the labelling and identification of areas around West Manley Lane;
- no statement of how many dwellings will be affordable housing
- Flood risk information does not appear to be based on site specific records
- concerns regarding capacity of sewage network
- new sewage system could have significant effects of the SSSI
- the application does not accurately identify the current use of West Manley Lane by walkers, runners, horse riders, school groups, cyclists who use it as part of circular route with grand western canal and sustrans railway walk
- application is not supported by any survey data regarding peak use of West Manley Lane and Manley Lane for recreational purposes
- West Manley Lane and Manley Lane will become congested and hazardous as no formal passing places and only existing residential gateways to pass in etc
- concerned about impacts on the landscape and visual impact from the existing lanes
- lack of tree preservation orders within the application site
- mitigating measures regarding impact on landscape and visual amenity will take many years to become established
- loss of hedgerow as a result of the proposed accesses - increased traffic use of the lanes, affect the character of the rural lanes, pedestrian accessibility to the countryside will be effected
- concern about location of roundabout on Blundells Road at end of new link onto A361
- concern about materials proposed for new roundabout in order to reduce noise from roundabout in nearby residential properties

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

- Will comment fully on details such as design and layout when full apps submitted;
- Emphasize adverse impacts kept to minimal as ancient landscape, continuously farmed since Neolithic period;
- No Statement Community Involvement submitted – public not informed and no exhibitions;
- Thorough Environmental Statement with regards to Archaeology and Heritage Assets – confirms area of archaeological importance, desk based report not adequate, intrusive archaeological investigation required, impact on Long barrows and Round barrows more information required;
- Report carried out by Devon Wildlife Consultants 2009 on behalf of West Manley Lane Conservation Group suggested some hedgerows in the area

ancient with high species diversity. Access roads should be away from hedgerows;

- Vital that low cost housing (affordable housing) forms significant percentage of any new residential development;
- Adverse cumulative impact at Blundell's School from traffic, concern about traffic projections;
- No housing should be provided on south side of West Manley Lane

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

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

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

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

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

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

The main issues to be considered at this stage are:

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

## 7. Conclusions/Planning Balance

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

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

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

#### Eastern Urban Extension

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

- a. From 1550 to 2000 dwellings;
- b. A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;
- c. From 95,000 to 130,000 square metres employment floorspace;
- d. Transport provision to ensure appropriate accessibility for all modes;
- e. Environmental protection and enhancement;
- f. Community facilities to meet local needs arising;
- g. Carbon reduction and air quality improvements;
- h. An agreed phasing strategy to bring forward development and infrastructure in step and retain the overall viability of development;
- i. A public Masterplanning exercise to be undertaken before any planning application is made.

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

AL/TIV/2 Eastern Urban Extension Transport Provision

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

AL/TIV/4 Eastern Urban Extension Community Facilities

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

AL/TIV/6 Eastern Urban Extension Phasing

AL/TIV/7 Eastern Urban Extension Masterplanning

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

The approach advocated in the Masterplan is to create a new neighbourhood for Tiverton,

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

Other key revisions include:

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

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

The next stages of the planning assessment of this application scheme is to assess the means of access into the site as proposed and highway capacity issues, consider if the application scheme and the documentation submitted to support it satisfactorily demonstrates that the site could accommodate up to 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 highway infrastructure.

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

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

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

The plans submitted with the application include scaled drawings of the accesses onto/from Blundells Road as well as scaled drawings of the access points onto/from West Manley. The illustrative layout Masterplan also indicates the location of these accesses. In addition to the illustrative Masterplan layout there is a street hierarchy plan which also shows proposed access points. The 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 LLO junction, increased traffic through Post Hill and Halberton, and increased use of West Manley lane.

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

With regards to the potentially changing nature of the use of West Manley Lane this issue

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

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

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

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

Planning permission has already been granted for a Left in Left junction (LILO) on the westbound carriageway, and also for a full grade separated junction (Cloverleaf) to provide a link to the east bound carriageway access to and egress from the eastern he north of the application site (which also includes LILO details). The land to accommodate both these aspects of the Masterplan is owned by the applicant, and the provision of the land and a financial contribution proportionate to the scale of development proposed to ensure deliver of these critical infrastructure package is a requirement of the terms of the section 106 agreement as recommended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Developer contributions to highways infrastructure**

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

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

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

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

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

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

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

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

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

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

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

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

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

The Town Council and local residents in Glebelands have suggested that the land parcel between the Sustrans cycle route and the Great Western Canal, also part of Masterplan area and land that is owned by this applicant (blue line land) would be a better location for community allotments, accessible over land owned by MDDC. The applicant has agreed to dedicate part of this area as allotments (exact area to be specified) and to be passed over to the Town Council to manage. In terms of managing this as part of the decision on the planning application it will be secured as part of the Section 106 Agreement.

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 at 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 MDCC Tree Officer has been to the site and reviewed the trees and hedgerows. A number of the Oaks and Ash have subsequently been protected by a Tree Preservation Order. This TPO will need to be taken into account when

reserved matters for the development of the land are being considered.

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

#### ii) Biodiversity

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

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

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

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

#### iii) Cultural heritage (archaeology/heritage assets)

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

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

It is necessary for further archaeological work to be carried out on the site before any development takes place. The works would form a staged programme of archaeological

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

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

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

#### iv) Landscape and visual impacts

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

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

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

#### v) Flood risk and drainage

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

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

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

#### vi) Air Quality

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

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

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

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

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

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

#### vii) Noise

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

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

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

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

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

The impact of ambient noise on the proposed development area is based on the 2026 future scenario, taking account of the 700 new homes and employment development. The predicted noise levels indicate that the majority of the site will require no specific acoustic treatment, in terms of future mitigation. The noise assessment indicates that a majority of the new dwellings within the site will experience good to reasonable internal noise levels (with windows partially open). The properties overlooking Blundells Road will require an uprated facade treatment through acoustically rated glazing and ventilation components to achieve good internal noise levels. Therefore it considered that any impact on residential amenity of proposed development would be negligible.

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

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

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

#### viii) Ground conditions and Contamination

A combination of desk study, walkover study and some 'on site' intrusive investigation has been carried out and this has indicated that there are unusual impacts associated with the proposed development. Any potential impacts are stated to be able to be mitigated against

through further investigation, design and managed construction. The ground conditions are suitable for surface water drainage. The site has predominantly been in use for agricultural purposes and there are no known contaminants of the land. The metal levels found are below guideline values for residential development. With regards to ground conditions and contamination the application is in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

#### iv) Green Infrastructure

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

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

#### xi) Utilities

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

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

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

Furthermore, one of the requirements of the section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is "relevant to planning", and it is not considered that this requirement would not be met. The reason being



that the costs necessitated by the development's connection to the public sewer network are not "relevant to planning" since they are dealt with by non-planning legislation, i.e. the 1991 Water Act.

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

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

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

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 of 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 its delivery by the Highway Authority. Overall it is considered that the application scheme can be constructed and then operate without having severe impacts on the transport network. The Highway Authority has confirmed their support for this application and the means of access that have been proposed.

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

'It is inevitable that the urbanisation required by Policies AL/TIV/1-7 will engender major alteration to the surroundings and the lifestyle of its present residents of the EUE and users of its existing community facilities and farmland. However, it is not proposed that built

development occupies any area subject to any protective designation for wildlife or landscape and flood risk due to increased run-off will be addressed by sustainable drainage systems. Otherwise there is sufficient scope for all potential conflicts between land uses to be avoided by way of the master planning exercise yet to be initiated by Mid Devon District Council under Policy AL/TIV/7 without modification to the boundaries of the allocation as whole or the area of Green Infrastructure designated within it. Additional road traffic is subject to controls on transport phasing in Policies AL/TIV/2 and 6 to avoid undue congestion and disturbance, in particular along Blundells Road. Finally, the strategic requirement of the adopted Core Strategy for this level of development in eastern Tiverton overrides the loss of farmland in this instance.'

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

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:
  - i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,
  - ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other 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.

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 three years from the date of this permission, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
5. The detailed drawings required to be submitted by condition 3 shall include the following additional information:
  - i) Boundary treatments, existing site levels, finished floor levels, long and cross sections through the site indicating relationship of proposed development with existing adjacent development with Properties in Poole Anthony Drive and Mayfair where appropriate
  - ii) Provision of a landscaped buffer where the application site shares a party boundary with existing properties on Mayfair and Poole Anthony Drive in accordance with the adopted masterplan.
  - iii) Protective measures for all Grade A trees on the site.
  - iv) Measures to demonstrate compliance with the carbon footprint targets as set in the policy AL/IN/6 and AL/TIV/5.
  - v) Single image photomontage of the proposed development from Knightshayes and Knightshayes Estate;
  - vi) Heritage asset setting protection statement. The submission shall include an assessment of the impact of the proposed development on Knightshayes and Knightshayes Estate; and details of hedgerow provision and retention or other measures to reduce any visual impact of the proposed development.
  - vi) A habitat enhancement and mitigation plan
6. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
8. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

- 9 The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:
- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
- 10 No development shall take place on site until the Left in Left out junction onto the A361 previously consented under LPA ref: 1400667/MFUL has been constructed and made available for use.
- 11 No development hereby approved shall take place on land to the south of Blundells road and/or the employment land until the roundabout at the junction of Blundells road and the link road hereby approved has been constructed and made available for use.
- 12 The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundells Road to the boundary of the site adjoining Phase B of the Masterplan Area shall be constructed and made available for use in accordance with a delivery programme that will be submitted to and agreed in writing by the Local Planning Authority and prior to commencement of any development. The highway works shall be provided in accordance with the agreed delivery programme.
- 13 No development shall take place on site until the off-site highway works for the provision of passing places, highway mitigation measures, transport strategies on West Manley Lane have been submitted to and agreed in writing with Local Planning Authority. The approved proposals shall be implemented and made available for use according to an approved program of works.
14. Prior to commencement of development of any part of the site a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
- (a) The timetable of the works;
  - (b) Daily hours of construction;
  - (c) Any road closure;
  - (d) Hours during which delivery and construction traffic will travel to and from the site;

- (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) The means of enclosure of the site during construction works;
  - (i) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (j) Details of wheel washing facilities, road sweeping and strategies to mitigate against any dust, noise, fumes, odour and waste that arise from the development hereby approved;
  - (k) The proposed route of all construction traffic exceeding 7.5 tonnes;
  - (l) Details of the amount and location of construction worker parking;
  - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
15. No development should take place until a long-term water quality management and maintenance programme in respect of the proposed sustainable urban drainage scheme (SUDs), both during and post construction, including arrangements for a timetable of monitoring and reporting, is submitted to and approved in writing by the Local Planning Authority. Such water quality management and maintenance programme shall be designed to ensure that surface water quality leaving the application site will not have a detrimental impact upon Tidcombe Fen SSSI. The submission shall identify where remediation / mitigation is necessary as a result of inadequate operations of the SUDs resulting in an inadequate quality of water leaving the SUDs system and entering the Tidcombe Lane Fen SSSI. Any necessary remediation / mitigation measures shall be carried out in accordance with the details in the approved submissions. On completion of the monitoring specified in the approved programme a final report demonstrating that all long-term remediation / mitigation works have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'
- The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.
17. No development shall begin until a detailed methodology for the formation and construction of both the retention ponds and swale as shown on drawing PFA consulting drawingC/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.

## REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. To ensure the site is developed in accordance with the adopted Masterplan for the Tiverton Eastern Urban Extension and Policies AL/TIV/1-AL/TIV/7 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To protect water quality and minimise flood risk and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with policy DM2.
8. To ensure the proper development of the site and to safeguard with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents, and in accordance with policy in National Planning Policy Framework.
11. To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework.
12. To ensure that adequate facilities are available for construction traffic and the delivery of the Allocated site in its entirety to satisfy the requirement of the adopted Masterplan.
13. To minimise the impact of the development on the West Manley Lane and in accordance with the National Planning Policy Framework.
14. To minimise the impact of the development on the highway network during the construction phases, and in accordance with policy in National Planning Policy Framework.
15. In order to ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen, and in particular to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features, in accordance with Policy DM30 of the Local Plan Part 3 (Development Management Policies).
16. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).
17. To ensure that this part of the scheme drains effectively in order to maintain the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

## REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

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

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application is generally in accordance Policies AI/TIV/1-7 and the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document in respect of the phasing and delivery of highway infrastructure. The delivery of the new A361 junction (both 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.

**Contact for any more information**

Mr Simon Trafford (Area Planning Officer) –  
01884 234369

**Background Papers**

13/01616/MOUT  
14/00667/MFUL  
14/01168/MFUL

**File Reference**

14/00881/MOUT

**Circulation of the Report**

Cllr Richard Chesterton  
Members of the Planning Committee

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# Agenda Item 10

**Application No. 15/00033/FULL**

**Agenda Item 10**

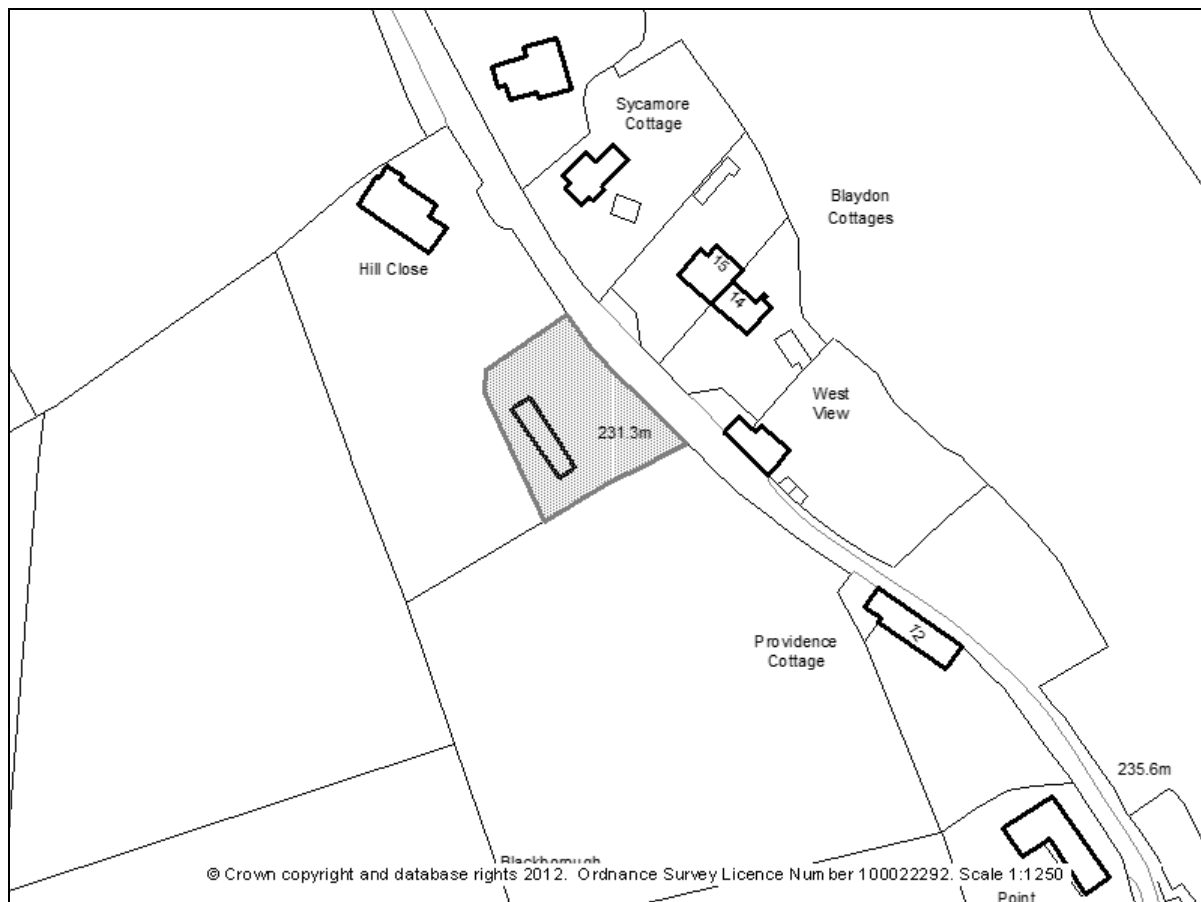
**Grid Ref:** 109055 : 309478

**Applicant:** Mr A York

**Location:** Ravensdale  
Blackborough  
Cullompton Devon

**Proposal:** Change of use of residential garage/workshop to dwelling

**Date Valid:** 26th January 2015



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

**15/00033/FULL - CHANGE OF USE OF RESIDENTIAL  
GARAGE/WORKSHOP TO DWELLING - RAVENSDALE  
BLACKBOROUGH CULLOMPTON DEVON**

**Reason for Report:**

To consider the above planning application.

**RECOMMENDATION**

**Refuse permission**

**Relationship to Corporate Plan:**

The Corporate Plan identifies the following challenges faced by the district:

1. In rural areas access to vital services and public transport can be a significant problem. The challenge is to ensure that people have access to the services they need.
2. Mid Devon needs to ensure there is sufficient decent housing.

In addition, the Corporate Plan identifies the following long term visions:

1. To promote and protect our outstanding environment and beautiful countryside. Helping international efforts to reduce the impact of human behaviour on the world's climate.

**Financial Implications:**

None

**Legal Implications:**

None

**Risk Assessment:**

None

**Consultation carried out with:**

See relevant section of the report

## **1.0 PROPOSED DEVELOPMENT**

This application seeks planning permission for the change of use of a detached residential garage/workshop to a dwellinghouse, at Ravensdale, Blackborough, Cullompton. The building is accessed from the Class III road that runs directly through Blackborough, with the settlement of Kentisbeare located approximately 3.8 kilometres to the south west. The building is located adjacent to and approximately 38 metres away from the existing dwelling on site, Ravensdale. The site itself slopes significantly to the south west; the building sits parallel to the road but is set back from and significantly lower than the road.

The building has a length of 19 metres, a width of 6 metres, and a ridge height of 4 metres from floor level on the south east end of the building, with a step down in roof height on the northwest garage end of the building, here the ridge height is 3.7 metres at floor level; the building has a total floor area of 100 square metres. The building has fibre cement slated roofing, rendered walling and stained timber windows and doors. At present the building has four windows on the east elevation, four windows and a door on the south west elevation and a garage door on the north west elevation.

It is proposed to convert the building to a dwellinghouse with an associated garden, parking area and driveway access. An existing access and parking area would be utilised, and are separate to those of the main dwellinghouse. Although already in existence, it is proposed that the access would be improved with visibility splays of approximately 3.5 metres either side of the access, requiring the removal of trees and the excavation of the bank. In addition the building would have its own garden/amenity space, with the application site totalling 0.12 hectares.

The proposed external works to the building in order to facilitate its conversion are minimal and include: one new window on the south east elevation, an additional window on the north east elevation, and the replacement of the existing garage doors on the north west elevation with windows and a single door. Upon conversion, internally the building would provide three bedrooms, one of which would have an En-suite, a separate bathroom, lobby and an open plan kitchen, lounge and dining room.

The currently permitted use of the building is as a garage/workshop, retrospective planning permission was granted in 2007, reference number 07/01851/FULL, for the current building. The current building replaced a previous building of a similar size in this location on the site. At the time of the officer site visit as part of this application the building was in use as a garage, with one car parked inside; the building was also being used for the storage of general household items, as well as photography materials.

## **2.0 APPLICANTS SUPPORTING INFORMATION**

Foul Drainage Assessment Form  
Wildlife Statement

## **3.0 PLANNING HISTORY**

92/01939/OUT Outline for the erection of a bungalow and construction of vehicular access - REFUSE

04/00826/FULL Erection of a two storey extension and extension to existing dormer window - PERMIT

05/01146/PE Proposed Outline Application for residential development - REC

07/01851/FULL Erection of replacement garage/workshop - PERMIT

## **4.0 DEVELOPMENT PLAN POLICIES**

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

COR2 – Local Distinctiveness

COR9 - Access

COR18 – Countryside

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

DM2 – High Quality Design

DM4 – Waste Management

DM8 – Parking

DM11 – Conversion of Rural Buildings

DM29 – Protected Landscapes

### **National Planning Policy Framework**

Paragraph 55

## **5.0 CONSULTATIONS**

### **Highway Authority - 29th January 2015**

Standing advice applies please see Devon County Council document

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

5<sup>th</sup> March 2015 – Recommend visibility splays of a depth of 2.4 metres and a width of 25 metres either side of the access in order to make it suitable and acceptable for the proposed use.

### **Environment Agency**

Change of use within Flood Zone 1 - No EA consultation required.

### **Kentisbeare Parish Council - 16th February 2015**

No objection.

### **AONB Blackdown Hills - 13th February 2015**

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances natural beauty. We reserve detailed responses to cases which we consider may have a significant impact on the purpose of AONB designation, and I can confirm that we do not wish to submit any detailed comments on this occasion.

### **Environmental Health - 10th February 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 - N/A

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

## **6.0 REPRESENTATIONS**

No letters of representation have been received.

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. The principle for conversion**
- 2. Parking and access**
- 3. Other matters**

### **1. The principle for conversion**

The site is located in Blackborough, 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. It is indicated that where there are small groups of settlements, development in one village may support services in another village nearby. In addition, 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.

The Appeal Decision for planning application 12/01632/FULL (PINS reference: 2206184), issued in March 2014 considered the term 'isolated' in relation to the erection of a new dwelling in the nearby hamlet Stoford Water, and states at Paragraph 6:

“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.”

It is considered that the Inspector's assessment of isolated is equally applicable to the current application, in the appeal case the hamlet was only 1 kilometre from the village of Kentisbeare. In the current case although there are some dwellings located nearby, the site is approximately 3.8 kilometres from Kentisbeare, and so arguably is significantly more isolated than the appeal site. Blackborough itself has no facilities other than a village hall,

with the nearest facilities being located in Kentisbeare, which is accessible via single track roads. As such, the location will necessitate further reliance on private motor vehicles to meet the everyday needs of occupiers. No evidence of public transport links has been submitted in support of this application. Officer research has found that the nearest available bus services are from Kentisbeare, with a bus route that has 1 – 4 journeys a day, with an additional route operating a less than daily service, doing little to ameliorate the reliance upon a private vehicle. In light of the inspectors decision it is considered reasonable to conclude that the site is in an isolated location, and its conversion would constitute a new isolated home contrary to policy.

No evidence has been submitted alongside the application to demonstrate that any of the special circumstances under paragraph 55 are met. The dwelling is not required to house a rural worker and would not represent the optimal viable use of a heritage asset, as the building itself is modern and lies within the grounds of an unlisted house. In addition the proposal would not re-use redundant or disused buildings leading to an enhancement to the immediate setting, as the current building is not redundant or disused (discussed below) and its use as a dwellinghouse is not considered to enhance its immediate setting as the building is well maintained, sitting within existing garden land and will not be significantly externally altered as part of the proposal. In addition, no evidence has been provided to suggest that the proposal is capable of fulfilling a role of supporting services in a nearby village.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) expands upon the National Planning Policy Framework, and specifically deals with the conversion of redundant or disused rural buildings. This policy is consistent with the National Planning Policy Framework insofar as it seeks to secure high quality design as one of its core planning principles and allows for the conversion of suitable buildings. The policy allows for the re-use of rural buildings for residential, tourism or employment uses where they are of substantial and permanent construction, and where they make a positive contribution to an area's rural character. An assessment under DM11 is also subject to four further criteria, set out below:

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

Regarding the test of character, the building is considered to be a rural building by virtue of its rural location, but does not appear typically rural in appearance due to the building's recent construction for ancillary residential purposes, and is not typical of buildings found in this rural setting. As a result of its recent construction the building does not have a historic use and has been built with modern construction materials, including block walling with a rendered finish; as such the materials do not constitute a character feature worthy of retention. Whilst it is considered that more modern buildings are capable of making a positive contribution, this building is not considered to be of any intrinsic merit, and isn't thought to positively contribute to the rural setting. The Authority considers that this building does not positively contribute to Mid Devon's rural character, the building is not of an overall shape, form or of materials that would warrant its retention. As such, it is considered that the



building fails to meet the preliminary character test of Policy DM11 of the Local Plan Part 3 (Development Management Policies).

In addition, there is no evidence to suggest that the buildings permitted use is redundant. At the time of the Officer site visit on the 20.02.15 the building was being used as a garage for the storage of one car, with many other household items being stored in the building, along with what appeared to be a significant amount of photography equipment.

Regarding elements b) and d) of the DM11 criteria, as discussed above the building can be converted without significant alteration, and the conversion of the building is not considered to result in any nature conservation impacts.

Your Officer has advised the applicant that it may be possible for the building to be converted to a holiday let under policy DM24 – Tourism and Leisure Development, however further information would be required in order to support its conversion to a holiday let to demonstrate that the need for the tourism accommodation is not met by existing provision within nearby settlements; such information has not been provided during the course of this application and so the buildings conversion to a holiday let has not been considered.

## **2. Parking and access**

In relation to part a) of Policy DM11, the building is served by an existing access, separate to that of the main house, running eastwards from the north east elevation of the building. Vehicular access connects with the Class III road that runs directly through Blackborough. The access itself has a very steep gradient, with very poor visibility; it is shown on the proposed site plan that visibility splays of a width of approximately 3.5 metres will be created at each side of the access.

Visibility splays of 3.5 metres are not considered to be sufficient in order to make the access acceptable. The Highway Authority has recommended that in order for the access to be suitable and acceptable for the sites proposed use, it is necessary that visibility splays of a depth of 2.4 metres and a width of 25 metres are provided either side of the access, prior to the commencement of the proposed use.

In accordance with policy DM8 parking for at least two cars will be provided on site, utilising the existing concreted hard standing.

## **3. Other matters**

### **Area of Outstanding Natural Beauty**

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty. Policy DM29 of the Local Plan Part 3 (Development Management Policies) states that development proposals affecting the Area of Outstanding Natural Beauty must demonstrate that the cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved, or where possible, enhanced. As the proposal is for the conversion of an existing building with few external changes the development is considered to conserve the character, appearance and setting of the Area of Outstanding Natural Beauty. The conversion of the building will likely result in the further domestication of the site within a more concentrated area, due to the doubling of domestic items as a result of the provision of a second dwellinghouse on the site, despite being in an isolated location this impact is considered to be limited as the site is already residential garden.

### **Impact upon neighbouring properties**

The building is located 38 metres away from the existing dwelling on site; considering the distance, and the separate access, parking and garden area, it is not considered that the change of use of the building would have an adverse impact upon Ravensdale. In addition,

due to the siting of the building, which is significantly lower than and away from the road, providing very limited opportunity for occupants to overlook the adjacent properties, it is not considered that the change of use of the building would result in an unacceptably adverse impact on the living conditions of occupants of neighbouring properties.

### **Waste**

In terms of waste management, a Foul Drainage Assessment Form has been submitted in support of the application and states that dwelling would use septic tank to dispose of foul sewage, as shown on the proposed site plan. The use of a septic tank is considered appropriate by virtue of the schemes small-scale residential nature.

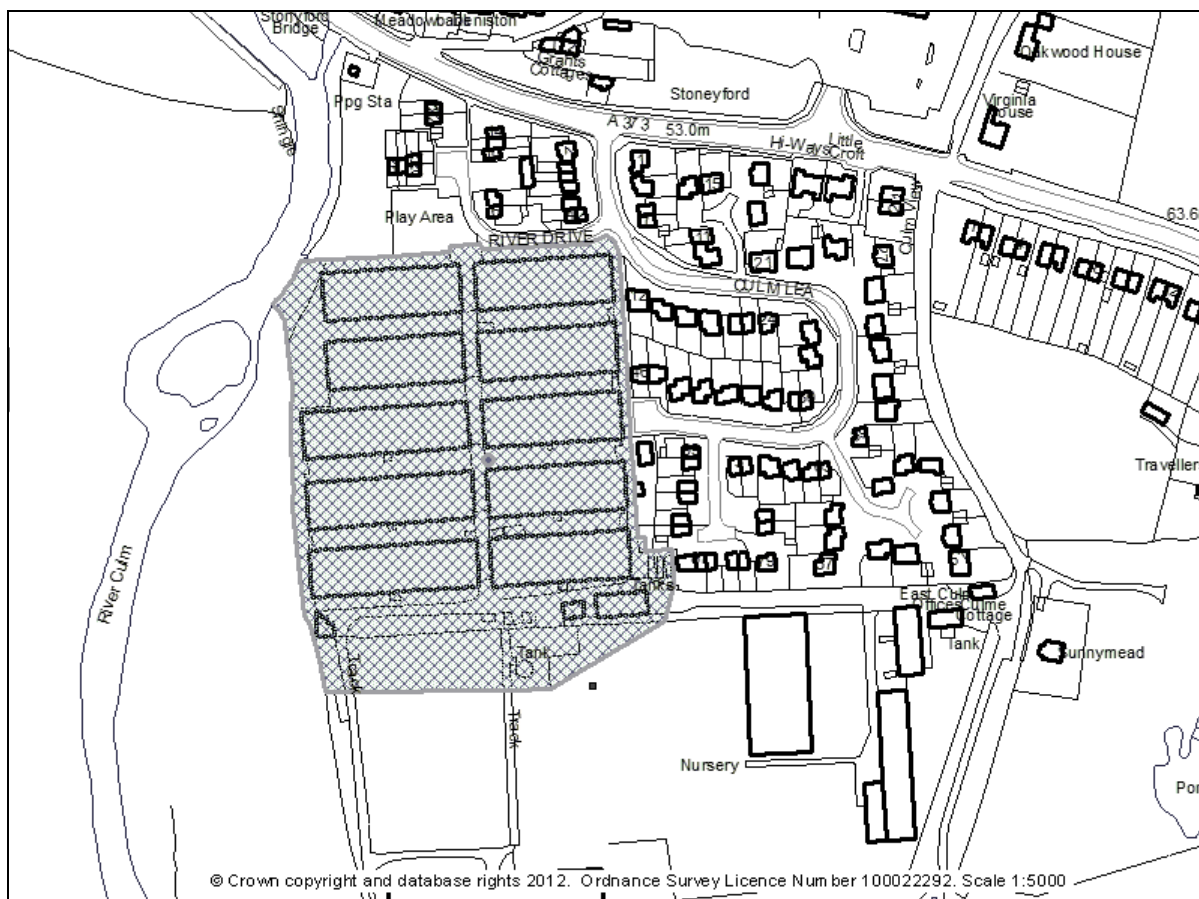
## **7.0 REASON FOR REFUSAL**

1. The existing building is located outside of an adopted settlement limit and is considered to be in an isolated location, its conversion would constitute a new isolated home in the countryside, contrary to policy. No evidence has been submitted to demonstrate that any of the special circumstances set out in paragraph 55 of the National Planning Policy Framework have been met. Despite being considered a rural building by virtue of its rural location, the building does not have a typically rural appearance due to its shape and form as a result of its recent construction for ancillary residential purposes, nor do its construction materials constitute a character feature worth of retention. The building is not considered to be of any intrinsic merit and isn't thought to positively contribute to Mid Devon's rural character; as such the building fails to meet the preliminary character test of policy DM11. In addition there is no evidence to suggest that the buildings permitted use is redundant. Regardless of whether it could be converted without significant alteration, extension or rebuilding, utilising an existing access, and without harming any nature conservation interests, the proposed development is considered to be contrary to Policies COR2, COR9, and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM11 of the Local Plan Part 3 (Development Management Policies). The application is therefore recommended for refusal.

<b>Contact for any more information</b>	Miss Hannah Cameron, Planning Assistant 01884 234218
<b>Background Papers</b>	None
<b>File Reference</b>	15/00033/FULL
<b>Circulation of the Report</b>	Cllr Richard Chesterton Members of the Planning Committee

## REPORT OF THE HEAD OF PLANNING AND REGENERATION

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



### **Reason for Report:**

At the Planning Committee on the 11<sup>th</sup> February 2015 the above application was presented and considered by the Committee for determination. Members at that Committee expressed the view having considered the application and material planning matters they were minded to refuse the application based on the unacceptable

- layout, density, massing and external appearance; and,
- the proposed development was not in character with the adjoining Culm Lea residential development.

and deferred the decision to allow for this report setting out the implications of the proposed decision and the reason for refusal.

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

The corporate plan sets out the objective of meeting housing needs through the provision of good quality housing in the public and private sector.

### **Financial Implications:**

The refusal of planning permission for housing will impact on the amount of new homes bonus the local authority may receive. The refusal may be appealed which could have cost implications

### **Risk Assessment:**

The risk of a potential cost award at appeal should always be borne in mind. The potential of an appeal costs award should not however unduly inhibit the authority from refusing unacceptable development providing demonstrable reasons for withholding planning permission can clearly be justified and substantiated.

### **Description of Development:**

This application proposes 112 dwellings (104 houses and 8 flats) across the site, and the application proposes the following issues for consideration:

- Siting of the building plots
- Architecture and design of all buildings
- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpaths) within the site area
- Design and layout of open space and landscaped areas
- Parking provision

The layout includes; 4 x 1 bedroom houses, 8 x 1 bedroom apartments, 35 x 2 bedroom house, 57 x 3 bedroom houses, 8 x 4 bedroom houses. In total there are 13 different housing types.

The affordable houses comprise the 1 bed houses and flats, 18 x 2 houses and 8 x 3 bed houses, comprising 38 units in total which is 35% (policy calculation:112-4).

The majority of the houses are proposed in buildings with accommodation over two floors and on these house types the eaves level is set at approximately 5.0 metres & ridge set at approximately 8.5 metres. The 8 x 1 apartments are set out in two separate building block which are similar in terms of height to the house blocks. The 4 x 1 bedroom houses are with single storey units with eaves set at approximately 2.5 metres and ridge level at just above 5.5 metres.

The layout includes 193 parking spaces, either on plot, as an integral part of the layout and/or in dedicated on street parking zones. 59 of the houses are proposed with a garage. Access into the site is from River Drive as from the agreed point of access established by the outline permission with the estate road leading into 3 tree lined avenues that terminate directly in front of the proposed open space that provides the buffer / boundary between the new houses and the open space that sits beyond the site. This area is to be remodelled to also accommodate 2 flood water retention ponds. Approximately 60 trees are proposed as part of the new highway design, and on the site boundary in conjunction with defined areas of planted hedgerow on the site boundary.

Amendments to the original plans were received (7 January) that include the following revisions to the scheme layout, with the number of houses remaining at 112:

- Removal of pedestrian link to neighbouring estate adjacent to plot 8.
- Re-positioning of dwellings along Road 1 to improve relationship between plots 9/10 and neighbouring property and to give additional garage.
- Inclusion of bin/bike stores for plots 15-22.
- Traffic priority at Road 3 junction altered and Road 3 changed to shared surface.
- Defensible planting added to western boundaries of plots bordering POS.
- Access footpath adjacent to plot 52 removed.
- Plots 59-61 shuffled to improve relationship and parking.
- Parking for plots 65-75 rationalised.
- Access between garages to plots 80&81 removed.
- Entry junction to development brought in line with engineer drawings.
- Adjustment of patio locations to ensure level access to meet Code for Sustainable Homes (CFSH).

### **Implications report**

At the meeting on 11<sup>th</sup> February 2015 Planning Committee indicated that they were minded to refuse this application and in accordance with the protocol covering proposed decisions against officer recommendation, consideration of the application was deferred for this implications report setting out the suggested reason for refusal and advice on the grounds for refusal.

The suggested reason for refusal based on the grounds put forward by the Committee on the 11th February 2015 reads as follows:-

**The Local Planning Authority consider the design of the proposed residential development to be unacceptable by virtue of its density, its regimented layout, its massing and repetitive and limited external designs which would result in a development not in keeping or character with the adjoining development of Culm Lea or the immediate locality. The proposal would result in a residential development contrary to the design policies in the National Planning Policy Framework and Policy DM2 (a),(b),(c),(e) of the Mid Devon District Local Plan Part 3 Development**

**Management Policies, which recognise that good design is a key aspect of sustainable development, is indivisible from good planning, and ensures that new development contributes positively to making places better for people.**

Members need to ensure that the wording of the reason for refusal adequately reflects the Committee's objections to the application.

The National Planning Policy Framework (NPPF) places significant emphasis on requiring good design. It requires all local planning authorities to *"plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes"*.

It requires Local plans develop robust and comprehensive policies that set out the quality of development that will be expected for the area and the Mid Local Plan Policy DM2 does so in paragraphs (a), (b), (c) and (e):-

#### DM2

**Designs of new development must be of high quality, based upon and demonstrating the following principles:**

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;**
- b) Efficient and effective use of the site, having regard to criterion (a);**
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;**
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
  - i) Architecture**
  - ii) Sitting, layout, scale and massing**
  - iii) Orientation and fenestration**
  - iv) Materials, landscaping and green infrastructure.****

The NPPF states *"planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*
- are visually attractive as a result of good architecture and appropriate landscaping.*

The NPPF requires *"design policies should avoid unnecessary prescription or detail"*, but emphasises that they *"should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally"*. It is clearly in relation to these specific issues in the NPPF and your Local Plan the Committee consider this planning application unacceptable.

The Committee considered the development by virtue of its density, its regimented layout, its massing and repetitive and limited external designs was not in keeping or character with the adjoining development of Culm Lea or the immediate locality.

The NPPF states that *“design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

Interconnectivity was missing between the new proposed development and the existing Culm Leas residential estate.

The National Planning Policy framework is quite clear *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”* and the Planning Committee can consider in the light of the above their reasons for refusal are justified in this instance

**Contact for any more information**

Jonathan Guscott - Head of Planning & Regeneration  
01884 234938

**Background Papers**

Planning Committee 11th February 2015  
Agenda, Plans List, Minutes and update sheet.

**File Reference**

14/01748/MARM

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of Planning Committee

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**Grid Ref:** 302994 : 107178

**Applicant:** Mr Steve Russell

**Location:** Land and Buildings at  
NGR 302994 107178  
(Former Cummings  
Nursery) Culm Lea  
Cullompton

**Proposal:** Reserved Matters for  
the erection of 112  
dwellings, including  
garages, domestic  
outbuildings and  
structures, associated  
infrastructure, estate  
roads, footways, car  
parking courts,  
drainage, pumping  
station and  
landscaping, together  
with all other  
associated  
development,  
following Outline  
approval  
13/00859/MOUT

**Date Valid:** 24th October 2014



## Application No. 14/01748/MARM

### RECOMMENDATION

Approve Reserved Matters subject to conditions

### PROPOSED DEVELOPMENT

Reserved Matters application for the erection of 112 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT.

This application proposes 112 dwellings (104 houses and 8 flats) across the site, and the application proposes the following issues for consideration:

- Siting of the building plots
- Architecture and design of all buildings
- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpaths) within the site area
- Design and layout of open space and landscaped areas
- Parking provision

The layout includes; 4 x 1 bedroom houses, 8 x 1 bedroom apartments, 35 x 2 bedroom house, 57 x 3 bedroom houses, 8 x 4 bedroom houses. In total there are 13 different housing types.

The affordable houses comprise the 1 bed houses and flats, 18 x 2 houses and 8 x 3 bed houses, comprising 38 units in total which is 35% (policy calculation:112-4).

The majority of the houses are proposed in buildings with accommodation over two floors and on these house types the eaves level is set at approximately 5.0 metres & ridge set at approximately 8.5 metres. The 8 x 1 apartments are set out in two separate building block which are similar in terms of height to the house blocks. The 4 x 1 bedroom houses are with single storey units with eaves set at approximately 2.5 metres and ridge level at just above 5.5 metres.

The layout includes 193 parking spaces, either on plot, as an integral part of the layout and/or in dedicated on street parking zones. 59 of the houses are proposed with a garage.

Access into the site is from River Drive as from the agreed point of access established by the outline permission with the estate road leading into 3 tree lined avenues that terminate directly in front of the proposed open space that provides the buffer / boundary between the new houses and the open space that sits beyond the site. This area is to be remodelled to also accommodate 2 flood water retention ponds. Approximately 60 trees are proposed as part of the new highway design, and on the site boundary in conjunction with defined areas of planted hedgerow on the site boundary.

Amendments to the original plans have been received (7 January) which includes the following revisions to the scheme layout, with the number of houses remaining at 112:

- Removal of pedestrian link to neighbouring estate adjacent to plot 8.
- Re-positioning of dwellings along Road 1 to improve relationship between plots 9/10 and neighbouring property and to give additional garage.
- Inclusion of bin/bike stores for plots 15-22.
- Traffic priority at Road 3 junction altered and Road 3 changed to shared surface.
- Defensible planting added to western boundaries of plots bordering POS.
- Access footpath adjacent to plot 52 removed.
- Plots 59-61 shuffled to improve relationship and parking.
- Parking for plots 65-75 rationalised.
- Access between garages to plots 80&81 removed.

- Entry junction to development brought in line with engineer drawings.
- Adjustment of patio locations to ensure level access to meet Code for Sustainable Homes (CFSH).

## **APPLICANT'S SUPPORTING INFORMATION**

The application was first registered with the following information:

Application Form, Red Line site plan.  
 Design & Access statement, compiled by GJR  
 Carbon Reduction Strategy prepared by AES Southern Ltd  
 Site waste Management Plan prepared by Devonshire Homes  
 Site layout, individual house type elevations and floor plans, accommodation schedule and street elevations prepared by GJR  
 Landscaping / planting proposals prepared by Redbay Design

Additional Information was subsequently submitted as follows:

7th January: Revised site layout plan and revisions to elevations and layouts for some house types (relating to revised position of windows at rear and confirmation of patio zones), preliminary Drainage layout plan, Drainage Maintenance Plan, a copy South West Water's Developer Evaluation Report.

Further additional information/plans showing the relationship between the public open space/retention tanks and the main development area are to be submitted and will be incorporated in the presentation of the Committee Meeting on the 5th February.

## **PLANNING HISTORY**

13/00859/MOUT: The application was granted permission subject to a section 106 agreement and conditions, after it was considered by the Planning Committee at their meeting on 8th January 2014. A number of the conditions which the applicant is seeking to have discharged at this stage are listed as follows: 4, 6, 7, 8, 17 & 19 (in part).

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
 COR2 - Local Distinctiveness  
 COR3 - Meeting Housing Needs  
 COR8 - Infrastructure Provision  
 COR9 - Access  
 COR11 - Flooding  
 COR14 - Cullompton

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

AL/DE/1 - Housing Plan, Monitor and Manage  
 AL/DE/2 - Overall Affordable Housing Provision  
 AL/DE/3 - Affordable Housing Site Target  
 AL/DE/4 - Occupation of Affordable Housing  
 AL/DE/5 - Inclusive Design and Layout  
 AL/IN/3 - Public Open Space  
 AL/IN/6 - Carbon Footprint Reduction

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

DM1 - Presumption in favour of sustainable development  
 DM2 - High quality design  
 DM3 - Sustainable design  
 DM8 - Parking  
 DM14 - Design of housing  
 DM15 - Dwelling sizes

## CONSULTATIONS

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 29th October 2014 - The traffic impact of the proposed development was dealt with at the outline stage and this application addresses the reserved matters only, specifically for the layout, scale, appearance, landscaping and design of the development in relation to conditions 1 and 4 of approval 13/00859/MOUT. I also note that a similar number of dwellings is now proposed.

The Agency therefore has no objection to this application.

CULLOMPTON TOWN COUNCIL - 19 December 2014

At a recent meeting of Cullompton Town Council, it was resolved that the Council recommends that this application is granted permission subject to the following:

Wheelie bins: There is concern about location spaces for wheelie bins for flats, these should be adjacent to the flats and not halfway down the road.

Car parking: It was noted that the majority of the plots only have one allocated parking space and there is very limited visitor parking which will result in cars parking on the public highway which in turn makes it difficult for refuse collection lorries etc. More parking required.

Outflow water pipes: Please ensure that the outflow pipes are capped to ensure that water flows out but not in.

Emergency access: The proposed location of removable bollards is not suitable for emergency vehicle access, the access for emergency vehicles should be relocated to come off the farm access lane.

Flood mitigation: Confirmation required that front and back doors are above ground level to limit the risk of flooding.

Accessibility: Confirmation required with regard to the door widths being sufficient for double buggies and wheelchairs i.e. wider than 85cm.

S106 Agreement, Off-site open space contribution: This should be reworded to state that the sum of £1205 per Dwelling payable by the developer to the District Council for the provision of formal playing fields in the Parish (not the District).

Size of properties: Particular concern about 1 Bed affordable units which are only 47m<sup>2</sup>. We understand that the guidelines recommend that a property is not less than 50m<sup>2</sup>. Please could you clarify whether properties meet the Parker Morris standard house size guidelines.

### Public Rights of Way

Part of Public Footpath No. 2 from Honiton Road to Duke Street passes close to or within Devonshire Homes land. From the photographs below Cullompton Town Council would urge MDDC to get the footpath and gates upgraded along this section. Suggested requirements include:

- a) Make the footpath a good all weather all-purpose surface (tarmac or similar).
- b) Remove kissing gates and install gates that allow for Mobility Scooter and pushchair access. (DCC footpaths have many alternative gates to kissing gates).
- c) Failure to provide disabled wheelchair access puts them in breach of the Equality Act 2010. Gates need to allow a mobility scooter 85cm wide and 165 cm long access.
- d) Long term opportunity to create a pedestrian (car free walking route to Last Bridge/Duke Street avoiding Junction 28). This would help public and school pupils.

Notes from DCC public Health report

Devon County Council Public Health Annual Report 2013-14:

Taking advantage of our natural environment to improve our health is one of the objectives of the Local Nature Partnership, a new statutory partnership to promote the natural environment - The Devon Local Nature Partnership.

## EQUALITY ACT 2010: PUBLIC SECTOR EQUALITY DUTY

### What is the Equality Duty?

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work - in shaping policy, in delivering services, and in relation to their own employees. Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies - such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others (e.g. pavements, footpaths, gates, accessibility).

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

Discrimination means treating one person worse than another because of a protected characteristic (known as direct discrimination); or putting in place a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as indirect discrimination).

It could be argued that if MDDC and DCC fail to use house developer funds to make the Cullompton Public footpaths accessible to wheelchair users they are engaging in indirect discrimination and are in breach of the equality Act 2010 (this is particularly noteworthy as the Sustrans footpath document of 2004 advocated developing Cullompton's footpaths and this has been ignored up to now).

College Surgery partnership organised weekly walks to be healthy as per the Devon Local Nature Partnership. No one in Cullompton who uses a wheelchair or mobility scooter can take part in these walks as very few of the footpaths are not accessible to wheelchairs.

Q1. Will MDDC ensure the footpaths in the Northwest extension become wheelchair accessible?

Q2. Will MDDC ensure footpath No. 2 alongside Cummings Nursery becomes wheelchair accessible?

Q3. Will MDDC ensure the Knowle Lane development makes public footpaths wheelchair accessible.

26th January 2015 - Recommend grant approval. There is a concern that the bank of the river Culm at the NW corner of the site is eroding and the footpath adjacent the site is in danger of being lost. cc to DCC Footpaths Officer (Ross Mills).

ENVIRONMENT AGENCY - 29th October 2014 - We have no objections to the proposal, despite no Flood Risk Assessment having been submitted with this application.

A Flood Risk Assessment has been agreed in respect of application 13/00859 and conditions recommended, providing these are included as part of this application, we are happy that flood risk has been considered.

Please also refer to our suggested contaminated land conditions and comments.

27th January 2015-

I refer to your email, regarding the above, which was received on the 15th January 2015.

ENVIRONMENT AGENCY POSITION.

In terms of condition 6 we consider that there is insufficient information to discharge the condition at this stage. We also question the design outflow of 145l/s.

Whilst the 'PRELIMINARY DRAINAGE LAYOUT' by AWP helps us understand the Suds layout it does lack detail regarding quite fundamental elements. We would advise that engineering drawings be produced detailing the swales and attenuation basins including details of inflow and outflow structures and flow control devices. On the issue of the outflow hydrobrake, we recommend that your authority gains clarification of the specification of the feature to be used. We further advise that an outflow arrangement be provided that would manage low flows, as well as the proposed design flow of '145l/s'. Failure to do so would result in the scheme attenuating water in only very rare circumstances, rather than over a range of rainfall events.

In terms of Condition 7 we suggest that specific reference be made to ensure the inflow and outflow structures, and any associated flow control devices, will be regularly inspected, and cleared of debris if found necessary.

HIGHWAY AUTHORITY - 11 November 2014 - no objection in principle to the application but has the following observations which need to be addressed prior to any conditions being imposed. The Applicant or the Local Planning Authority may wish to discuss these prior to an amended plan being submitted if so they should contact Ian Sorenson to discuss

Comments on layout of reserve matters application and the Highway Authority recommends that they should be addressed prior to consent being granted..

1. Visitor space r/o plot 74 and space 91 should be 3m wide given side obstructions.
2. Private lane between 31 and 32 needs to be extended to provide sufficient turning for plot 32 and widen to 4.1m and/or look at swept path of turning vehicles.
3. Highway Authority has concerns at access to number 35 and its proximity to the junction given forward visibilities are restricted by trees. Consider removing the trees outside 58 and 57 or handing property and drive.
4. Turning head in Avenue 1 is too short needs to be a minimum of 8.0m, recommend that the garages of plots 87 and 86 are set back to accommodate.
5. Turning head in Avenue 2 should be all tarmac and continuous with the road to avoid confusion which can currently be taken as additional parking for plot numbers 59 and 60.
6. Tree adjacent to space 3 in the block of spaces should be removed to provide forward visibility also tree adjacent to space 1.
7. Footpaths linking Avenues 1 and 2 to the Public right of way will breach the sound attenuation and should be avoided, also the links do not connect to the right of way and no access over the field is available to the applicant .footpath should be provided which links both avenues with the footpath along river drive and the details of its connection onto the right of way at the North West corner should be agreed with eth Highway Authority and the rights of way Officer.
8. The parking provision on the development has a number of properties with one space and a garage, the Local plan does not recognise a garage as a space. However the provision of the visitor spaces gives a general provision in compliance with the average 1.7 spaces required by the Local Planning Authority. However plot 59 has a space which is too short for two vehicles and will encourage parking on the footway and the garage should be dropped back to provide a clear 10m in front., In addition plots 50 and 52 only have a garage space and the Planning Authority may wish to have visitor spaces allocated to the properties.

#### RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

20th January 2015

Further to my previous letter the applicant has addressed most of the concerns and the Highway Authority are happy to impose conditions. The items that are still outstanding from my previous letter are item 6 position of a number of trees and they can be addressed through the section 278 access works. Item 7 is still relevant and I confirm my conversation with the planning officer and the need to realign the footpaths to form a cohesive link to the north west of the site. The drainage drawing a do not show any gullies and this has been requested of the applicant, and a condition approving the surface water is requested.

Notwithstanding the above the highway Authority would have no further observations and would request the following conditions be imposed.

Recommendation:

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

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

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

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

REASON: To ensure the proper development of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems.

The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

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

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

ENVIRONMENTAL HEALTH - 10th November 2014 - Contaminated Land - No further comments

Air Quality - No further comments

Drainage - No further comments

Noise & other nuisances - No further comments

Housing Standards - No objections

Licensing - No comments

Food Hygiene - N/A

Health and Safety - No further comments

DEVON COUNTY EDUCATION - 6th November 2014

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

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

The primary schools within 1.5 mile radius of this development are St Andrews Primary School and Willowbank Primary School, both of which are deemed full after taking into account other approved developments within Cullompton. This development of 112 dwellings is expected to produce 28 primary aged pupils which will increase the shortfall of pupil places. The contribution required is £318,122.00 which would be used to increase education facilities in the area of development which includes a contribution towards ICT equipment required.

The secondary schools within the development area is Cullompton Community College which currently has capacity for the 16.8 secondary aged pupils expected to be created by this development.



In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

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

DEVON & CORNWALL POLICE AUTHORITY - 5th November 2014

The main concerns that the Police have is in relation to defensible planting, and one area of excessive permeability from a parking area. Further defensible planting is requested at the following locations:

The corner of plot 37 in order to deter a desire line developing, this may already have a fence. Externally along the perimeter fences of plots 32,34,35,59,89, this is to avoid the community conflict of getting too close to the perimeter fence, or the recovery of balls etc over the fence, or even kicking a ball against the fences. If the gradient is steep and overgrown hence impossible to play ball games this will not be necessary. There requires to be defensible space in front of 110,111, and 112 to allow ownership of the front of their homes, not leading directly onto POS. There appears to be a pathway leading from the parking area (for 38-42) between 52 and 53. This does not serve the users of the car parking area and makes the area vulnerable to crime and anti social behaviour. Can this path be removed please.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 27th November 2014 - The affordable housing mix required would be as follows:

4 x 1 bed house  
8 x 1 bed flat  
18 x 2 bed house  
8 x 3 bed house

We would require all of the affordable housing to be at affordable rent.

NATURAL ENGLAND - 4th November 2014

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 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.

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.

SOUTH WEST WATER - 10th November 2014 - The public foul sewer network does not have sufficient capacity to serve the proposals without causing the public sewer network to surcharge, with resultant flooding.

This has been made known to the applicants and who have funded a detailed investigation to establish the level and cost of improvements necessary to accommodate the foul flows generated by their particular development.

Should your Council be mindful to approve this application South West Water will therefore require the following condition to be imposed:

#### Foul Drainage

No development shall commence until:

a) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

16th January 2015 - the foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

ENVIRONMENT AGENCY - 27th January 2015

In terms of condition 6 we consider that there is insufficient information to discharge the condition at this stage. We also question the design outflow of 145l/s.

Whilst the 'PRELIMINARY DRAINAGE LAYOUT' by AWP helps us understand the Suds layout it does lack detail regarding quite fundamental elements. We would advise that engineering drawings be produced detailing the swales and attenuation basins including details of inflow and outflow structures and flow control devices. On the issue of the outflow hydrobrake, we recommend that your authority gains clarification of the specification of the feature to be used. We further advise that a outflow arrangement be provided that would manage low flows, as well as the proposed design flow of '145l/s'. Failure to do so would result in the scheme attenuating water in only very rare circumstances, rather than over a range of rainfall events.

In terms of Condition 7 we suggest that specific reference be made to ensure the inflow and outflow structures, and any associated flow control devices, will be regularly inspected, and cleared of debris if found necessary.

27th January 2015 -

We have no concerns regarding the planting plan as shown on Drawing 'Flood Plan for the Flood Zone' by redbaydesign.

## **REPRESENTATIONS**

4 representations have been received raising the following concerns about the development:

- Concern about the increase in traffic seeking access to the M5.
- Light Pollution from new street lighting impacting on the existing properties on River Drive and the new properties.
- Pedestrian and cycle routes between the site and the River Culm and Cullompton should be provided.
- The scheme includes too many houses with inadequate levels of parking.
- Does the scheme inadequate areas of open space.
- Public transport between the site and other destinations should be encouraged.
- Concern about the relationship between plots 9 and 10, and the existing property on Culm Lea that sits adjacent.

Further notifications were sent out to contributors regards the revisions to the plans received on the 7th January as outlined above in this report. At the time of writing this report one further comment has been received which recognises the improvements to the layout in terms of the relationship between plots 9 and 10 and the existing adjacent property.

One further comment is raised regards the position of the boundary fence to the site and how it will affect the ability of the occupier to maintain the side elevation of the garage building. In response to this particular point it is considered to be a matter between the occupier and whoever will become the owner of the land adjacent as would be the case as existing.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**Policy DM1, DM2 , DM3, DM8, DM14 and DM15 of Mid Devon Local Plan 3 (Development Management Policies) out the key policy considerations for the assessment. Your officer's recommendations are set out below under the following headings.**

### **Policy/ Planning History**

#### **The Scheme Layout**

#### **Design Quality**

#### **Impact on general amenities of the area (existing residents)**

#### **Design of landscaped areas**

#### **Parking provision**

#### **Other issues**

### **Policy / Planning History.**

The site lies just outside the settlement boundary of Cullompton, and comprises a largely flat (with a slight slope from east to west and south to north) and rectangular shaped site to the east of the M5 and the River Culm. Historically the site was used for horticultural purposes, and although the horticultural use has not been operation for a number of years, the 10 commercial scale Green Houses remain on site and have fallen into a state of disrepair.

Outline planning permission has been granted, as a departure to the development plan, for the development of the site under reference: 13/00859/MOUT. The outline planning permission approves the principal of residential development on the site with an approved means of access, with all matters relating to quantum of development, siting, layout, appearance and landscaping reserved for future consideration. Members may remember that when this outline application was first submitted outline permission was sought for up to 120 dwellings.

This reserved matters application proposes 112 new dwellings, of which 38 would be affordable homes and therefore in accordance with the relevant policy and terms of the section 106 agreement pursuant to the outline approval. As stated the housing mix as set out above reflects the guidance provided by the Housing Enabling manager.

The site is close to the River Culm and the part of the site on the western boundary falls within the operational flood plain of it, however no development is proposed on this part of the site. The scheme includes two basins to retain surface water run off which is then subsequently channelled to the River Culm utilising the existing outfall pipe that has served the site historically. The size of the basins have been modelled to have a 30% capacity above the predicted 1:100 year event. With regards to this matter the Environment Agency raise no concerns about the flood risk associated with the proposed houses as proposed within the developable area, and their comments are awaited with regards to the operational details.

The number of parking spaces complies with the adopted standards outlined at Policy DM8 achieving an average of 1.7 spaces per dwelling and this does not include the provision of garages.

The issue of density was raised at the outline stage with a further comment from a single stakeholder at this stage of the process. As the site is 2.78 hectares the scheme delivers a density of 40 dwellings per hectare. Policy COR 1 promotes densities of between 30-70 per hectare with the potential to achieve the highest densities in town centres. Whilst the proposals achieve a higher density for the new estate compared to the existing Culm Lea estate, the density as proposed is at the lower end of threshold which is now allowable in policy terms. It is also relevant that the site coverage in terms of built footprint as proposed is probably not significantly different from the existing situation given the presence of the existing 10 Green Houses.

In summary subject to the site layout being considered acceptable in terms of how it fits within the context of the site, there would be are no policy objections to the development on density ground.

## **The Scheme Layout / Structure**

The layout before members has been developed in conjunction with discussion with officers developing the concept on the basis of a feeder road leading into the site at a point close to the junction of Culm Lea and River Drive as approved. The road follows a path due south curving round the southern boundary, with two tree lined avenues leading off of it down to the areas of open space on the western boundary. Whilst the arrangement for the layout is fairly linear it provides 5 blocks of housing.

On the main feeder road the road width is 5.5 metres in width with a separation of approximately 12.0 metres from house to house either side of the carriageway. However the layout has been designed so that there are very few instance of front elevations of the houses facing other.

The tree lined avenues are narrower in terms of carriageway width (4.8 metres) but reflecting the verge to accommodate the trees there is a separation distance of approximately 15.0 metres from house to house either side of the carriageway which will help maintain the amenities of future occupiers given that the layout along the Avenues are more regimental.

The layout includes two access points on the southern boundary which could be used for emergency, a pedestrian footpath to the houses that face River Drive purposes and a circulation route around the public open space on the western boundary which both link up to the permissive footpath that heads out to the River Culm.

The layout includes two access points on the southern boundary which could be used for emergency purposes, a pedestrian footpath to the houses that face River Drive and a circulation route around the public open space on the western boundary which both link up to the permissive footpath that heads out to the River Culm. An acoustic barrier is proposed along the western boundary which comprises the following details.

In summary the layout as it has been revised for 112 dwellings creates a development which presents an efficient and effective use of the site. It seeks to deliver a scheme layout with defined legible routes leading through the site to the main area of open space that links out to the River Culm walkway beyond.

## **Design Issues / Scheme Quality**

The prevailing context directly adjacent to the site comprises two storey detached, semi-detached or terrace houses (some with attached garages). The scheme reflects this with predominantly two storey buildings (including the two apartment blocks) across the site with the inclusion of some 4 single storey 1 bed houses.

Elevations of the all the house types have been provided and two character types are proposed. The houses lining the two avenues are to be brick faced with slightly higher eaves and clay tiled roof coverings, not dissimilar to a Victorian style design. The houses off of the main loop are designed on more of a cottage style basis, with rendered faces, slate roof coverings with, slight lower eaves and narrower porches. The scheme includes a significant amount of new tree planting (including street trees) and landscaping across the site, and which will help soften the new built form as proposed.

As stated above the housing is arranged in 5 blocks, where there is a back to back relationship between the house blocks it is a minimum of 20.0 metres, and a minimum of 10.0 metres where the is a rear to side relationship.

The dwellings range in size as follows:

- 1 bed flats @ 47 square metres
- 1 bed house @ 47 square metres with defined garden areas 39 square metres
- 2 bed houses @ with a range 61 -78 square metres with gardens of between 29-54 square metres
- 3 bed house @ with a range 82 -102.5 square metres with garden areas of between of 34-81 square metres
- 4 bed houses @ 118 to 147 square metres with garden areas ranging from 128 to 147 square metres.

As set out above all the houses benefit from private amenity space (rear gardens) with defined patio areas. Whilst the occupiers of the 8 apartments will not benefit from a rear garden each of the buildings has an area of communal space adjacent to the buildings. Finally the internal floor areas as proposed and set out above meet the minimum space standards as required by policy.

In summary the applicant proposals will provide for an estate type environment with a range of house sizes and with the social housing pepper potted around the site in groups of 10 or less.

There are a variety of house types based around two design types. The issue of the density that will be delivered is addressed above. Overall it is not considered that there would be justification to refuse the application on the grounds that the quality of the housing in terms of the visual appearance of the new buildings, and/or in terms of the standard of the accommodation for the future occupiers, falls below the standards expected by Policy (DM2, DM 14, DM15).

### **Impact on general amenities of the area (existing residents)**

The new houses will effectively sit as an extension to the existing Culm Lea housing estate with existing residential properties on part of the northern and across the eastern boundaries to the site. There have not many comments from local stakeholders expressing concern about the details of the development that are proposed. However where comments have been that highlight amenity issues for existing occupiers, the applicant has made some amendments to the scheme to seek to positively address those comments. This has included revisions to siting of the house blocks on plot 9 and 10 and the removal of the proposed adopted footpath that links back into the existing estate. Although the separation distance between the house blocks on the eastern boundary and the existing houses on Culm Lea falls just short of 10.0 metres, the back of the new houses will present to the side elevation of the existing houses that are adjacent.

The applicant has confirmed that the boundary treatment to the rears of plots 3-14, 15-18, 19-22, 24-31 (adjacent the existing properties on the estate and to remaining part of the former nursery site) will be standard close boarded timber fence 1.8 metres in height, which reflects the treatment to the plots on the site. With regards to River Drive the layout proposes a split terrace of two and three bedroom houses with front door access and front garden areas set back from a new section of footway.

### **Tree issues / Design of landscaped areas**

As stated the application scheme includes significant new tree planting with the public realm area of the site. A hedgerow is also proposed around the verge of plot 37 to redress an issue raised by the police architectural liaison officer, as have the other comments that have been raised by him.

The applicant has submitted detailed plans showing the scope of new planting details for the new trees (redbay design drawing 283.086). The details will be required to be implemented in full prior to the occupation of the first dwelling within the relevant phase.

The space on the western boundary will provide a dual function, accommodating two basins to retain any surface water run-off from the development before it discharge into the River Culm in managed way, and an area of public open /amenity space that will link to the existing public right of way onto the land and river beyond. A detailed landscape management strategy will be required to be submitted and approved in writing as a conditional requirement. A phasing plan condition will establish the timing of the delivery of each aspect of this part of the development to ensure that it relates to the delivery of the new housing as required.

### **Parking provision**

As stated above the number of car parking spaces complies with the terms of Policy DM8 in numerical terms; however not all the parking spaces are provided on plot. A number of dedicated spaces will be set out adjacent to the highway areas with four parking court proposals to serve approximately 18 of the houses proposed. In all instances the parking areas have designed with good natural surveillance and with convenient points of access to the properties to which they will provide parking for. It is noted that the police architectural liaison officer has not expressed concern about these arrangements

In summary it is considered that the parking arrangements now sufficiently comply with the guidance in the adopted SPD on parking.

## **Other Issues.**

The applicant has submitted the relevant information to discharge the terms of a number of conditions on the outline permission as outlined below.

6. No development shall be commenced until details of the surface water drainage system, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained. The surface water details shall utilise infiltration systems unless it is proven that ground conditions dictate otherwise, and above ground swales, and detention areas.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS shall thereafter be managed in accordance with the agreed details.

No further comments have yet been received from the Environment Agency regards the submitted details at the time of writing this report, and will be provided as an update before the committee meeting.

17. Prior to the commencement of the development a scheme for improvement of the public foul sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those approved details.

In response to the details submitted to discharge this SWW have responded (15/01) as follows:

The foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

Finally the application submissions satisfactorily discharge the terms of condition 4 ( sub sections i, iv and iiv), 6 and part of 19 in that the development is registered with a Code for Sustainable Homes certification body and a pre-assessment report has been submitted.

## **Summary**

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to extend the existing Culm Lea estate to accommodate a further 112 dwellings on the site in a manner which is on balance acceptable in policy terms and respectful to amenities of the neighbouring occupiers.

## CONDITIONS

1. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.
2. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
3. No development shall begin until a scheme for the management and maintenance of all areas the communal open space and retention ponds as shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space and retention ponds shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.
4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
5. 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.
6. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
7. 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.
8. 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.

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
10. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

## **REASONS FOR CONDITIONS**

1. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
2. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
3. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure the proper development of the site.
6. 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.

7. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
8. To protect water quality and minimise flood risk.
9. In order to ensure the proper management over the development of the site and to protect the general amenities of the area.
10. To ensure that the appearance of the development is satisfactory and in order to enhance the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.

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

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to accommodate 112 dwellings on the site, including 35% affordable housing, in a manner which is on balance respectful in townscape terms and to the amenities of the neighbouring occupiers. On this basis the proposals are considered to sufficiently comply with the Policies DM1, DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies), and Policies in the National Planning Policy Framework. Therefore reserved matters approval is recommended to be issued subject to the following further conditions and reasons.