

# Public Document Pack

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

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

A MEETING of the PLANNING COMMITTEE will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 8 August 2018 at 2.15 pm

A special meeting of the Committee will take place on Wednesday, 15 August 2018 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

#### STEPHEN WALFORD

Chief Executive  
31 July 2018

**Councillors:** Mrs F J Colthorpe (Chairman), Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley

## A G E N D A

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 3 - 24*)  
Members to consider whether to approve the minutes as a correct record of the meeting held on 11 July 2018.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.

- 6     **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 7     **THE PLANS LIST** (*Pages 25 - 84*)  
To consider the planning applications contained in the list.
- 8     **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 85 - 88*)  
List attached for consideration of major applications and potential site visits.

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

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

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

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

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

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

Tel: 01884 234229

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Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 11 July 2018 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal,  
D J Knowles, F W Letch, B A Moore, R F Radford,  
J D Squire and R L Stanley

### **Also Present**

#### **Councillors**

R M Deed, C J Eginton and C R Slade

### **Present**

#### **Officers**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer), Adrian Devereaux (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Sara Jenkins (Enforcement Officer) and Sarah Lees (Member Services Officer)

## 25 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## 26 **PUBLIC QUESTION TIME (00:06:25)**

Mr Drew, referring to item 1 Sampford Peverell, stated having taken specialist highways advice from Mark Baker Consulting Limited as a chartered member of the RTPI I recommend that the application be refused for 8 reasons as set out in my letter which I believe has been circulated in substance to Members. In brief the reasons are:

1. The application site is in the open countryside where core strategy policy clause 18 seeks to strictly control development. I was going to say that no parties produced an up to date land supply calculation but I come here this afternoon and find that one has been produced now. It might have been helpful if that had been produced and put out in the report. Even if the Council cannot show a five year housing land supply the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
2. The proposal would result in harm to the setting of designated heritage assets in the vicinity of the site, including a Grade II listed building and two Conservation Areas. The Applicant has failed to identify any public benefits to

outweigh the identified harm and conflict with Development Plan Policies and the NPPF.

3. As a form of major development on a prominent open hillside the development would significantly harm the unspoilt and open quality of the site and result in the loss of Grade II agricultural land, which forms an important part of the rural setting of the village.
4. The application site is not a sustainable location for this scale of housing due to the poor pedestrian access to village facilities, most of which are located beyond a reasonable walking distance of the site, and the absence of employment in the village, which would result in an unsustainable pattern of car-based commuting.
5. The application is premature because the site is identified for housing in the emerging Local Plan but only in association with the J27 development, which is a substantial scheme that is a central component of the emerging Local Plan and SP2 is the subject of an examination Hearing in September and so it is difficult to envisage a more advanced stage. As such the proposal is contrary to Planning Practice Guidance.
6. The substandard crossing and footway along Turnpike, together with the substandard junction to the north-east of the site onto Higher Town and the absence of verification that the visibility splays serving the vehicular access would be appropriate, would not provide a safe solution for highway users, including pedestrians.
7. The Ecological Appraisal has identified a badger set in Higher Town and an area to the west as being suitable for reptiles. In respect of the former it has not been shown that there would be no disturbance and in respect of the latter no detailed survey has been provided. Still. As such the proposal is contrary to advice in Circular 06/2005.
8. By virtue of the alignment of the footway and cycleway onto Higher Town and/or the potential for development and/or planting in this area the living conditions of the occupiers of Nos 42-46 Higher Town would be harmed by reason of loss of privacy and/or overbearing impact and/or loss of daylight and sunlight.

You therefore have professional planning and highways advice that would enable you to fully justify departing from your Officer's views should you chose to do so without fear of any adverse implications, such as an award of costs.

Mrs Quick, referring to item 2, Uplowman Road, stated I just want to raise two aspects of the development. One about drip, drip development the other about the demographic alteration. In case you hadn't realised what is proposed on this site is in fact an experiment in social engineering. On the one side you are allowing nearly 300 modern houses which are small and fairly densely packed. On the other side there is an established collection of much fewer decent sized houses of individual styles set in generous plots with gardens. The people choosing to buy the new properties are likely to similar to those who are already living in the established area, an area which is unique in Tiverton. By altering the demography you will undoubtedly be storing up ramifications that could prove troublesome in the future. And I use troublesome as a euphemistic word. Has this aspect of the proposed development been thoroughly thought through?

Have the views of social scientists been sought? The drip, drip building programme will mean the periods of construction disruption will continue for several years. A very

daunting prospect. A drip, drip increase in Tiverton's population will be so subtle that preparations to cope with it would not have been recognised let alone preparations made to cope with it. In recent years after much house building in the town and in the environment we are finding ourselves short of community services already. Schools, Surgeries etc etc are now under strain. Any further increase in our population will outweigh community development to match is a serious mistake. It has to be avoided; it can be avoided to preserve our existing way of life. Maybe you the Committee could ensure that in future for each domestic brick laid, one is laid at the same time for Community projects.

Mr Dyson, referring to item 3, Thorverton, stated Councillors I have been asked to address you by my longstanding farmer client who is the applicant for the improved field access onto School Lane, Thorverton, that you are minded to refuse. He feels quite rightly that the application has not been dealt with fairly. I think everybody knows there are no genuine planning reasons for a refusal yet a decision seems to be made more or less as a head count of objectors versus supporters and now you are having to revisit that decision after the event to try and find a reason that might just persuade a planning inspector to agree. I am sure that you are aware that decisions should be made once reasons have emerged not the other way round and this is clearly a case of predetermination and against the advice of Officers of the Council. My client only requires to use his field access as it was originally used instead of farm traffic having to take long detours down narrow lanes with few passing places to be safe which causes him and other road users increased inconvenience. Since the closure of Hulk Lane this traffic will end up travelling north through the village anyway so confirmation of this refusal will make no difference to trips in this direction. Councillors, at your last meeting five of your number out of eleven voting agreed with the firm advice of your Officers. I see from the implications report that the advice has not changed and if anything is rather more forceful. We therefore ask you would it not be fair and correct to rely on the Council's own sound professional judgement and change your overall voting to approve this application?

Mrs Tucker, referring to item 1 Sampford Peverell, stated my question is regarding ecology. The Government Advisors Council states that is essential that presence of protected species and the extent that they may be affected by the proposed development is established before planning, permission is granted. It continues by saying that by determining the application development that is covered by up to date standing advice a planning authority must take into account that standing advice. The word must is mandatory. Natural England's consultation responses are quoted on pages 44-46 of the report and repeatedly draw attention to its published standing advice. Page 45 records that Natural England says 'it is the responsibility of the local planning authority to ensure protected species issues are fully considered and that ecological surveys have been carried out'. The standing advice is quoted verbatim from pages 62-65 for badgers and from pages 67- 68 for reptiles. In respect of reptiles the standing advice explicitly says 'survey for reptiles in April, May and September are void July to August'. Page 69 of the report says specific reptiles' surveys being carried out on site and will finish on 2<sup>nd</sup> July. Self-evidently that date is when the standing advice from Natural England says a reptile survey should be avoided. Yet, bizarrely the next paragraph of the report says Natural England has referred to standing advice and is considered by your Officers that this proposal conforms to this advice. Plainly the Officers are wrong to assert that as it flies in the face of the quoted standing advice. Condition 27 on page 83 of the report refers to a reptile mitigation strategy report dated May 2018. That report was only published on

the Council's website in July 2018 and local residents have never had an opportunity to comment on it. This is unfair. If local residents had been given an opportunity to comment upon it they would have pointed out a fundamental problem with the reptile mitigation strategy which renders it unfit for purpose. However the Council has chosen not to consult local residents. The next opportunity to survey the reptiles during the period envisaged by the standing advice is September. This would allow for consultation with local residents in October on the results of the survey and the reptile mitigation strategy. Having put you on notice of the flawed approach currently being advocated in this respect is the Council determined to force this application through or will it now listen to local residents?

Mr Quick, referring to item 2 Uplowman Road, stated that he would like to draw the Committee's attention to the access to the site during construction. The Highways Department maintains that it is acceptable to route large vehicles carrying heavy machines and construction materials through Blundells, Post Hill and Putson Lane onto and off the site. This same department is responsible for the no longer favoured, badly constructed speed tables through Blundells when a much cheaper and environmentally friendly 20MPH properly enforced restriction could have been introduced when and only when planned additional traffic warranted it. The additional pollution from these vehicles made worse by the speed tables that will be inhaled by youngsters and staff should frighten us all. I have suggested to the developers and the Highways Department a way to reduce the pollution and traffic congestion very substantially. A slip road off the A361 link road required for a future development will shortly be completed. It would be perfectly possible to construct a temporary slip road off this to take construction traffic only into and only into the two sections of the site. The returning empty trucks would then be the only construction traffic using Post Hill, Blundells etc with a huge reduction in pollution and traffic. There are obvious benefits and long term cost savings to the building contractors by having arriving and leaving traffic separated. Because this suggestion has only come from a local resident it has been rejected without any serious consideration. If members of this Committee think this proposal is at all feasible the fact that the Highways department is satisfied with the existing arrangement should not prevent you insisting that it is seriously considered. If the Highways Department can pursue you for non-bureaucratic reasons that this or a similar solution is unworkable at least you would have carried out your duty to protect the public where possible.

Mr Parr, referring to item 3 Thorverton, stated that I am surprised that this application has caused so much upset and it certainly not been my intention. I have been persuaded at the early part of this application to change the application from double access into the field to a single one. This was done along with the County Council and local people from the village and we have taken that into account. All changes from October 2017 when this application was first bought to get forward was to improve a passing place also and was done with guidelines from the Council. As it stands at the moment all farm traffic has to exit east, away from the village for approximately half a mile turn around and come back the same single track bit of road. When we get back to the village we have never had any issues with anybody in the village at any time in the five years since we have owned this part of the land. Some while ago Cllr Deed went to a Parish Council meeting in Brampford Speke to drum up support to turn this application down. They decided they did not want to comment on it but did not see any objections to it in anyway at the time. My question to you is it really safer to go down a single track half a mile and come back or the

alternative to that is to reverse onto the highway and turn right out of the gate. Is that the preferred option of everybody? That is my case today.

Mr Dumble, referring to item 1 Sampford Peverell, stated Councillors I am reading this on behalf of myself and Bob Bond who can't be here and we are both residents of Sampford Peverell. We believe that approval today of the Higher Town application would be an undemocratic process. In the current local plan this site is outside of the development area. In the emerging local plan the site is known as SP2 and has attracted a significant amount of opposition from local residents. On page 78 of the Officers report you are told that the emerging policy SP2 carries little weight. They then say that the processes that led into the policy are of material consideration and these processes are still not finished. The emerging local plan is currently with the Inspector. He will hold hearings on the 20<sup>th</sup> & 21<sup>st</sup> September. This is part of the process that Officers says is a material consideration. SP2 is one of only three policies in the entire emerging local plan that the Inspector wishes to examine in depth. His first concern about SP2 is to question the suitability of the site as material consideration you cannot ignore this.

At the Council meeting of 21<sup>st</sup> February Councillors were asked to approve submission of the local plan to the inspector. A significant number of Councillors were uncomfortable with the inclusion of SP2 but did not wish to prevent the plan being put forward as they felt it would delay the process even further. Councillors told objectors that these hearings with the Inspector would be the time when alternative sites within Sampford Peverell and other objections would be considered. Councillors if you accept this application you will deprive objectors of the opportunity to have the suitability of this site assessed by the Inspector. More importantly you will be prejudging the response of the Inspector to development on this site. SP2 was only included in the local plan after careful consideration by all Council members and with conditions attached. SP2 can only go ahead if and when development of junction 27 takes place and after improvement have been made to the junction with the North Devon link road. No such conditions are attached to this application. The public response to this application contains an overwhelming number of objections from local residents. No comments in favour. There are numerous documented and good reasons why this application should be refused and Councillors, you should not fear the consequences of an appeal, and you will be acting reasonably by rejecting this application. So despite all of this if you are still minded to approve this application do you feel that you are representing the people who you elected to serve? Do you feel comfortable in prejudging the findings of the Inspector with respect to SP2? And do you feel comfortable putting a guillotine in on the democratic process that could consider alternative sites for development in Sampford Peverell in September?

Mr Cook, referring to item 2 Uplowman Road, referred the Committee to the Barratt application and the subject of the historic Devon Bank.

The current application provides for 13 new houses to be accessed from Uplowman Road after the closure of this road.

These include 10 within a cul-de-sac that includes varied types of show houses and a sales office with a large concrete parking area along Uplowman Road.

This plan for access to the cul-de-sac and sales area on Uplowman Road will involve the loss of approximately 62 metres of valuable old historic Devon bank.

It will also leave a mixture of property types along the road that will completely conflict with the character of the existing locality. Nothing like the density or the type of house currently exists.

Building these all behind the Devon Bank would considerably lessen the impact of the sales activities on existing residents for the 6 or more years duration of the house construction work as well as be respectful of the local character and amenity.

It would help considerably in reducing any noise and disturbance associated with the sales activity.

We believe that is important to retain as much as possible of the original and irreplaceable Devon bank and that this could be achieved if the cu-de-sac properties were behind the bank rather than some being along the roadside level. Doing this would reduce the loss of the Devon bank, existing hedgerow to approximately 7 meters rather than 62 meters currently planned.

In addition it would provide the new properties with a soft northern boundary with increased privacy and amenity for both the new and existing residents.

The question on behalf of residents, will this Committee ensure that a significant length of the historic Devon bank will be preserved by requiring that the cul-de-sac properties including the sales office and show homes are built behind the existing Devon bank?

I have a sketch of this proposal but I have not been allowed to show it. If anybody after the meeting would like to see it, its here.

Mr Cashmore, referring to item 3 Thorverton, stated I would like to ask two very simple questions regarding the application for a widened field access in School Lane in Thorverton.

Question 1 – Can anyone or this Committee please explain why this particular applicant has been permitted to submit a total of 6 sets of drawings to this planning process for something as simple as a field access?

Question 2 - Are you able to provide details of any measurements or checks either on site or on paper to ensure that any of the 6 sets of drawings that have been submitted over 9 months were in fact completely accurate, compliant with regulations or even feasible?

We the public all have the right to expect accuracy and truthfulness in the planning process and we can only respond to accurate material evidence that is communicated to us via your portal. From the very beginning real facts and wholly accurate scale drawings have been conspicuously absent from this application and as a consequence an independent electronic site survey and advice were commissioned confirming that in order to be fully compliant to regulations this application will require further substantial and quite heavy reengineering and the partial removal of a Devon bank that will as a consequence, lead to further unnecessary loss of public amenity.

By the way this site is beyond the school entrance in School Lane and may encourage vehicles to cross traffic at the bottom of a hill and right on top of a blind bend in a narrow lane.

Finally last month's democratic decision by this Committee to reject this application was completely the right one for which we are all most grateful. The resolve of the community of Thorverton to remain is as strong as ever however to resist this completely unnecessary and unachievable application. However this Committee will receive the full support of our community once it has reconfirmed its earlier decision later this afternoon.

Mr Chesney, referring to item 1 Sampford Peverell, stated I want to make a statement on what had been brought forward as public benefits with regard to the application. However it's the view of many residents of Sampford Peverell that the suggested list of public benefits put forward does not bear any real scrutiny. There has been no economic reason or justification given for 60 houses being built at Higher Town as noted on page 79 of your Officers report.

The site will yield far fewer houses than a site of similar size but with different topography. This site will yield far fewer houses than your own policy Core 1D permits. In a recent appeal judgement the Inspector concerned noted that the benefits of the proposed new housing is no more than would be expected of almost any similar sized housing development and do not provide specific justification for the proposed development in this site.

Your Officers have been sent this appeal by an objector. The 60 houses include 35% of affordable homes according to the Officers report but the applicant has only ever pledged up to 30%. Your Officers have artificially enhanced the affordable housing and with it the so called public benefits. Without the 60 houses the contributions to local schools are not needed. Your Officers report says that they are there to offset the impact of the development. Without the 60 houses the contributions to so called highways improvements are not needed. Your Officers report says that these too are there to offset the impact of the development.

The green infrastructure and public open space suggested is not needed or wanted by local people. We have an excellent children's play area, well equipped in the village. They too are only proposed in mitigation for the 60 houses. Without this development we have a fertile agricultural Grade II listed productive green field. We have no need for a green infrastructure or a public space.

National Policy Planning for 134 requires that any harm to heritage assets must be weighed against public benefits. The benefit must be shown clearly and convincingly. All the applicants' evaluations of harm are inadequate given that there is no supporting documentation accurately locating or describing the new access way at the north east corner. In these circumstances the impact of assessment must be flawed. The harm done by the development to the setting of heritage assets and to the landscaped character of the area does not justify departure from local plan policies designed to protect them. To describe offsets and mitigation as benefits is surely just poor practice.

We ask the Committee to look critically at the supposed benefits.

Mrs Bell, referring to item 2 Uplowman Road, stated with reference to the Barratts application Uplowman Road will be closed to through traffic and requires a turning point. This turning point should logically be towards the end of the cul-de-sac and not as currently positioned some distance from the last property.

The turning point shown in the plans means that large vehicles such as those used for refuse collections will have to reverse uphill from the last of the new houses back to the turning point.

This stretch of road is narrow with high Devon banks on either side; it will be very dangerous for cyclists, pedestrians and other motorists.

The subsequent noise and exhaust pollution is also a health and safety issue. Please can the turning point be moved eastwards along the road close to the last house? It would not mean any more disturbance to the Devon bank than is already planned and we understand this is not an issue in Highway terms.

Also, a planning application to provide a route through the the Post Hill hospital site to this development area has been approved.

This is significant and important as the hospital site access route is deemed to be the preferred route by both Devon County Highways and local residents as it would considerably relieve pressure on the vulnerable Putson Lane access.

It is crucially important that this safer access route to this new development is delivered quickly and certainly before the completion of all these new properties.

On behalf of residents will this committee ensure that the preferred hospital site access route will be delivered for use by residents before the completion of Braid Park? Thank you

Dr Stannard, referring to item 3 Thorverton, stated that I speak as a resident of Thorverton and my question concerns the proposal to widen field access to School Lane. The implications report conclusion recommends that reason for refusal 3 'the impact on the character of the area' be given priority. I fully support the conservation of one of the village's prettiest lanes however I respectfully question if the Planning Committee might not make road safety its first consideration as it continues to reject widened field access. The lane is winding, narrow, without pavements, has few pedestrian refuges has visibility that is readily impaired by traffic. These hazards affect parents and children approaching Thorverton Primary School from the centre of the village as well as from those from the Glebe, Broadlands and adjacent developments who use the footpath to School Lane from the Glebe.

I have permission to quote from an objection made to MDDC in May by a mother of 3 who lives in the Glebe. 'We walk down School Lane every day it can often take over 15 minutes for me and the children to walk the length of the lane and at times I have been terrified for my children's safety as large vehicles negotiate the narrow lane, some with tyres as tall as I. You can imagine the problem keeping 3 small children safe in that circumstance is hard. I realise that you are not empowered to limit all School Lane traffic in spite of its increased traffic following the closure of Hulk Lane which used to provide vehicular bypass outside of the village but it is in your power to continue to reject a widened field access which by facilitating north bound movement of large agricultural industrial vehicles can only contribute to the hazards of this crowded lane. I ask that you give this your priority'.

Over 150 objections by the Thorverton community reflect our concern that any increase in such large vehicle traffic which can be resisted is unacceptable. It follows that the Committee's decision to deny that increase is an entirely reasonable one.

Mr Bartlett, referring to item 1 Sampford Peverell, stated all my comments are made on personal experience I would like to say that. The Road Safety Auditors and professional consultants state that the so called highway improvements near the canal bridge are substandard. Your Officers failed to address this correctly in their report. They include the use of the word substandard by the Highways officer but they never draw it to your attention or explain the significant implications.

The site near the canal bridge where the substandard crossing is proposed is a particular concern. Just a few days ago I watched a pantechnicon trying to cope with that bend. It was so long it could not manoeuvre either through the blind bend by Turnpike corner or the Canal Bridge corner without having to use both sides of the carriageway requiring traffic to reverse to let it by. And this is car traffic it could have been a bus.

More generally I have also done several traffic surveys over quite a number of hours which have illustrated my concerns regarding the speeds of vehicles entering and leaving the village. You have now visited the site on an official viewing. You will need to be certain that all residents can use the substandard crossing with full safety.

A feature of the proposed new highway improvements is the removal of the white line virtual footway along the south side of the canal bridge. While far from ideal most locals follow that south side curve if they're already on that side of the road. Users, like you, realise that it is simply safer than crossing the dangerous road twice to reach the exiting narrow footway on Turnpike. Your own desire line keeping to the south side of the bridge rather than crossing the road twice shows how the highway improvements are forcing people to use a substandard route that they know to be unsafe. These alterations would also remove a very important feature, the virtual footway that you used that has played a vital part in limiting potential accidents at that point.

As I have previously told Full Council, Devon County Councils schools transport team runs buses to an extra stop at Battons Cross precisely because they believe secondary school children are not safe to cross the road where the new crossing is planned. Will Devon County Council no longer see this as being necessary with the much vaunted highway improvement? I doubt it. The schools team seem to know better. Thank you.

Mr Trump, referring to item 3 Thorverton, stated Madam Chair and members of the Planning Committee thank you again for letting share my anxieties over this application with you. Last time it was discussed you voted to reject it and I sincerely ask you to support that decision for the following reasons.

We're not at all convinced of the agricultural need for it because the applicant has managed with the existing entrance perfectly satisfactorily for the past 5 years. I live at the Lodge which is precisely opposite the proposed entrance and from my cottage I see clearly every morning parents and children passing on the way to the school and preschool. I also see passing traffic and the speed of some vehicles. To have an even wider entrance which would encourage some to use it for turning would add to

the number of vehicles in the lane. There are no pavements in School Lane which as you will know from your visit is a narrow county lane.

Others have raised concerns they have for the safety of these little children and their parents and I fully support them. As I said before when I spoke before at the last meeting I believe the proposal to do away with the Devon bank and substitute it for a wide tarmac drive and splay is completely out of character for the existing environment of the lane.

This is an historic narrow country lane not an urban road or an industrial site. The planting of a few blackthorn and whitethorn bushes where the bank has been cut away is not going to offset the dreadful appearance.

This proposed access is immediately adjacent to Thorvertons Conservation Area. This part of School Lane has been designated worthy of conservation status by your own Council Officers. Indeed in your own Mid Devon Local Plan you state that Thorverton is a village of particular environmental quality.

We love our village and strive to maintain its beauty and tranquillity. Please help us to maintain its character. Last time I spoke I reminded you that Mid Devon's motto 'where people matter' is emblazoned on our brown bins and I ask you, our Council, to please put the motto into action for the people of Thorverton. Thank you for listening and please uphold your decision to reject this application that you so wisely made at the last meeting.

Mr Dinnage, referring to item 1 Sampford Peverell, stated good afternoon I live in Higher Town. Officers state that there is to be road widening on the bend between Higher Town and Battons Cross. This is different to making improvements in visibility. We have never been shown any plans for road widening at this point and have never been consulted on the proposal. Why not?

At the north east corner of the site is proposed a long and deep access cutting. Almost opposite that opening a vital road water easement exists. Currently, this easement is often unable to cope with the water flow. Why is there no mention of dealing with the inevitable increase in water run off resulting from the proposed cutting?

Mr Greed, referring to item 3 Thorverton, stated good afternoon Madam Chairwoman and members. I am a long standing member of the Thorverton farming community unfortunately this application is not about agricultural need. The applicant has successfully used the existing track from the field since he bought the land 5 years ago. He does not turn in the entrance of Yellowford Farm to go north through the village. This is because his preferred route to the Home Farm at Woodbury where substantial new cattle sheds and grain stores have been built has always been south via Exeter as it is closer and quicker. The applicant has also rented out the field for sheep keep and swedes 50% of the time.

In 2015 MDDC granted planning permission to the applicant for a grain store at Yellowford Farm based on an agricultural justification that the 80 acre holding needed such a facility. The existing field track would service the grain store as the site is south of the village. Despite pleading need the grain store has never been

built, hedges have been illegally removed from field gateways on the holding and highway drains damaged which still have not been put right.

Are the members absolutely confident there is sufficient factual evidence to justify agricultural need?

The Chairman informed those present that the questions would be answered when the items were discussed.

**27 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:54:50)**

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

**28 MINUTES OF THE PREVIOUS MEETING (00:55:12)**

The Minutes of the meeting held on 13 June 2018 were approved as a correct record and **SIGNED** by the Chairman.

Note: Councillors P J Heal and B A Moore abstained from voting as they had not been present at the previous meeting.

**29 CHAIRMAN'S ANNOUNCEMENTS (00:56:12)**

The Chairman had the following announcements to make:

- The special meeting scheduled for 26<sup>th</sup> July 2018 to consider the NW Cullompton applications had now been cancelled and would be re-scheduled.
- The next scheduled meeting of the Planning Committee would be on 8<sup>th</sup> August 2018.
- There would an additional special meeting of the Planning Committee on 15<sup>th</sup> August which would consider the Creedy Bridge application.

**30 ENFORCEMENT LIST (00:57:09)**

Consideration was given to the cases in the Enforcement List \*.

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

Arising thereon:

- a) No. 1 in the Enforcement List (Enforcement Case ENF/18/00083/UNTIDY – Untidy site having an adverse effect upon the visual amenity of the locality. Eastmere Farm, Lapford, Crediton).

The Enforcement Officer outlined the contents of the report highlighting by way of presentation photographs of the site from various angles. She explained that a complaint had been received in March 2018 by the enforcement team regarding the unsightly appearance of the land which sat immediately adjacent to the main road (A377) and was clearly visible from the public domain particularly on the approach to Lapford from the north.

**RESOLVED** that authority be given to the Legal Services Manager to take all such steps and action necessary to secure the improvement of the appearance of the land, including the issue of a Section 215 (Untidy Site) Notice and prosecution and/or Direct Action in the event of non-compliance with the Notice.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Note:

- (i) Cllr Mrs G Doe declared a personal interest as the site in question was opposite to where she lived.
- (ii) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as he had attended Parish Council meetings where this matter had been discussed.

### 31 **DEFERRALS FROM THE PLANS LIST (01:02:45)**

There were no deferrals from the Plans List.

### 32 **THE PLANS LIST (01:02:50)**

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 (***17/01359/MOUT – Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site, along with 3 pedestrian/cycle access points to serve the site, with all other matters to be reserved – land and buildings at NGR 302469 114078, Higher Town, Sampford Peverell***)

The Group Manager for Development commenced his presentation by making reference to the updates included in the update sheet. This included a revision of condition 26 to include reptiles along with badgers since the efficacy of the applicant's own survey had been undermined by the repeated removal of the refugia on site. As such the amendment to condition 26 now negated the need for condition 27. Natural England had issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there was a reasonable likelihood of protected species being present on a proposed site. The crossing and pedestrian access points on this site were the least likely areas for potential harm to reptiles, however the revised condition stipulated that any approved development could not commence until a repeat survey for the presence of badgers and reptiles had been carried out.

The second update related to the Council's five year housing land supply figures which had been updated based on the most recent statistics. This had increased from 4.15 years to 4.45 years which was seen as positive but was still short of the 5 year land supply.

In relation to the questions posed at public question time the Group Manager for Development stated that evidence within either the report or the update addressed many of the concerns raised including reference to COR18, the suggested

undemocratic process and the weight given to SP2. It was the officer's opinion that the assessment in relation to public benefit versus public harm had been accurate. In relation to the question posed about the 35% affordable homes the officer explained that this figure was correct. Questions relating to the 'sub-standard' crossing and water run off had also been addressed within the report.

The contents of the report were outlined by way of presentation highlighting, through the use of photographs, the indicative layout of the site, the proposed access arrangements, its geographical position in relation to the canal and its position in relation to surrounding buildings which included a listed building and non-listed heritage assets such as a wall which was of particular local interest. It was also explained that the site was outside the settlement limit as identified in the Local Plan. The Local Plan was currently under review and the fact that this site was a part of that review was a material consideration. Reference was made to the NPPF which stated that there should be a presumption in favour of development unless significant adverse harm outweighed the public benefit.

Consideration was given to:

- Concerns regarding speed limits following a recent site visit. The representative from the Highways Authority stated that there would be some decrease in the speed limits around the site should it be approved.
- School numbers and the need for a more thorough investigation into the number of potential places needed and whether this was achievable within the Sampford Peverell education provision.
- Housing supply figures being adjusted because of persistent under delivery.
- Concerns regarding visual impact and the topography of the site meaning that whilst the properties would have extensive views the properties themselves could also be seen for miles. The Group Manager for Development explained that there had been a discrepancy with the information provided by the LVIA. The Council's professional had had a different interpretation of the assessment and their methodology but had confirmed that 'visual impact' was not unacceptable.
- The number of allocated sites currently without planning permission.
- A decision regarding proposals for J27 was still outstanding and with the Inspector at the current time.
- Highways concerns and the resultant traffic through Halberton.
- The sustainability of the site.

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

- Visual impact
- Highway safety
- Sustainability

(Proposed by Cllr B A Moore and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application.
- (ii) Cllr F W Letch declared a personal interest as he knew some of the objectors and had a close friend who lived nearby.
- (iii) Cllr R F Radford declared a personal interest as his brother lived in Battens Cross, Sampford Peverell
- (iv) Cllr R L Stanley declared a personal interest as he had worked with a resident at Higher Town.
- (v) Mr Jamie Byrom (objector) spoke.
- (vi) Mr Ian Adlington (Sampford Peverell Parish Council) spoke.
- (vii) The following late information was reported:

10<sup>th</sup> July 2018

The Applicant following a request from the Authority undertook a reptile survey on the area highlighted within the Ecology report submitted with the application. The survey commenced on site in the region of the junction of Higher Road and Turnpike at Sampford Peverell. The survey efficacy has been undermined by the repeated removal of the refugia placed on site and as such no definitive results can be relied on to determine the presence or not of reptiles.

Therefore it is considered prudent in this case to include reptiles along with badgers within condition 26, this will also negate the need for condition 27 which can be removed. Conditions following to be re-numbered

The new condition will read

26. No site works comprised in or arising from the development nor any part of the development hereby approved (including but not limited to site or boundary clearance, ground investigations, site survey works, temporary access construction works, pegging or marking out operations, archaeological investigations or the erection of fencing or hoardings on or around the site) shall be carried out unless and until a repeat survey for the presence of Badgers and Reptiles on the site and within those habitats adjoining the site which are identified in the extended Phase 1 Ecological Appraisal of January 2018 as being suitable for such species, has been carried out in the appropriate season and survey reports submitted to and approved in writing by the local planning authority. The submitted surveys shall detail the likely impact upon and disturbance of those species arising from the development hereby approved and include, where necessary, a scheme of mitigation and/or

compensation measures to address such impact and/or disturbance, including a timetable for such mitigation and measures. The surveys and scheme of mitigation and/or compensation measures shall, if approved, be implemented and maintained in full accordance with the details of the said surveys and scheme.

## Forward Planning – update note

11<sup>th</sup> July 2018

### Housing Land Availability Summary 2018 – Five year housing supply

The Council’s five year housing land supply figures have been updated based on the most recent statistics. These are summarised below and will be published in detail on the Council’s website.

The level of available housing land required to provide a 5 year supply (for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2023) is based on the adopted Core Strategy, Exeter Housing Market Area SHMA (Strategic Housing Market Assessment) and cumulative housing completions since 2006.

A	Core Strategy annual requirement 2006-2013	390
B	Total requirement 2006-2013 (A*7)	2730
C	SHMA annual requirement 2013 onwards	380
D	Total requirement 2013-2018 (C*5)	1900
E	Requirement to date 2006-2018 (B+D)	4630
F	Completions to date 2006-2018	4036
G	Shortfall to date 2006-2018 (E-F)	594
H	5 year requirement 2018-2023 (C*5)	1900
I	5 year supply requirement 2018-2023 (G+H)	2494
J	20% buffer (I*0.2)	499
K	<b>TOTAL REQUIREMENT (I+J)</b>	<b>2993</b>

Supply	
Unconsented allocations	392
Consented allocations	1249
Consented windfalls	764
Windfall allowance	258
<b>TOTAL SUPPLY</b>	<b>2663</b>

Against the requirement of 2993 dwellings, Mid Devon’s housing supply currently stands at **4.45 years**<sup>1</sup>.

The approach used has been based on the findings of ‘Uffculme Road, Uffculme’ (April 2016) appeal and the published Local Plan Review (2017)

which considers 380 as the appropriate annual housing target based on the Strategic Housing Market Assessment Report Final Report 2015. It also uses Housing and Economic Land Availability Assessment methodology for the Exeter housing market area, the 'Sedgefield' approach that requires the inclusion of any housing shortfall to be delivered within the first five years of the plan, and applies a 20% buffer where there is persistent under delivery.

- b) No 2 on the Plans List ***(18/00133/MARM – Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – land at NGR 298618 113487, Uplowman Road, Tiverton)***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site through photographs from various vantage points. An aerial view of the site was shown illustrating the northern and southern land parcels as well as the location of the gypsy and traveller site. The affordable housing would come forward as a separate application. The character areas within the proposed development were described and a 'fly-through' of the development was shown.

With regards to the questions posed in public question time the Area Planning Officer confirmed that the scheme did provide for a mix of age groups with the intention of creating a balanced community. There was a mix of density and a mix of house heights. There was a low density of development near neighbouring properties. A question was asked about a new access point into the development site. It was stated that the Planning Authority had an approved outline application and a signed S106. This had dealt with the points of access therefore this had already been agreed.

The representative from the Highways Authority addressed the question posed about the slip road and advised that to provide access into the site from the A361 would result in lane closures (including through the summer period) and a breach to the newly constructed acoustic fence. He did expect Chettiscombe Trust to come forward with their link road and stated that they would be going out to tender this summer.

A question had been asked in relation to the loss of the Devon Bank and the density of development. The Area Planning Officer responded by stating that the outline application had allowed for up to 15 units but the Reserved Matters scheme only proposed 13 units. The proposed development did retain 2780m of hedgerow and efforts had been made by officers to retain as much of this and the Devon Bank as possible.

In response to the question concerning the shifting of the turning point eastwards off Uplowman Road it was stated that this had been given consideration by swapping the house and garage of plot 175. However, this would have resulted in a greater loss of hedgebank. It was hoped a link through to the NHS site would be forthcoming soon, this would secure additional access up to the boundary. However, this could not be moved forwards at the current time as the NHS site was in separate ownership.

In response to the question asked about moving the turning head further east, the Highways representative confirmed that technically this was possible but could result in the loss of the garage. It would also mean that the footway/ cycleway at the end of Uplowman Road would need to be shortened.

Consideration was given to:

- What guarantees were in place to ensure that the required number of affordable housing units would come forward? It was stated that the Planning Authority was already in receipt of a signed S106 to ensure that this would happen but that a separate developer would deliver that housing.
- A management plan had been received confirming that the attenuation ponds would be managed by a private company.
- Detailed construction plans had been submitted with the DCC flood risk team having signed off the elements in relation to water run off.
- Concerns in relation to the siting of the show homes and associated parking as currently proposed.
- Concerns regarding the loss of hedgebank and particularly Devon Bank parts of which were over 100 years old.

**RESOLVED** that Members were minded to approve the application but wished to defer final determination to allow for further consideration of the following issues:

- The possible repositioning of the turning head.
- The detrimental impact on the Devon Bank and whether this could be lessened.
- Repositioning of the show homes and associated parking to allay traffic concerns.

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and Director of 3 Rivers Developments Limited and left the meeting thereon and did not take part in the discussion.
- (ii) Cllr D J Knowles declared a personal interest as he knew some of the objectors.
- (iii) Cllr R F Radford left the meeting for part of the discussion and therefore did not take part in the vote.
- (iv) Dr Chris Bell (objector).
- (v) Cllrs D J Knowles and C R Slade spoke as Ward Members.
- (vi) The following late information was reported:

9<sup>th</sup> July 2018

Delete Conditions 11 and 12.

Condition 15 of Outline Planning Consent (13/01616/MOUT) confirms that no development shall take place on-site until the off-site highway works from the site access to Post Hill and along Putson Lane have been approved in writing by the Local Planning Authority. It goes on to say that those works should be in general accordance with drawing No. 3026/05A of the outline consent.

The drawings submitted to date for this Reserved Matters application do not fully meet the needs of the Highway Authority. However, because Condition 15 of the Outline Consent requires the works to be in general conformity only, amendments can be made to the final road design under Condition 15 without the need for new Conditions 11 and 12. This has been confirmed by DCC Highway Authority.

#### Delete Condition 10

Condition 11 of Outline Planning Consent (13/01616/MOUT) confirms that there shall be no occupation of any dwelling until various works within the highway have been completed. Parts a, b and c of Condition 10, that is attached to this Reserved Matters application, broadly duplicates Condition 11 of the outline consent. Parts a, b and c of Condition 10 are therefore unnecessary as they will be satisfied when Condition 11 of the outline consent is discharged. DCC Highway Authority have confirmed this.

Condition 10(d) of this Reserved Matters application also required details of the site compound. Those details have now been submitted (Drawing No.s SC1A & DB-SD13-008B) to the satisfaction of the Local Planning Authority. As such, Condition 10 can be deleted.

#### **New Comments / Objections Received**

Tiverton Town Council **(03.07.18)**: Support

**Mr Sloman (06.07.18)**: Objection. Loss of a significant length of hedge bank and dominance of hard landscape to accommodate parking cars to the front of properties on along Uplowman Road is not in keeping with the area. It is not sympathetic to the existing properties and represents very poor design to the entire project.

**Dr Bell (30.06.18)**: Objection. Object to the location of the turning heading at Plot 175 based on engine noise, exhaust emissions and the health impact it would have on existing near residents.

Relocate eastwards so the turning head serves the full length of the 'stopped off' Uplowman Road as well as easing the impact on existing residents.

#### **PLEASE ALSO SEE APPENDIX 1 – ATTACHED TO THE UPDATE SHEET**

(c) No. 3 on the Plans List **(18/00867/CAT – Notification of intention to fell 1 maple tree within the Conservation Area – Blagdon House, Blagdon, Crediton).**

The Planning Officer briefly outlined the contents of the report and informed the Committee that there had been no objections received from Crediton Town Council or the tree officer.

**RESOLVED** that there be no objection to the works since the tree was not considered to provide a significant enough contribution to the character and appearance of the conservation area to warrant long term protection through the imposition of a tree preservation order.

(Proposed by the Chairman)

Notes:

- (i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley declared personal interests as Councillor J M Downes was known to them all as a fellow District Councillor.

**33 MAJOR APPLICATIONS WITH NO DECISION (03:54:00)**

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

It was **AGREED** that:

Application 18/00936/MARM – Land at NGR 276566 103177 (Old Abattoir Site), Shambles Drive, Copplestone, remain as a delegated decision.

Application 18/00678/MFUL – Lower Whipcott Holcombe Rogus, remain as a delegated decision.

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

**34 APPEAL DECISIONS (03:57:00)**

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

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

**35 APPLICATION 17/01716/FULL - WIDENING OF THE EXISTING ACCESS TO AGRICULTURAL LAND - LAND AT NGR 292482 101905, SCHOOL LANE, THORVERTON (03:58:00)**

The Committee had before it an \* implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at the meeting on 13<sup>th</sup> June 2018, were minded to refuse planning permission but a final decision was deferred pending consideration of this implications report.

The Principal Planning Officer provided a response to the questions posed in public question time. He stated that issues in relation to highway safety had been considered in the previous report as had the issue of the accuracy of the plans. The

plans, which were metric in scale, had been checked and in the officers' opinion were accurate. Reference was made to paragraph 187 in the NPPF which stated that solutions should try to be found to allow development rather than the identification of problems.

Consideration was given to:

- An opening further down the site in question which the applicant was already using. It was explained however, that the visibility requirements were worse at this exiting point than what was being recommended in the proposal.
- Concerns regarding inaccurate comments made by the Agent towards some of the Committee members.
- The visual impact of an industrial entrance in a rural area.
- Concerns regarding road safety and the movement of large vehicles in and out of the proposed access.

**RESOLVED** that the application be refused on the following grounds:

- a) The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area to the detriment of the visual amenity of the area in general. The bank and vegetation which would be removed is considered to contribute towards the rural character of the lane and the visual amenities of the area and therefore its removal to the extent shown would be detrimental to the rural quality of the area. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.
- b) Insufficient justification has been provided for the need of a widened access given the fact that the applicant has been able to farm the lane previously from the existing access and that there are alternative accesses available to the applicant further south along School Lane therefore negating the need for the works associated as part of this proposal. The works are not considered reasonably necessary to support the farming activity on site contrary to DM22 of the Local Plan Part 3 (Development Management Policies).
- c) In the opinion of the Local Authority, the proposed widening of the access would prejudice road safety due to lack of a public footpath along School Lane and the proximity of Thorverton Primary School and associated pedestrian traffic from parents and children walking to from the school via the public footpath link from The Glebe. The proposed widening of the access will encourage increased travel along School Lane between the centre of the village and the application site with the prospect of the access also used by vehicles to turn. The generation of additional traffic movements to and from the site by the development proposed along School Lane would result in an increased risk of accidents to all road users. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies).

(Proposed by Cllr F W Letch and seconded by Cllr R L Stanley)

Notes:

- (i) Cllr R M Deed spoke as Ward Member.
- (ii) Cllr Mrs H Bainbridge left the meeting at the commencement of this item and did not return to the meeting, thus she did not take part in the vote.
- (iii) Cllrs Mrs F J Colthorpe and J D Squire requested that their vote against the decision be recorded.
- (iv) \* Report previously circulated; copy attached to the signed minutes.

**Update Sheet**

(The meeting ended at 6.58 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 8th August 2018

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description   |
|-----------------|---|
| 01.             | <p>18/00133/MARM - Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure at Land at NGR 298617 113487 , Uplowman Road, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Approve Reserved Matters subject to conditions</p> |
| 02.             | <p>18/00705/MARM - Reserved Matters for the erection of 28 dwellings and up to 90 sq. m of A1 retail floorspace, including incidental open space and car parking, following Outline approval 17/00173/MOUT at Land at NGR 287483 106365 (White Cross), Cheriton Fitzpaine, Devon.</p> <p><b>RECOMMENDATION</b><br/>Approve Reserved Matters subject to conditions</p>   |
| 03.             | <p>18/00474/FULL - Erection of 2 dwellings, alterations to existing access, and associated works at Land West of Elmdene, Hemyock, Cullompton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions</p>  |

Application No. 18/00133/MARM

Grid Ref: 298617 : 113487

Applicant: Mr Andrew Cattermole

Location: Land at NGR 298617 113487

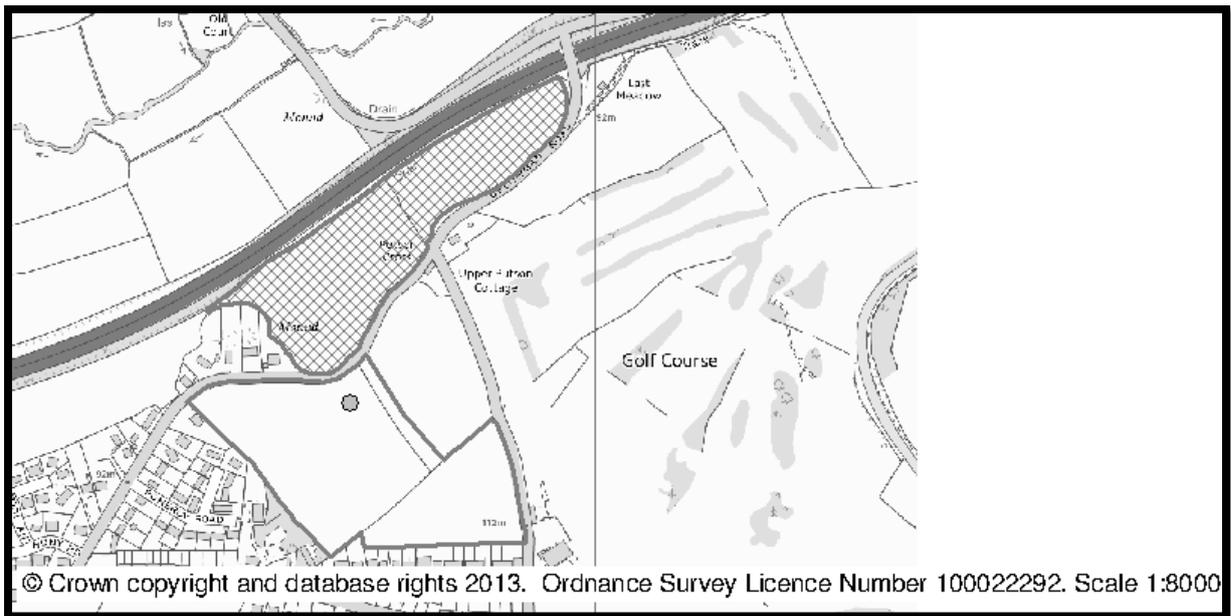
Uplowman Road

Tiverton

Devon

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

Date Valid: 31st January 2018



## **REASON FOR THE REPORT**

To provide an update on negotiations associated with this application following Planning Committee on 11 July 2018. This report relates specifically to the three points of concern raised at that Planning Committee:

- The possible repositioning of the turning head.
- The detrimental impact on the Devon Bank and whether this could be lessened.
- Repositioning of the show homes and associated parking to allay traffic concerns.

## **RECOMMENDATION**

Grant permission subject to conditions.

## **REPRESENTATIONS**

Revised drawings have been submitted, seeking to address the concerns raised at Planning Committee on the 11<sup>th</sup> July. Members of the public directly affected by the amendments were consulted on the changes prior to their formal submission as revised drawings. Consultation took the form of a meeting with the Planning Officer. A summary of the written comments following that meeting are as follows:

- the proposed solution to the turning head issue is encouraging
- the cul-de-sac access identified on the Outline application shows the road curvature bounded by a hedge; not unreasonably, local residents took this to be the Devon Bank.
- All of the cul-de-sac properties adjacent to Uplowman Road are accessed from within the cul-de-sac - none front Uplowman Road. All existing properties had a green outlook on to the Devon bank.

Due to the time constraints associated with providing an update at this Planning Committee, the formal public consultation process has run concurrently with the report writing period. As such, Officers will provide a verbal update at Committee regarding those representations received during the formal public consultation period.

## **1.0 BACKGROUND**

1.1 This Reserved Matters application for 248 dwellings, 3 Gypsy and Traveller pitches and associated infrastructure is pursuant to Outline Planning application 13/01616/MOUT. The Reserved Matters application was presented at Planning Committee on the 11<sup>th</sup> July 2018. The Report and Draft Minutes from the Planning Committee are attached for your information. Whilst Members were minded to approve the application they requested further consideration of the following issues prior to final determination:

- The possible repositioning of the turning head.
- The detrimental impact on the Devon Bank and whether this could be lessened.
- Repositioning of the show homes and associated parking to allay traffic concerns.

## **2.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

2.1 This Report will address each of the three main considerations raised at Planning Committee

on the 11<sup>th</sup> July.

## **2.2 Repositioning of the turning head.**

2.3 Outline planning consent for this site was awarded in 2015 with a Deed of Variation to the S106 dated 2017. Drawing No. 3026/05A of Condition 15 requires the off-site highway works to be 'generally in accordance' with Drawing No. 3026/05A. Drawing No. 3026/05A identifies the location of the turning head on the 'stopped off' section of Uplowman Road. The turning head identified in the Reserved Matters application presented on 11<sup>th</sup> July conformed with Drawing No. 3026/05A. Consequently, the turning head was identified at Plot 175 of the scheme presented. Officers can confirm that should Members resolve to relocate the turning head it would not be in conflict with the Outline Planning consent.

2.4 Following Planning Committee on the 11<sup>th</sup> July, detailed consideration has been given to relocating the turning head further eastwards along the 'stopped off' section of Uplowman Road. The revised drawings now indicate the turning head at Plot 177. This has not required the shortening of the segregated pedestrian / cycle route. Further, the revised layout ensures there is no private drive opposite the existing drive to No. 16 which was a particular concern to the existing residents. The relocation of the turning head and private drive has been discussed with the occupiers of No. 16 prior to the submission of the revised drawing and is to their satisfaction.

## **2.5 The detrimental impact on the Devon Bank and whether this could be lessened.**

2.6 The loss of Devon hedge bank specifically relates to the 'stopped off' section of Uplowman Road as it enters the site from the direction of Blundell's Road at Plots 168 – 171 of the proposed development. Paragraph 5.1 of the July Committee report outlined that the highway impacts, including the points of access, were given full consideration at outline stage and as such do not form part of the consideration of this Reserved Matters application.

2.7 When the outline application for this site was considered issues relating to the points of access into the site were agreed. Drawing No. 3026/05A was subsequently approved and formed part of the outline planning consent. It detailed the point of access into the site and the route of the cul-de-sac, with appropriate highway visibility splay, to serve those dwellings accessed from the 'stopped off' section of Uplowman Road. In approving the point of access at outline application stage it was agreed that a significant length of the hedge bank would be lost.

2.8 The proposal presented will result in a total loss of 70m of the existing hedge bank, of which 32m was to be replaced with new hedging on the frontage of Plots 168-172. Following further negotiations with the applicant, a hedge bank has now been secured on the frontage of Plots 168-172 rather than the proposed hedge.

## **2.9 Repositioning of the show homes and associated parking to allay traffic concerns**

2.10 Whilst Officers have sought to influence the location of the show homes throughout the application process, it is not within the ability of planning legislation to do so. Further discussions with the applicant have not achieved a relocation of the show homes. As a result, the proposed location of the show homes has not changed. However, it is not simply the location of the show homes that has been of particular concern to existing residents but the provision of the visitor parking spaces serving the show homes on the frontage of Unit 171. The applicant has agreed to relocate the 3 visitor parking spaces (identified on the frontage of Plot 171 throughout the 6 year construction period of the development) to the driveways of dwellings that will be

constructed elsewhere within the development. In so doing, this minimizes the impact of the traffic for near existing residents. It also contributes to the provision of a more continuous length of hedge bank (both greening the development and aiding place making), 6 years earlier than previously proposed. Officers have ensured that local residents have been consulted as the revised drawings have emerged. The repositioning of the show home parking is to the satisfaction of the local residents and they now have no objection as regards to the show home parking.

### **3.0 Summary**

3.1 The revised drawings have given further consideration to the overall effect of the layout, design and scale of the proposed dwellings including upon near existing residents. The emerging revised scheme was presented to a number of residents immediately impacted by the development prior to their formal submission. Those residents consulted indicated that the revisions brought some sense of comfort to them. Consequently the proposal is considered to comply with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR3, COR8, COR9, COR11, COR12, and COR13, Mid Devon Allocations and Infrastructure Development Plan (Local Plan Part 2) Policies AL/TIV/1, AL/TIV/2, AL/TIV/3 and AL/TIV/4, Mid Devon Local Plan Part 3 (Development management Policies) DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM14, DM27, DM28 and DM30.

### **4.0 RECOMMENDED CONDITIONS AND REASONS**

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice

REASON: for the avoidance of doubt and in the interests of proper planning

2. All development shall be carried out in accordance with the measures set out under the 'Landscape and Ecology Management Plan' and 'Ecology Report' dated May 2018.

REASON: to ensure adequate protection of protected species.

3. All development shall be carried out in accordance with the measures set out under the 'Drainage Statement' dated January 2018 and 'Construction Management Plan' dated May 2018.

REASON Pollution prevention and control to ensure there are no risk of contamination or sediment load to nearby water courses and features of environmental interest.

4. Any works on Uplowman Road will take into account the existing surface water drainage components as identified on the Utilities and Drainage Investigation sheets (Dwg Nos 19964UG 01 - 06) to ensure that Uplowman Road remains adequately drained.

REASON: to ensure that Uplowman Road remains adequately drained in the interest of safety to all users of the road, and to protect the amenity of adjoining residents.

5. PD removed Part 1, Class A, B, C and E

REASON: to protect the privacy and amenities of future and neighbouring occupiers and to ensure adequate parking and amenity space are maintained for the proposed dwelling in accordance with policies DM2 and DM14 of the Adopted Mid Devon Local Plan (Part 3)

6. The occupation of any dwelling in any agreed phase of the development shall not take place until the Local Planning Authority have viewed and agreed in writing a sample panel of the estate style railings.

REASON: to safeguard the character and amenities of the area in accordance with policy DM2 of the Adopted Mid Devon Local Plan (Part 3)

7. 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.

REASON: to ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policies DM2 sand DM14 of the Adopted Mid Devon Local Plan (Part 3)

8. Prior to the construction of any residential unit hereby permitted is begun, detailed drawings of the landscape scheme, detailing the tree species on Lowman Avenue, shall be submitted to and be approved in writing by the Local Planning Authority.

REASON: to ensure the site is developed in accordance with the Adopted Masterplan SPD of the Tiverton Eastern Urban Extension and Policies DM2 and DM14 of the Mid Devon Local Plan (Part 3).

9. 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 from the Putsons lane through to the site access of the Northern parcel or the first 20 metres back from its junction with the public highway at each location with a haul road between

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

10. 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 policy of the flood management act

11. Off-Site Highway Works. No development shall take place on site until the off-site highway works comprising the section 278 access works from Post hill along Putsons Lane to the site have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with the paragraph 108 of the NPPF

12. Off-Site Highway Works. No development shall be occupied on site until the off-site highway works for the provision of passing bays along Putson lane, junction improvements on Putson lane junction with Uplowman road, and closure of Uplowman Road have been constructed and made available for use in accordance with a phasing program which has been approved in writing by the Local Planning Authority.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 108 of the NPPF

## **INFORMATIVES**

1. The consent granted for application 13/01616/MOUT is conditional upon a programme of archaeological work (Condition 18). While it is not necessary for an archaeological condition to be applied to this Reserved Matters application it is brought to the applicant's attention that the outstanding tasks (including post excavation assessment, analysis, synthesis of the results, publication and archive creation and deposition tasks) still need to be completed.
2. The Construction Management Plan (para 2.1.2) makes provision for co-ordination with Tiverton Golf Club regarding fixtures / potential periods of traffic / parking conflict
3. A number of existing residents (Uplowman Road) have expressed an interest in connecting to the main sewer as the scheme is implemented. MDDC request that the applicant discusses options / time frames with residents.
4. The lighting design does not show lighting of the footpaths. It has not been discussed with the DCC Lighting Engineer regarding the level of lighting required. Lighting design, signage and specification will be undertaken by DCC lighting engineer at Section 38 stage. A Drawing will be required at this stage.

5. Section 278 drawings for Putsons Lane were not included in the latest submitted plans. However, Drawing 1100 P01 & P02 is acceptable in general principles and subject to Section 278 detail design. Also Drawings 1101/P01, 1102/P01. However, 1103/P01, 2301/PL01 and 2302 /PL01 were to be amended in light of discussion with Golf Club and on site discussions. These should show the lighting design and its protection.

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

**Application No. 18/00133/MARM – Report to 11 July 2018 Planning Committee meeting**

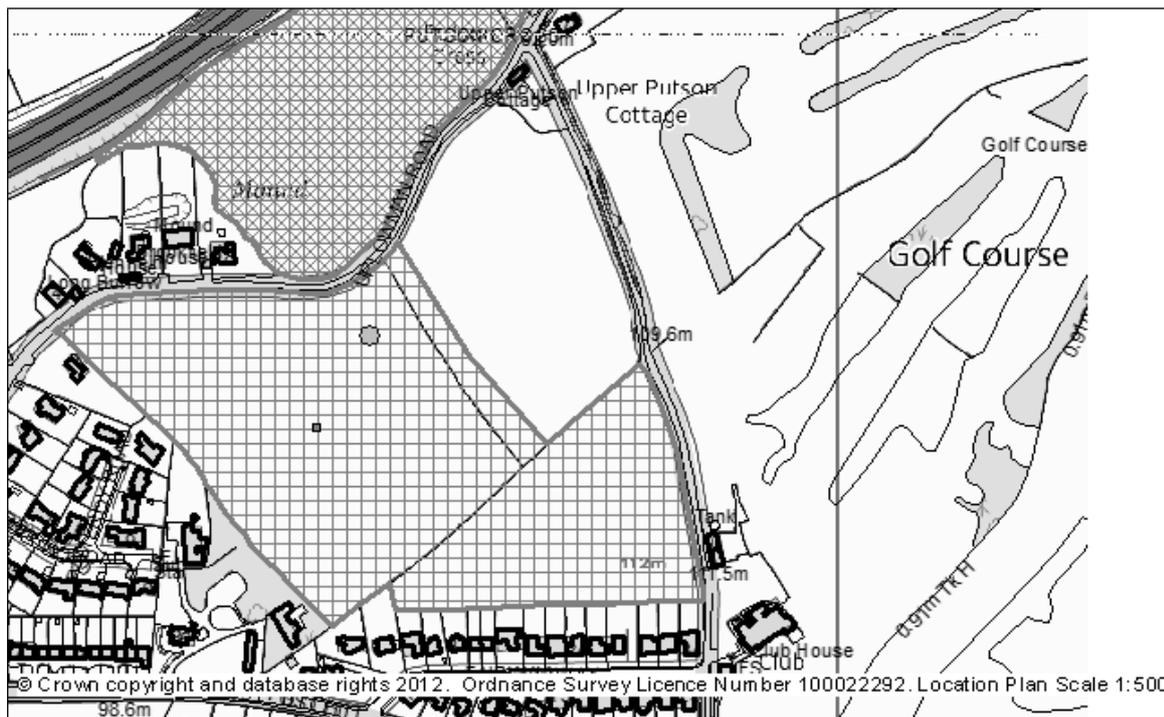
Grid Ref: 298617 : 113487

Applicant: Mr Andrew Cattermole

Location: Land at NGR 298617 113487  
Uplowman Road  
Tiverton  
Devon

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

Date Valid: 31st January 2018



**APPLICATION NO: 18/00133/MARM**

**RECOMMENDATION**

Grant permission subject to conditions

**PROPOSED DEVELOPMENT**

Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure. Permission is now sought for all remaining reserved matters. Means of access was considered and consented at the outline stage.

The site proposes 100% market housing as established at outline stage. The affordable element will be addressed by way of a future, separate planning application.

**APPLICANT'S SUPPORTING INFORMATION**

A suite of reports, statements, drawings and documents are submitted with the Completed Application Form and covering letter.

Plans and Reports submitted are detailed in **Appendix 1**

**RELEVANT PLANNING HISTORY**

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

Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

**14/00667/MFUL** - PERMIT date 4th September 2014

Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier

**14/01168/MFUL** - PERMIT date 31st October 2014

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

**16/01424/MOUT** - WITHDRAWN date 22nd December 2017

Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme)

**16/01757/FULL** - PERMIT date 14th February 2017

Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence

**17/00098/FULL** - PERMIT date 12th April 2017

Removal of vegetation, reprofiling existing garden to embankment to assist with construction of the A361 road junction, implementation of new landscaping design and acoustic boundary fence

**16/01759/FULL** - PERMIT date 14th February 2017

Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence. CHECK AGAINST 16/01757 ABOVE

**17/00781/FULL** – PERMIT date 17th July 2017

Provision of pedestrian/cycle route/footpath with associated boundary treatments, safety barriers and landscape planting following demolition of existing dwelling, garage and garden.

Adjacent site:

**14/00604/MFUL** – PERMIT date 20th April 2017

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

## **DEVELOPMENT PLAN POLICIES**

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

COR 1 Sustainable Communities  
COR 2 Local Distinctiveness  
COR 3 Meeting Housing Needs  
COR5 Climate Change  
COR8 Infrastructure Provision  
COR 9 Access  
COR11 Flooding  
COR12 Development Focus  
COR 13 Tiverton

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

AL/IN/3 Public Open Space  
AL/IN/6 Carbon Footprint Reduction  
AL/TIV/1 Tiverton EUE  
AL/TIV/2 EUE Transport Provision  
AL/TIV/3 EUE Environmental Protection and Green Infrastructure  
  
AL/TIV/4 EUE Community Facilities  
AL/TIV/5 EUE Carbon Reduction and Air Quality  
AL/TIV/6 EUE Phasing

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

DM1 Presumption in Favour of Sustainable Development  
DM2 High Quality Design  
DM3 Sustainable Design  
DM4 Waste Management  
DM5 Renewable and Low carbon Energy  
DM6 Transport and Air Quality  
DM7 Pollution  
DM8 Parking  
DM14 Design of Housing  
DM27 Development Affecting Heritage Assets  
DM28 Green Infrastructure in Major Development  
DM30 Other Protected Sites

**Other relevant documentation:**

National Planning Policy Framework  
Local Plan Review as submitted for examination  
Tiverton EUE Masterplan SPD  
Tiverton EUE Design Guide  
Refuse Storage for New Residential Properties SPD  
Parking SPD  
Meeting Housing Needs SPD  
Open Space SPD  
Guide to Healthy Streets (Transport for London, Nov 2017)

**CONSULTATIONS**

**South West Water**

**5 Feb 2018 and 7 June 2018:** no objection

**Highways England**

**7 Feb 2018 & 31 May 2018:** no objection

**Historic England**

**21 Feb 2018:** On the basis of the information available to date, we do not wish to offer any

comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

## **Natural England**

**15 Feb 2018:** We have considered the proposal against the full range of Natural England's interests in the natural environment and have the following comments

Nationally Designated Sites: Tidcombe Lane Fen Site of Special Scientific Interest (SSSI)

This application is in close proximity to Tidcombe Lane Fen SSSI which is notified for its fen, marsh, swamp communities. Further information on the special interest can be found at [www.magic.gov.uk](http://www.magic.gov.uk). Given the proximity of the development to the SSSI, we consider that without appropriate mitigation the application could affect the interest features for which the Tidcombe Lane Fen SSSI has been notified. In order to mitigate these effects and make the development acceptable, the following mitigation measures should be secured:

Best Practice Measures such as the Environment Agency's Pollution Prevention Guidelines during construction and as outlined in the Drainage Strategy Jan 2018 and construction management plan 2018 for pollution prevention and control to ensure there is no risk of contamination or increase in nutrient or sediment load of surface water runoff into ditches and water courses.

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) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Summary Of Natural England's Advice

Nationally Designated Sites - no objection subject to mitigation being secured.

Detailed advice is provided below.

Advice on the consideration of further natural environment issues is provided at Annex A of this letter.

We note that the proposal includes a sustainable urban drainage system comprising of attenuation ponds to maintain surface water as close to existing run off rates as possible to avoid exacerbating any existing flooding problems in the local watercourses.

Guidance on the design of sustainable drainage schemes (SuDS) for wildlife (RSPB, WWT) can be found online at [www.rspb.org.uk/sustainabledevelopment](http://www.rspb.org.uk/sustainabledevelopment). The submitted landscape and ecological management plan (LEMP) at section 5 / objective 2 outlines features proposed to increase the biodiversity of the SuDS.

We recommend that the above measures should be secured via suitably worded planning conditions or obligation as appropriate.

## **Police Authority**

**8 June 2018:** Thank you for this further information. The updated Enclosures Plan, to include the addition of 1.5m chain link fencing to enhance the existing hedge planting is noted and welcomed.

**20 Feb 2018:** no objection. It is apparent that all concerned are cognisant of the requirements to provide a safe and secure development.

## **DCC Historic Environment**

**5 Feb 2018:** I refer to the above application and your recent consultation. The consent granted for application 13/01616/MOUT is conditional upon a programme of archaeological works being undertaken - Condition 18. The archaeological fieldwork has identified what appears to be a Romano-British funerary monument and fieldwork is, I understand, just drawing to a close. However, post-excavation assessment, analysis, synthesis of the results, publication and archive creation and deposition tasks still need to be completed.

While it is not necessary for an archaeological condition to be applied to this reserved matters application, since this is covered by Condition 18 on the consent granted for the outline consent, I would advise that the applicant is made aware of the outstanding tasks that follow on from the completion of the archaeological fieldwork that still need to be completed to fully discharge the archaeological condition.

## **Willand Parish Council**

**12 Feb 2018:** No objection other than to ensure travel through Halberton and Blundell's Road is not impeded by the works.

**15 June 2018:** no further observations to make.

**Halberton Parish Council 15 Feb 2018:** no comment

**Tiverton Town Council 20 Feb 2018:** support

## **DCC Highway Authority**

**15.06.18:** DCC can confirm that Condition 2 of DCC correspondence dated March 2018 can be discharged and that as part of the section 38 agreement more detailed programming of the works will be sought.

**15 June 2018:** The detailed comments specific to Drawing Numbers and Documents from DCC Highway Authority are available on public access.

## **General**

The Highway Authority would raise no objections and Condition 1 of correspondence dated 19<sup>th</sup> March can be considered discharged. Conditions 2, 3, 4, 5, 6 and 7 of the same correspondence are still relevant and cannot be discharged until works are completed on site.

**19 March 2018:** The Highway Authority has no objection in principle and the conditions and requirements of the outline consent are equally relevant to the current application. The Highway Authority has been advised that the applicant is keen to see all matters resolved at planning

application stage and discharge as much as possible to minimise the number of conditions on the consent. On this basis the Highway Authority comments are structured in a manner that would satisfy most of a section 38/278 agreement of the highway act for the construction and adoption of the development which will impact on the planning application various details such as construction details and Structural design will need to be approved through the section 38/278. Therefore, the Highway Authority would submit the following which should be addressed through the planning application.

#### General

Drawings should show all drop kerbs, kerbing and construction drawings will be required.

Pedestrian visibility of 1.5m by 1.5m either side of driveways should be available with no obstruction greater than 600mm.

provided to residential units on one side and no footpath to residential units the other are not acceptable as they prove confusing to all road users and send mixed messages with the subsequent increase in risk to all.

Road numbers should be identified on all highway related plans.

All road crossing point should have appropriate visibility splays and tactile paving.

Note. The detailed comments specific to Drawing Numbers from DCC Highway Authority are available on public access.

Unless the amendments to those drawings are forthcoming and are approved prior to consent the following conditions should be imposed. The above is not exhaustive and additional amendments may be required as part of the section 38 adoption process, but they do represent fundamental changes in layout which may be considered as material amendments.

#### Recommendation

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 from the Putsons lane through to the site access of the Northern parcel or the first 20 metres back from its junction with the public highway at each location with a haul road between

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 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 policy of the flood management act

6. Off-Site Highway Works No development shall take place on site until the off-site highway works comprising the section 278 access works from Post hill along Putsons lane to the site have been constructed and made available for use.

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

7. Off-Site Highway Works No development shall be occupied on site until the off-site highway works for the provision of passing bays along Putson lane, junction

improvements on Putson lane junction with Uplowman road, and closure of Uplowman road have been constructed and made available for use in accordance with a phasing program which has been approved in writing by the Local Planning Authority.

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

### **DCC Flood Risk Management**

**18 June 2018:** Further to my previous consultation response (FRM/MD/00133/2018; dated 18th June 2018), the applicant's drainage consultant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 18th June 2018, for which I am grateful. Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

**13 June 2018:** Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

It is noted within 117 TN001 - Response to LLFA comments (by Sands Consultants) that the drainage model has allowed for all of the relevant existing road to be collected into the drainage system via new gullies. The applicant should confirm the area of Uplowman Road where works will be carried out. There are a few locations noted on the Utilities and Drainage Investigation drawings to have surface water drainage components within them. Clarification of the proposed drainage of these areas is needed to ensure that Uplowman Road will continue to be drained and that flows from existing infrastructure will not be obstructed.

It appears, from the Conveyance Swale Sections (drawing No. 2561; Rev. PL01; dated May 2018), that check dams will be incorporated within the swales at regular intervals. This is to reduce the velocity of the flow within the swales which should subsequently reduce the potential of erosion to the bases of the swales.

It is noted that a Landscape Management Plan For The Public Open Spaces (Ref. GL0735; dated 25<sup>th</sup> May 2018) has been submitted. This document contains a section on the maintenance of SuDS as well as a schedule for some maintenance activities.

**20th April 2018** - At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should clarify the drainage of Uplowman Road. The Utilities and Drainage Investigation Sheets depict drainage features but I am unsure whether these will be affected by the scheme or will have an effect on the scheme.

Further details of the proposed cascading swales is needed. The applicant should clarify the gradients of the swales as well as the side slopes.

The applicant should also clarify whether any planting or check dams in the swales are required. Cross-sections would be useful to illustrate these.

The applicant should confirm whether an assessment of the ditch and downstream culvert has been completed.

It is noted within section 7.5 of the Landscape and Ecological Management Plan (draft 1; dated November 2017) that fencing will be erected around the proposed detention basins. The applicant should provide further details of this fencing, including type and design.

It appears from the Proposed Flood Routing Plan (drawing No. 1008; Rev. PL01; dated December 2017) that ponding of exceedance flows may occur in places. The applicant should clarify whether this ponding will remain in the highway.

### **15th March 2018**

I have a few queries about the proposed drainage system:

Has the ditch adjacent to the A361 and the subsequent culvert this flows into been assessed?

I can't see any clarification of the existing surface water drainage along Uplowman Road. The Utilities and Drainage Investigation Sheets 2,3 and 4 of 6 show surface water drainage and possibly ditches, are you able to ask for clarification of these please?

As you noted, in section 7.5 of the Landscape Ecology Maintenance Plan, fencing is proposed around the basins. Are you able to ask for clarification on the need of this fencing and the proposed type/design please?

On the Proposed Flood Routing Plan (drawing No. 1008; Rev. PL01; dated December 2017) it looks like there are a few areas within the highway where ponding will occur (flow route arrows pointing towards each other). Will these areas of standing water likely remain within the highway or is there a chance that water could breach the kerb line and flow elsewhere?

I can't access the Ground Investigation Report on the planning website, are you able to send across please? I mainly just want to look at the groundwater monitoring results. If the report is bigger than 7mb would you be able to send just the monitoring results?

The system has been designed to allow for drainage from the affordable housing site to connect in, but only at Qbar discharge rate. How would this be enforced on the affordable housing scheme? Can you condition or put an informative on this application or another application?

### **Environmental Health**

**12 June 18:** The details required by Environmental Health have been addressed on 31<sup>st</sup> May by the acoustic consultant. No further information is required as part of the application.

With regards to Air Quality, a travel plan, low emission assessment and construction plan has been provided along with a carbon reduction strategy. This was updated on 24<sup>th</sup> May in response to our previous request for further more detailed information. This now provides much of the information and measures required.

**28 Feb 2018:** Carbon Reduction and Low Emission Strategy.

The Carbon reduction strategy provides much of the information and measures required.

The Low emission strategy on air quality however does not provide a quantified mass emission report on the development as a whole which would be required. It is therefore not compliant with Policy DM6 of the Local Plan 3 Development Management Policies.

In this regard, there is existing relevant Local Plan Policy - COR13 and AL/TIV/5 and DM6 - requiring an adequate and comprehensive proactive assessment and mitigation of air quality concerns. It would therefore be expected for there to be appropriate regard to these policies. Given the above it is a significant omission that there does not appear to be any mention of an adequate quantifiable assessment of air quality supporting this application.

The Framework Travel Plan is noted however cannot be adequately assessed unless it forms part of a coherent Low Emissions Strategy, itself preceded and linked to an adequate Air Quality Assessment undertaken in accordance with policy DM6 and supporting guidance to include consideration to the wider cumulative development proposals/allocations.

To assess the air quality impact the following would be required:

An integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment which takes account of the cumulative effect on local air quality of the proposed development alongside other proposed new developments within the locality.

The mass emission impact should be quantified with expected emissions both with and without the development.

A detailed Construction Environmental Management plan is required to avoid, minimise or mitigate any construction effects on the environment and the surrounding community

Consideration to be given to a 106 agreement to ensure the proposed development is acceptable in planning terms.

A report of the above assessments and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

**MDDC Tree Officer**

**8 June 2018:** Following a review of the Landscape Management Plan for the Public Open Spaces the following comments are provided:

Paragraph 1.22 outlines that *'Following the completion of the construction phase and commencement of the landscape management phase all levels and surface finishes will be*

*checked around all retained trees and boundary hedges. Where levels or surfaces are considered unsatisfactory these will be rectified to a satisfactory condition*. The levels and surfaces will be protected throughout the development to ensure retained trees and hedges do not have surfaces and levels damaged or altered. MDDC would comment that the levels should not be changed following the development to the detriment of the existing trees. Remove para 1.22.

Paragraph 1.27 *Retained native hedgerows will be trimmed using standard tractor mounted rotary cutter (or approved appropriate machinery fit for task) to create an 'A' profile hedgerow with an average height of between 2m-3m, broadly follow the existing hedgerow.* In some places this may be an opportunity to use more traditional methods such as hedge laying to improve diversity.

Paragraph 1.48 makes reference to the replacement of failed native tree planting Paragraph 1.49 makes reference to *'All staked trees will be inspected at each maintenance visit, and any trees which have died or are excessively damaged will be removed from site, complete with the stake and the ground reinstated'*. No reference is made of replacement planting. For consistency reference should be included.

Paragraph 1.52 outlines that *'in drought periods newly planted trees will be watered if they are showing signs of stress'*. This is inadequate. Why are we waiting until the tree has begun to die before we are watering. In normal conditions the street and some of the specimen trees will require regular watering throughout the summer. I would suggest every 2 weeks as well as if the trees are showing signs of stress.

Paragraph 1.53 outlines that *'Any trees which have died as a result of the contractors operations or omissions will be replaced by the contractor at their expense during the next planting season'*. This may not be easy to prove and does not adequately provide for the replacement of trees. Please ensure that replacement trees WILL be planted in the next planting season by suitable wording in the LMP.

Following a review of the Tree Pit Design (Drawing No.s GL0735 05; 06; 07; 08) the following comments are provided:

The notes at the side of the tree pit design state that an aftercare programme must be agreed with the region to ensure that the tree is monitored and watered on a regular basis. The watering regime should be detailed in the management plan.

With regards to the tree pit design, the proposals submitted are standard details. Officers have concerns regarding the trees which are due to be planted in or next to paved/surfaced areas. For the street trees Officers were hoping to achieve maximum soil volume areas for the future growth of the trees. An option for the Landscape Architect to investigate would be cell technology, this would allow a maximum rooting area whilst minimising future damage (by roots) to hard surface areas such as tarmac. The majority of the street trees are due to be planted in large grass verges so the street tree, tree pits only applies to a few trees. The issue of trees in and near hard surfaces has not been fully addressed with this design of tree pit.

Each drawing notes that a *Landscape contractor to identify 'all services below ground. If there is conflict with the pit position and services the Site Manager must be informed'*. This is

inadequate. It does not provide a clear route to resolution once the Site Manager has been informed. Please review including an assurance that the LPA will be informed of any conflict.

Each drawing notes that a *'suitable root barrier must be installed'*. Details should be submitted to the LPA for written approval prior to installation.

**20 April 2018:** The Arboricultural Assessment (AA) covers the existing trees on the site and those to be retained. There is expected to be the loss of one tree (T5) to facilitate the access.

The loss of some hedgerow throughout the site needs to be considered from an ecological viewpoint and any point raised for mitigation addressed. The future ownership and management of the hedgerows to be retained is a consideration both ecologically and aesthetically.

The layout of the site on the whole works well with the trees to be retained, several of the trees will be kept on green open spaces. The trees all appear to be kept outside of private gardens which is a better long term solution to assisting with their retention.

For many of the trees there is no requirement to alter the RPA or incur within them once the protective fencing has been erected. Those trees where it is anticipated there will be some encroachment the AA suggests arboricultural supervision and relevant protective measures in accordance with good practice. The construction of the footpath encroaches into the RPA of T6 and a cellular confinement no dig solution is acceptable.

Ideally we would ask for regular monitoring by the appointed arboriculturalist. Critically we would ask for the arboriculturalist to check that the protective fencing is located in the exact location as proposed on the AA before any work commences on the site. We would like to see a written statement stating that the fencing was checked and is installed in accordance with the AA. We would also like to see a written statement to prove that the arboriculturalist oversees the incursion into RPA's of G3, G5, T6, and T8.

It must be clear that the RPA's are not to be altered to install services etc. without the permission of the LPA, obviously ideally there will be no service runs close to the trees to be retained.

## **REPRESENTATIONS**

Comments from the public were invited on the submission of the initial documents and drawings (February 2018). 12 members of the public objected to the proposal. The main points of concern relate to:

- Traffic directed through Putson Lane / Golf Course Lane is not acceptable
- Proposed traffic calming of Putson Lane is unsuitable
- Ensure no left turn out of Fairway on to Golf Course Lane and no right turn from Golf Course Lane into Fairway.
- Inadequate security for neighbouring properties at 10 Fairway.
- Stopping off of Uplowman Road.
- Turning points / drives should not be opposite existing properties / accesses.
- A more equitable distribution of larger properties would provide better place making
- Relocation of site compound.
- Early delivery of planned planting and fencing adjacent to existing neighbours
- Ensuring water and other utilities to existing properties are maintained throughout the development process
- Management / maintenance of open spaces

- Phasing of development
- Confirmation of site boundaries
- Pedestrian footpath along Uplowman Road
- Unsuitability of the site for development
- Access through NHS site
- Management of construction traffic
- Protection of scheduled ancient monument
- Loss of hedge bank
- Connection of existing properties to mains sewer

Further comments were invited from the public on the submission of revised drawings and documents (May 2018). 4 members of the public objected / commented on the proposal. Two of those had not previously commented. The main points of concern did not raise any new issues that had not previously been raised.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main material considerations in the consideration of this proposal are:

- 1. Policy**
- 2. Design and Layout of Site, including open space provision**
- 3. Relationship with Existing Dwellings**
- 4. Gypsy and Traveller Site**
- 5. Density**
- 6. Space Standards**
- 7. Highways**
- 8. Parking**
- 9. Flooding and Drainage**
- 10. Landscape and Ecology**
- 11. Archaeology**
- 12. Other Matters**

### **1.0 Policy**

1.1 The high level policy considerations relevant to the site were considered at outline application stage (Application No. 13/01616/MOUT). The Officer's Report for the 2013 application provides detailed consideration. However, in broad terms 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 through the concentration of development within the main settlements of the district including Tiverton. It also sets out an overall need for 340 dwellings per year across the District, amounting to 6,800 dwellings over the 20 year period up to 2026. Important to achieving this is identified the urban extension of Tiverton.

1.2 The Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) was adopted in January 2011. It allocates sites for development with an intention to meet the Core Strategy's growth requirements. A substantial quantum of this new development is identified within the Tiverton Eastern Urban Extension, policies AL/TIV/1-7.

1.3 Following the Adoption of those strategic policies, further analysis and evaluation of the

development objectives for the site was completed as part of the required Masterplanning process (AL/TIV/7). The Adopted Masterplan SPD was accordingly adopted April 2014. The principles of the strategic level policies (Local Plan Parts 1 and 2) are embedded into the Adopted Masterplan SPD. As a means to aid the process of decision making, the Tiverton EUE Design Guide was adopted June 2016. It provides further guidance against which development proposals will be assessed.

1.4 The award of outline planning consent (for up to 330 dwellings including vehicular access) confirmed that the application was in accordance with the high level land-use principles established by the relevant policies and Adopted Masterplan SPD.

1.5 The application now presented is a Reserved Matters application pursuant to outline application 13/01616/MOUT. Its purpose is to assess the detailed design and layout of the scheme giving consideration to the design process outlined at 1.7 of the Adopted Masterplan SPD and Section 3.3 that sets out the guiding principles from which the design and development should be drawn. These matters are considered below in parts 2-12 of this report.

## **2.0 Design and Layout of Site, including open space provision**

### **Design Process**

2.1 The emerging scheme was taken to the independent body of the Creating Excellence Design Review Panel (at which the scheme promoters, MDDC and DCC Officers were present). The design review process included a Design Workshop on the 7<sup>th</sup> July 2017 and Design Review on 4<sup>th</sup> August 2017. The final assessment was undertaken 5<sup>th</sup> October 2017. During this process the emerging scheme was also presented to Planning Committee members at public meetings of 14<sup>th</sup> September and 20<sup>th</sup> November 2017. Comments received from each of the events have influenced the emerging scheme and revised drawings submitted.

### **General Description of the Scheme**

2.2 The northern part of the site, north of Uplowman Road is laid out as a circular road with a single cul-de-sac serving 7 dwellings and a further main spur road. The layout responds to the linear nature of the site with no opportunity, due to highway constraints, for a secondary point of access on to the existing Uplowman Road. The southern half of the site, south of Uplowman Road, provides for the majority of the development, providing 180 homes. Uplowman Road is realigned to form the arterial route (Lowman Avenue), aligning with the approved NHS scheme to ensure easy access to the Post Hill, Blundell's Road and the proposed neighbourhood centre (Dwg No 1783/1130G). A system of streets access off Lowman Avenue to create a clear street hierarchy that responds to the contours, aiding legibility. Two points of access (to be delivered in the first phase of development) to the affordable housing site ensure permeability throughout the whole site. Green spaces at principle locations throughout the development provide focal points and greening of the development as visioned through the Adopted Masterplan SPD. This is further enhanced by the introduction of street trees, the broad leaved woodland and attenuation ponds adjacent to the A361 that contribute to the creation of distinct character areas. Dwellings throughout the development mostly front the road which serves them. All pedestrian routes and the minimal number of parking courts benefit from informal surveillance.

2.3 The Design and Access Statement (p.49) details the four distinct character areas (Lowman

Avenue, Side Streets, Fairway Heights and Rural Fringe) that have been introduced into the layout. Each character area responds through layout, density and detailed design of buildings and landscape to the Adopted Masterplan SPD and Tiverton EUE Design Guide. These promote a strong contrast between the centre, where a more urban character can be found and the edge where a rural character can be experienced.

### **Lowman Avenue**

2.4 The introduction of the character areas into the scheme is commended and in accordance with the Adopted Masterplan SPD (Part 5) and Tiverton EUE Design Guide (Part 3b). Lowman Avenue is perhaps the strongest of the 4 character areas proposed, by virtue of terraces and semi-detached, two-and-half and three storey properties fronting a tree lined street that has a generous width. The design principles accord with the Tiverton EUE Design Guide, North Eastern Area. Parking is provided on the western side of Lowman Avenue in bays perpendicular to the road with a footway located behind the bays. The bays are interspersed with hedging and street trees. The eastern side of the street benefits a footway behind a grass verge with tree planting, broken by drives to on-plot parking. A strong urban form will be created along this arterial route with the detailed design and materials of the properties taking their inspiration from St Paul Street, Tiverton. As such, properties will be constructed in a buff brick. Officers have been successful in renegotiating this part of the scheme to improve the overall street scene. Amendments have been made to the location and groupings of the house types, properties step down the contours, minimum depth to brick plinths, the size and positioning of windows, headers to windows and proportionally sized pitched roof dormers have been ensured. Further improvements have been introduced through the use of natural stone walls and estate style railings. Storey heights reflect the Tiverton EUE Design Guide with three storey properties 'creating a sense of centre for the north eastern character area' (TIV EUE, Design Guide, p. 84).

### **Side Streets**

2.5 The 'side streets' character area leads off Lowman Avenue to the affordable housing site. Changes in gradient are at their greatest across this character area (Site Section Dwg No. 1162) and some split level units with three storey front elevations are required. Street frontages in this location tend to be car dominated, a response to the site gradients, the density of development associated with a more urban character and the policy constraints requiring 1.7 parking spaces per dwelling. Consideration has been given to minimizing the impact of their dominance with the introduction of hedging and trees to group parking and visually soften their impact on the streetscene in accordance with Policy DM2 (Local Plan, Part 3). The softening of the on-street parking was considered in some depth at the Design Review Panel and this was considered a suitable solution that has been applied elsewhere. The scheme accords with the design of residential parking (Principle 2, Parking SPD). Properties are predominantly red brick with a modest number of render properties interspersed. Selected areas of block paving with granite setts will enhance the appearance of the street whilst emphasizing shared surface areas. The existing hedge row demarcates this character area and adjoins the fully designed SUDs scheme (Drwg No.s 2501 PL02, 2503 PL02 & 2561 PL01). Its retention enhances the greening of this character area in accordance with the green neighbourhood visioned in the Adopted Masterplan SPD. Officers have been successful in negotiating an improved quality of boundary treatments within the parking courts of all the character areas. Parking courts are increasingly dominated by hard landscaping. Efforts have been made to soften them through the introduction of tree and shrub planting and through the successful negotiation of high quality contemporary timber

fencing throughout them. Contemporary timber fencing provides a softer setting and a quality that ensures longevity. A very limited amount of close board fencing has been successfully negotiated throughout the whole of the application site.

### **Fairway Heights**

2.6 Fairway Heights character area is located on the plateau adjacent to the existing, predominantly single storey, development of Fairway. It will have a semi-formal suburban character with two storey, detached properties set within generous sized private gardens, focused around a central green space (Southern Public Garden). Southern Public Garden has been designed to act as a meeting place with far reaching views across the open countryside to the north. As such, it has been designed with appropriate native planting, seating and block paved streets to form an integrated piece of townscape with properties fronting on to it. This accords with Policy DM2 (Local Plan, Part 3). A 5m buffer strip (and access for maintenance) adjacent to the existing properties on Fairway is detailed in Dwg No. GL0735/09 and accords with the Adopted Masterplan SPD. It also details the planting scheme of trees and shrubs and has been amended to ensure the comments received relating to a 'gap' in the planting has been addressed.

### **Rural Fringe**

2.7 The remaining greater part of the site (serving 114 dwellings) is identified as rural fringe. The character is informal and semi-rural in character. Two storey, predominantly detached and semi-detached properties, are proposed. A mix of house styles seek to introduce an informality enhanced by a mix of natural stone, red brick and render to reflect the variety of near properties. Properties on corner plots 'turn the corner' by means of a double frontage. Most notably this focal point building is used at the entrance of Lowman Avenue (Plots 110 & 180) being constructed in natural stone. Hedgerows have been retained as far as possible throughout the scheme in accordance with Policy DM2c (Local Plan, Part 3) that recognizes the contribution to local character of biodiversity assets. Additional planting seeks to enhance ecological value, including the known presence of dormice. A significant area of broad leaved woodland, a community orchard and attenuation ponds act as a buffer to the A361 as well as providing ecological, visual and recreational value.

2.8 The central node is a pivotal piece of green space and lies in the rural fringe character area. It forms a vital part of the town and landscape scheme being located at the interface between the northern and southern development parcels, at the junction of Lowman Avenue and Uplowman Road, the junction of the tiered swales forming the green spinal corridor and the woodland adjacent to the A361 as well as at the juncture of a network of footpaths and cycle routes that promote ease of movement between the land parcels and beyond. Its inclusion accords with Policy COR2 (Local Plan, Part 1), Policies DM2 and DM3 (Local Plan, Part 3), the Adopted Masterplan SPD and Tiverton EUE Design Guide. Officers have sought to maintain rural character along Uplowman Road (from the existing bridge over the A361 to the central node) by means of careful negotiation associated with the maintenance, planting and management of the hedgeline adjacent to the northern land parcel, as well as detailed discussions regarding property boundaries adjacent to that hedge line. The central node acts as the transition point. It was considered in some depth at the Design Review Panel and has since been instrumental in shaping the subsequent design and layout of the scheme. It provides a central green space offering both a formal meeting / gathering space and trim trail hub of

exercise equipment as well as an informal green space (south of Uplowman Road) enhanced with hedgerow planting that seeks to preserve the existing character of Uplowman Road.

2.9 Officers have undertaken detailed discussions with the applicant, in response to comments received relating to the rural fringe character area that lies in close proximity to existing properties on Uplowman Road. Objections received have included loss of hedgebank and associated ecological value, density of development, period of construction, design of properties, number of traffic movements, proximity of the turning head adjacent to existing drives, location of the show homes and site compound and ability to access property boundaries for maintenance in the location of Plots 174 – 179. Officers have sought to address these concerns through negotiation with the applicant. As such, the stopped off section of Uplowman Road extends to the eastern boundary of the existing property (No. 18) facilitating ease of boundary maintenance. The site compound has been relocated away from existing properties (Dwg No. 7588/001B). This also facilitates an earlier build out of Plots 181-190 from Year 6 to Year 4 which are adjacent to existing residential dwellings. It is noted that Plots 162 – 172 and 157 – 179 also adjacent to existing properties on Uplowman Road will be completed in Year 1 providing further relief. Properties 168-170 are identified as the location of the Barratt show homes. Whilst Officers have sought to influence the location of the show homes, it is not within the ability of planning legislation to do so. The proposed location of the show homes has not changed. However, it has been agreed that the visitor spaces (serving in the first instance the show homes) identified on Dwg No. 1783-1130-G, will be temporary during the duration of the construction period with the spaces reverting to garden thereafter.

2.10 Concern has been expressed relating to the design and density of development served by the 'stopped-off' section of Uplowman Road. Comparison is made to the house types on the south eastern section of the site, with the larger plot and house sizes being considered more in keeping with those existing on Uplowman Road. As confirmed at outline application stage, this part of the development is capable of serving up to 15 dwellings. The layout makes provision for 13 dwellings and therefore lies within the parameters set out at outline stage. A decrease of 2 units in this location provides a modest reduction in the number of traffic movements through this section of Uplowman Road, benefitting existing residents. However, the layout proposed has necessitated the loss of hedge bank associated with Plot No.s 168-172 to accommodate the highway visibility splay into the site. As means of mitigation Officers have sought to negotiate a continuous hedge line along the frontage of Plots 168 – 172, with access to the proposed plots being achieved from within the site and not directly off Uplowman Road. To serve the properties from within the site would result in the loss of units. Whilst Officers have ensured that a new hedge is planted with native species to the rear of the visibility splay at Plots 168-172 as a means to green the new neighbourhood, it is regrettable that it will be broken by the insertion of private drives.

2.11 Concern has also been expressed relating to the proximity of the turning head adjacent to an existing drive. Both DCC and MDDC Officers have had detailed discussions with the applicants. The vision of the Adopted Masterplan SPD is for a green neighbourhood. As such, the Council has sought to retain existing hedgerows and negotiated as little loss of them as possible. Officers acknowledge the desire of local residents to 'hand' the house and garage on Plot 175 thereby moving the turning head eastwards long Uplowman Road, but acknowledge that in doing so it would result in a greater loss of mature hedgerow because of the associated need for visibility splays. In seeking to retain a larger portion of the mature

hedgerow, thereby aiding place-making, Officers have sought to retain the turning head in its proposed location.

2.12 The detailed design of the buildings has been discussed at length including the materials palette. All materials have been considered at length with changes to most materials required. Of particular note, Officers have been successful in negotiating natural stone properties and boundary walls as opposed to reconstituted stone. Officers have negotiated an increase in the number of natural stone properties at focal point locations from 2 to 5 as a means to accord with Policies COR 2 (Local Plan (Part 1), DM2 (Local Plan (Part 3, Adopted masterplan SPD (Part 5) and Tiverton EUE Design Guide (Part 3b). Bespoke estate railings, brick boundary fences and contemporary fencing have also been achieved with minimal use of close board fencing. Officers have sought to ensure materials reflect those of Tiverton.

2.13 In view of the above, Officers feel the aims of the character areas comply with the advice of the Design Review Panel, the Adopted Masterplan SPD and Tiverton EUE Design Guide. The design of dwellings provides homes that are fairly simple in design, reflecting vernacular rather than a contemporary design style. Each home provides a garden suitable for family accommodation. As such, overall the design, layout and visual quality of the proposed scheme is acceptable and provides an adequate standard of design and layout. In this respect the application meets with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) and is consistent with the Adopted Masterplan SPD, Tiverton EUE Design Guide and appropriate supporting Supplementary Planning Documents.

2.14 The proposed design and layout reinforces the integration of this scheme into the wider environment to enhance the sense of place making. The proposals are considered to accord with the aspirations for this as set out in the Adopted Masterplan SPD.

### **3.0 Relationship with Existing Dwellings**

3.1 There are a number of properties that border the application site. Consideration of them has been given during the emerging scheme. The application submitted proposes two storey properties adjacent to the existing, predominantly single storey, properties for Fairway. Each of the proposed properties that border Fairway benefits from a sizeable rear garden. This contributes to privacy distances between the rear facing elevations of proposed and existing properties in excess of 30ms.

3.2 A number of properties associated the NHS Post Hill site and Pomeroy Road also border the application site. A substantial hedge line with a number of TPO trees separates the existing and proposed properties. In accordance with the Adopted Masterplan SPD a landscape strip with a depth of between 5m and 10m is proposed along the length of this part of the application site. The proposed properties tend to have front or side elevations facing on to this boundary. Whilst, privacy distances tend to associated with rear-to-rear facing elevations, the minimum privacy distances between the existing properties of Pomeroy Road and the former NHS site with those proposed are in excess in excess of 25m.

3.3 A number of properties (including the 5 property group (No.s 14 to 18) are located along the length of Uplowman Road. Each of these properties has either a front or side elevation fronting Uplowman Road. The existing property types vary between single and two storey in

height. No 14 is positioned such that it has the closest relationship with the proposed development with its side elevation approximately 20m from the front elevation of Unit No. 168. No. 18 has the closest front elevation fronting the application site and is approximately 28m from the front elevation of No. 175. Between all the existing properties and those proposed is a mature hedge line, with some substantial trees, demarcating the northern edge of Uplowman Road. Three additional properties are located in proximity to the Putson Lane / Uplowman Road junction. Again there are no direct relationships between rear facing elevations between those existing and those proposed. The nearest relationship is between Upper Putson Cottages and proposed Unit No. 209 at a distance of 17m between the rear and side elevation. An existing hedge bank (to be retained) lies between them. Lost Meadow borders the most easterly point of the proposed development (adjacent to the proposed Gypsy and Traveler site). Distances between proposed and existing units are in excess of 40m.

3.4 It is considered that there will be sufficient levels of privacy and amenity to neighbouring properties thereby meeting with the requirements of Policies DM2 of Mid Devon Local Plan Part 3 (Development Management Policies). As such, the proposed layout reinforces the integration of this scheme into the wider environment to accord with the aspirations as set out in the Adopted Masterplan SPD.

#### **4.0 Gypsy and Traveller Site**

4.1 The proposal submitted provides a layout of the Gypsy and Traveller (G&T) site. It provides three pitches with amenity block, mobile home, touring caravan together with space for parking. The site layout and space provision broadly complies with Good Practice Guidance (Designing Gypsy and Traveller Sites, May 2008). As such a horseshoe design rather than linear layout is provided. The Environmental Measurements Plan (Dwg No. 1127 B) and Enclosures Plan (Dwg No. 1124 C) provides clear demarcation of the outer boundary of the site, whilst providing clear demarcation between individual pitches, public and private areas. A children's play area is provided with opportunity for areas of private outdoor recreation and drying.

4.2 The existing planting adjacent to Uplowman Road provides privacy but not exclusion that other forms of boundary treatment can provide. The proposed planting adjacent to the A361 provides screening via a continuation of the proposed broad leaved planting. Both DCC Gypsy and Traveller Liaison Officer and Devon and Cornwall Police Architectural Liaison Officer have been consulted on the proposed scheme and have not raised any concerns.

4.3 Members will be aware of the S106 agreement to the outline planning consent (Application No. 13/01616/MOUT). It requires the submission of a Traveller Pitch Scheme on the occupation of the 150<sup>th</sup> open market dwelling. This is to include the location, layout, and management of the pitches. Officers are confident that any additional issues subject to consultation with the Travelling Community can be addressed through this agreement. MDDC has a newly created 'G&T Pitch Waiting List'. Whilst this G&T site will be privately owned and managed, this list will inform the occupation of the site.

4.4 The design of the G&T pitches is consistent with the COR2 (Local Plan Part 1, DM2 (Local Plan Part 3) and the Adopted Masterplan SPD. The pitch provision is in accordance with Policy AL/TIV/1 (Local Plan, Part 2) and requirements established at the outline stage.

## 5.0 Density

5.1 Changes in density contribute to the sustainability of the settlement, reinforces the sense of place through character areas and ensures there is a balance of housing types throughout the development. The Adopted Masterplan SPD (Part 4.1) details densities at the neighbourhood centre of 40-50 dwellings per hectare (dph), that reduces towards the outer edges to 15-20dph. Those areas between, comprising residential streets, are to have densities of between 25-40dph. The character area plan (Design and Access Statement p.49) identifies four character areas. Within each, the density of development varies, consistent with enhancing the sense of identity and legibility of the development. As such, Lowman Avenue has a density of development of 35dph, the side streets 38dph, rural fringe 25dph and Fairway heights 19dph. The proposal submitted delivers an overall density of 27dph. This is compliant with Core Policy COR2 and the Adopted Masterplan SPD. In employing this approach, it facilitates a mix of housing types that reflect market demand with the Housing Schedule (Dwg No. 1130G) detailing the number and size of units proposed: 12, 2 bed units; 90, 3 bed units; 136, 4 bed units and 10, 5 bed units.

## 5.0 Space standards

6.1 81% of the proposed dwellings meet the Nationally Described Space Standards (NDSS) leaving 48 of the 243 dwellings that do not. 17 of those 48 dwellings miss the NDSS by only 0.6sqm (an under provision of 0.3sqm over each floor). On balance this level of under provision is not considered significant for these 17 units. However the remaining 31 units indicate a greater under provision of internal space:

Size of dwelling	House type	Below NDSS standard (sqm)	Number of units
3 bed	O	-6.7	5
3 bed	B	-6.9	14
2 bed	A	-3.9	12

6.2 31 of the units with a greater under provision do not comply with the NDSS, but all of the units comply with the former Policy DM15, which pre-dated the national standards at a local level.

6.3 The application seeks to reflect the semi-rural in character approach set out in the masterplan for the site whilst being mindful of an efficient use of land. This application presents a density of development 12 units short of the approved outline consent. To include the 12 units would substantially reduce the amount of green space across the scheme. Similarly, to increase the size of units to accommodate the NDSS at a juncture when the outline planning consent was agreed prior to the NDSS would impact on the overall concept of delivering a development semi-rural in character. Balancing these issues it is concluded that whilst the national space standard are not met in all instances, the proposal provides an adequate standard of accommodation to meet Policies DM2 and DM14 of the Mid Devon Local Plan Part 3.

## 6.0 Highways

7.1 When the outline application for this site was considered issues relating to the impact of the development on the wider road network including Blundell's Road, Post Hill and Uplowman Road and the surrounding settlements of Halberton, Willand and Uplowman were considered and addressed. The Highway Authority considered that the impact of the development upon the existing near highway network and subject to financial contributions to implement highway improvements did not object to the scheme at outline stage. Accordingly, a financial contribution per open market dwelling was secured through the agreed Section 106 agreement. Whilst details of the off site highway works are provided in drawings accompanying this application, means of access to the site and traffic generation arising from the development was established and granted at outline stage.

7.2 The applicants presented the emerging scheme to Planning Committee members at the public meetings of 14<sup>th</sup> September and 20<sup>th</sup> November 2017. Questions were raised regarding the impact of the proposed development of the existing junctions of Uplowman Road, Putson Lane and Post Hill. However, the Highway Authority is content, subject to the proposed off-site highway works, that the four points of access to serve the northern and southern parts of the site are adequate and have sufficient capacity to accommodate the additional traffic movements proposed.

7.3 Part 4.3 of the Adopted Masterplan SPD identifies a number of new connections and works as a means to link the new neighbourhood into its surrounding area and in turn the wider Tiverton town. These new connections include the provision of a link through to the NHS site (preferred route) and non-vehicular link from land to the north east of Fairway (application 17/00781/FULL). The application reflects this by showing a linking road through to the former NHS site. Once provided in conjunction with the redevelopment of this adjacent site, this road is intended to form the main access from Blundell's Road. As such the principal carriageway (Lowman Avenue) has been designed to a width to accommodate larger vehicles, is taken fully to the red line boundary of the site thereby avoiding any 'ransom strip' and aligns with the approved road layout on the former NHS site. The NHS planning consent ensures, through the signed S106 agreement, that the through road is constructed up to the red line boundary of the application site. In seeking to discharge Condition 8 of this application, the applicants have submitted the details under Section 38 of the Highways Act identifying the road up the boundary of the application site. Your Officers are assured by DCC Highway Authority that the separate s38 agreement required for the NHS linking road will ensure vertical alignment to the approved details in this application. In this manner, together the applications will achieve the connectivity sought though the Adopted Masterplan SPD.

7.4 The main arterial road (Lowman Avenue) has a width of 5.5m. Concerns have been expressed by members and the public that there is insufficient width to serve buses and agricultural vehicles, particularly when passing. The Highway Authority advise that a street width of 5.5m is capable of accommodating the passing of two agricultural vehicles. However, it is drawn to member's attention that this proposal has progressed since the outline application and Putson Lane is no longer proposed as one way. Drawing No. 1100/P02 details off site highway works including central passing places along Putson Lane and Dwg No. 1101/P01 the proposed

changes to Putson Lane / Uplowman Road junction. As such, Putson Lane will remain an (improved) two way vehicular route with less heavy agricultural usage of Lowman Avenue required. The Highway Authority has raised no objections to the width or alignment of the roads proposed within the application, finding that they meet the widths and alignments of roads (including pavements) as set out in Manual For Streets and Manual For Streets 2, which both take into account accessibility issues.

7.5 Concerns have also been expressed regarding the provision of bus stops within the site. Bus stops are located at Post Hill and Blundell's Road, with pedestrian access to Post Hill aided through application 17/00781/FULL at 10 Fairway and the provision of a cycle / pedestrian link through the 'stopped-off' Uplowman Road, to Blundell's Road. Both accord with policies AL/TIV/2(d) of the AIDPD and DM2(d) of the Local Plan Part 3. Officers are informed that there is no likely ambition for a bus service to operate through this development. However, Officers are confident in the knowledge that there is sufficient capacity to cater for a ring-and-ride or town 'hopper' style bus service should it be required in the future. Similarly, the general approach is that bus laybys are no longer provided, on-street bus stopping being favoured. A street width of 5.5m can facilitate an on-street bus stop whilst facilitating the passing of agricultural vehicles.

7.6 An emergency access will be retained through the 'stopped-off' Uplowman Road to the north west of the site. This route is not suitable for general access due to the number of pre-existing private drives that join Uplowman Road that do not meet current highway standards. As such, the length of road from No. 18 Uplowman Road to Blundell's Road is not of adequate standard to accommodate the additional traffic arising through this development and is for emergency access.

7.7 Comments have been received from members of the public relating to the level of detail associated with the Putson Lane / Post Hill junction, reducing the road width between The Fairway and Post Hill junction to 3.75m and requested vehicle tracking information at the Post Hill junction. DCC Highway Authority is satisfied that sufficient information has been provided to award planning consent. Further information relating to the off site highway works are required to discharge Condition 15 of outline planning consent 13/01616/MOUT. Accordingly, Conditions (11 and 12) are attached to ensure the off site highway works are carried out to the requirements of the Highway Authority. Tiverton Golf Club has also expressed a concern relating to construction works / deliveries conflicting with club fixtures (that can in themselves generate a higher level of traffic movements). The applicants have agreed to liaise with Tiverton Golf Club to ensure minimal disruption. The Construction Management Plan makes such provision.

7.8 The vehicular routes within the site allow for pedestrian and cycle access in combination with car free routes including the green spine (also serving as the SUDs corridor). Each route is direct, following desire lines to destinations that include the new proposed neighbourhood centre, the near network of public footpaths and cycle routes as well as the phased delivery of the traffic calmed Post Hill / Blundell's Road. This accords with Policies COR2 and COR9 (Local Plan Part 1), DM2 (Local Plan, Part 3) and the Adopted Masterplan SPD. The streets have been designed to have an identifiable hierarchy, enhanced through the application of character areas (Design and Access Statement p.49), materials (Dwg No 1121D) and planting characteristic to each character area (Soft Landscape Proposals, Drawing No's GL0735 09-15). This aids legibility. Pivotal open spaces including the northern and southern gardens (Drawing No. GL0735 04) and southern site entrance and play area (Drawing No. GL0735 16) act as a focal point and destination. Pivotal buildings visually aid orientation. This supports Policy DM2(e) of

the Local Plan Part 3 and the vision of the Adopted Masterplan SPD. Finger post signage will provide further orientation.

7.9 The proposed vehicular, cycle and pedestrian network is considered to reinforce the integration of this scheme into the wider environment in accordance with Policies COR2 and COR9 (Local Plan, Part 1) and Policy DM2 (Local Plan, Part 3). Further, it enhances the sense of place making visioned through the Adopted Masterplan SPD. Whilst the applicants are seeking to discharge a number of conditions through this application process, should they not be resolved during this application then the highway authority has recommended a number of conditions be imposed on any grant of planning permission.

## **8.0 Parking**

8.1 A total of 524 allocated parking spaces are proposed across the site which equates to an average of 2.1 parking spaces per dwelling, thereby exceeding the minimum provision of 1.7 spaces per dwelling set out in Policy DM8 of the Local Plan Part 3. The vast majority of the parking spaces are located either on plot adjacent to the house they serve (381 spaces) or on street forward of the house they serve (105 spaces). 53 dwellings are dependent on allocated on-street parking. These dwellings are generally located adjacent to Lowman Avenue and on the two branch roads providing access to the affordable housing site. There is a correlation in the form of parking provision to the character areas promoted. As such, the areas of highest density (Lowman Avenue and the branch roads to the affordable housing site) have the highest allocation of on-street parking. In compliance with the Parking SPD, Para 15, the applicant has sought to provide a range of approaches across the development to minimise the impact of the car and its dominance on the street scene. The on-street parking has been grouped (in no more than 6 clusters) separated by hedge planting and street trees. In addition to the on-plot and on-street parking provision, 38 parking spaces are provided off-plot (by a limited number of parking courts). Each court, benefits from informal surveillance from those properties which is serving. Drawing No. 1128/C (External Works Plan) details materials (black tarmac with grey edging) with Dwg No. 1127/B (Environmental Measurements Plan) and Drawing No's GL0735 09-15 detailing hedging and soft landscape proposals. The tree planting introduced into the parking courts seek to enhance place-making through greening of the space. The proposed tree planting lies within private and multiple private ownership (Dwg No. 1125/C).

8.2 In addition to the on-plot and on-street parking provision a further 186 garages are proposed. Of those, 153 meet the internal space requirement of 3m x 6m for a single garage and 6m x 6m for a double. Of the 186 garages, 33 are integral to the property they are serving. Of these, 18 are substandard in size and do not meet the Council's minimum size requirements set out in the Parking SPD. However, each of those 18 garages continue to have two on-plot parking spaces. Having regard to the fact that garages do not count towards parking standards and that the development has an acceptable level and distribution of parking to support the layout of the site and Policy DM8 (Parking), it is the Officers opinion that refusal of the scheme could not be justified on these grounds.

8.3 A further 70 visitor parking spaces are also proposed. This exceeds the provision of 1 visitor space for every 10 units in compliance with Principle 8 of the Parking SPD. 26 dwellings provide electric vehicle charging (Dwg No. 1129). This exceeds the Policy requirements of DM8 (Local Plan Part 3) requiring 1 charging point per 10 units. Every housing plot makes provision for cycle storage in rear gardens or garages, with the split level units (12) providing secure allocated cycle

parking in a communal area between the split-level units.

## **9.0 Flooding and Drainage**

9.1 Detailed comments have been received from DCC as Lead Local Flood Authority both through attendance at the Design Review Panel and through the application process. DCC has no in principle objection to the proposed development. Condition 3 seeks assurance that works will be carried out in accordance with the measures set out under the Drainage Statement. However, the Lead Flood Authority seek further assurance that the existing surface water of Uplowman Road is adequately drained. Condition 4 is accordingly attached to ensure the works are carried out to the satisfaction of the Lead Local Flood Authority.

## **10.0 Landscape and Ecology**

10.1 The site is characterized for its steep slopes and far reaching views, strengthened by the presence of mature hedgerows and trees including the TPO trees on the western boundary of the site. Conditions attached at outline application stage should adequately protect these trees and hedges during and after construction. A detailed Landscape and Ecological Management Plan has been submitted. MDDC commissioned consultants to provide a detailed assessment. In summary, the proposal was considered broadly compliant with the Adopted Local Plan (Parts 1-3) and guidance set out in the Adopted Masterplan SPD. However, those areas requiring review and additional detail were highlighted and have subsequently formed part of the revised Landscape and Ecological Management Plan. In doing so, Officers have secured an improved lighting strategy to support colonized bats, permeability of garden boundaries for small mammals, bird, bat and dormice boxes, a rescheduling of planting to Year 1, detailed protection and maintenance measures for retained hedgerows.

10.2 As envisioned through the Adopted Masterplan SPD, the landscape strategy is fundamental to the success of the scheme and its ability to deliver on a range of design aims. As such the landscape scheme has sought, where appropriate, to retain, safeguard and enhance the site's ecological assets in accordance with Policy DM28 (Local Plan, Part 3). The strong network of existing trees and hedgerows create robust green corridors through the site enhancing the site biodiversity and habitat features. 2780m of hedgerow will be retained with a total of 330m removed. As means of mitigation 671m of indigenous hedgerow will be planted outside the curtilage of proposed new residential gardens. A further 3,074m of linear shrub hedgerow planting will be within the curtilage of new residential properties (Landscape & Ecological Management Plan, para 4.2). In addition, 150m of Devon hedge bank is also proposed (Landscape & Ecological Management Plan, para 5.27). The Soft Landscape Proposals identify the native species proposed with an emphasis on supporting native species and biodiversity.

10.3 The attenuation ponds whilst providing functional drainage solutions for the development have been designed to integrate naturally into the open space. It accords with Policies COR1 and COR11 (Local Plan, Part 1), DM3 and DM28 (Local Plan, Part 3). The ponds will be seasonally wet. Gently profiled ponds (Dwg No. 2560 PL01) to ensure minimal fencing. In this manner they to serve as a public open space feature whilst enhancing habitat diversity and satisfying health and safety concerns. Detailed drawings of the swales have been submitted (Dwg No. 2561/PL01). Whilst mimicking existing runoff characteristics, the planting scheme and footway adjacent to it reinforces their role as a landscape feature.

10.4 The street trees are important to the success of the scheme. Officers have been forthright in ensuring the longevity of these trees by ensuring suitable tree pits, staking, root protection barriers, soil specification and irrigation as well as ensuring suitable root protection barriers are provided without conflict to utility supplies and the opportunity for the MDDC Tree Officer to inspect the trees on site prior to planting to ensure the quality of the trees. The scheme will also be assessed with an intention to formally protect those trees that will make a significant long term contribution, by means of their location. This would accord with the vision of a green garden neighbourhood detailed in the Adopted Masterplan SPD.

## **11.0 Archaeology**

11.1 When the outline application for this site was considered issues relating to archaeology and the nearby Scheduled Ancient Monument were considered and addressed. Protection was provided through Condition 18 of the outline planning consent. It is therefore not appropriate for the archaeology to form part of this application since it has been given full consideration at outline stage. An informative note is proposed to advise the applicant of the outstanding tasks that still need to be completed to fully discharge the archaeological condition.

## **12.0 Other Matters**

12.1 Bin stores are located towards the rear of properties. No bin stores are located on the frontage of properties (Dwg No. 1123A). This benefits the quality and appearance of the street scene in accordance with Policy COR2 (Local Plan, Part 1) and Policy DM2 and DM4 (Local Plan, Part 3).

12.2 25 properties are identified for solar PV panels (Dwg No. 1140). It is a means to provide 10% of the energy requirements of the development from renewable low carbon energy in compliance with Policy DM5 (Local Plan Part 3).

## **SUMMARY**

This is a Reserved Matters application for 248 dwellings, 3 Gypsy and Traveller pitches and associated infrastructure following the grant of outline consent in 2017. The principle of development has therefore been established and wider impacts such as air quality, traffic management and affordable housing were all resolved at outline stage. This application is to consider the layout, scale and appearance of the buildings, phasing and the landscaping of the site. The proposal incorporates sustainable urban drainage features so as to reduce the risk of off-site flooding. The features satisfy the Lead Local Flood Authority. Consideration has been given to the overall effect of the layout, design and scale of the proposed dwellings including upon near existing residents. The scheme provides well integrated public open space. The principal road through the site has been designed to a standard capable of taking the traffic associated with the development as well as larger vehicles associated with out-lying areas. Consequently the proposal is considered to comply with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR3, COR8, COR9, COR11, COR12, and COR13, Mid Devon Allocations and Infrastructure Development Plan (Local Plan Part 2) Policies AL/TIV/1, AL/TIV/2, AL/TIV/3 and AL/TIV/4, Mid Devon Local Plan Part 3 (Development management Policies) DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM14, DM27, DM28 and DM30.

## RECOMMENDED CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice

REASON For the avoidance of doubt and in the interests of proper planning

2. The development hereby permitted shall take place in accordance with the approved phasing details (Drawing No. 7588-001A).

REASON to ensure the appropriate ordering of the site in the interests of proper planning

3. All development shall be carried out in accordance with the measures set out under the 'Landscape and Ecology Management Plan' and 'Ecology Report' dated May 2018.

REASON to ensure adequate protection of protected species.

4. All development shall be carried out in accordance with the measures set out under the 'Drainage Statement' dated January 2018 and 'Construction Management Plan' dated May 2018.

REASON Pollution prevention and control to ensure there is no risk of contamination or sediment load to nearby water courses and features of environmental interest.

5. Any works on Uplowman Road will take into account the existing surface water drainage components as identified on the Utilities and Drainage Investigation sheets (Dwg Nos 19964UG 01 - 06) to ensure that Uplowman Road remains adequately drained.

REASON to ensure that Uplowman Road remains adequately drained in the interest of the safety of all users of the road and to protect the amenity of adjoining residents.

6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B and C of Part 1 relating to those properties with frontage on to Lowman Avenue shall be undertaken within the application site/dwelling curtilage without the Local Planning Authority first granting planning permission.

REASON to safeguard the character and appearance and design aspirations of Lowman Avenue in recognition of its significance as the main route through the development in accordance with policies DM2 and DM14 of the Adopted Mid Devon Local Plan (Part 3)

7. Prior to their installation, the Local Planning Authority shall have viewed and agreed in writing a sample panel of the estate style railings.

REASON To safeguard the character and amenities of the area in accordance with policy DM2 of the Adopted Mid Devon Local Plan (Part 3)

8. All landscaping, seeding, turfing and earthworks shall be in accordance with the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the phase to which it relates and any trees or plants which within a period of five years from the implementation of the scheme of that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policies DM2 and DM14 of the Adopted Mid Devon Local Plan (Part 3)

9. Prior to the construction of any residential unit fronting Lowman Avenue hereby permitted is begun, detailed drawings of the landscape scheme, detailing the tree species on Lowman Avenue, shall be submitted to and be approved in writing by the Local Planning Authority.

REASON To ensure the site is developed in accordance with Policies DM2 and DM14 of the Mid Devon Local Plan (Part 3) and the Adopted Masterplan SPD of the Tiverton Eastern Urban Extension.

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

A) The access road has been laid out, kerbed, drained and constructed up to base course level from the Putsons lane through to the site access of the Northern parcel or the first 20 metres back from its junction with the public highway at each location with a haul road between

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 in accordance with details which shall first have been submitted to and approved in writing by 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

11. No development shall take place on site until the off-site highway works comprising the access works from Post hill along Putsons Lane to the site have been constructed in accordance with the approved details and made available for use.

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

12. No development shall be occupied on site until the off-site highway works for the provision of passing bays along Putson Lane, junction improvements on Putson Lane junction with Uplowman Road and closure of Uplowman Road (except emergency access) have been constructed in accordance with approved details and made available for use in accordance with a phasing program which shall first have been approved in writing by the Local Planning Authority.

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

### INFORMATIVE NOTES

1. You are advised that the consent granted for application 13/01616/MOUT is conditional upon a programme of archaeological work (Condition 18). The outstanding tasks (including post excavation assessment, analysis, synthesis of the results, publication and archive creation and deposition tasks) still need to be completed.
2. You are advised that the Construction Management Plan (para 2.1.2) makes provision for co-ordination with Tiverton Golf Club regarding fixtures / potential periods of traffic / parking conflict
3. You are advised that the lighting design of the footpaths will be considered at s38 stage. Assessment of lighting design, signage and specification will be undertaken by DCC lighting engineer at Section 38 stage.

Minutes – 11 July 2018

- a) No 2 on the Plans List (***18/00133/MARM – Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – land at NGR 298618 113487, Uplowman Road, Tiverton***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site through photographs from various vantage points. An aerial view of the site was shown illustrating the northern and southern land parcels as well as the location of the gypsy and traveller site. The affordable housing would come forward as a separate application. The character areas within the proposed development were described and a 'fly-through' of the development was shown.

With regards to the questions posed in public question time the Area Planning Officer confirmed that the scheme did provide for a mix of age groups with the intention of creating a balanced community. There was a mix of density and a mix of house heights. There was a low density of development near neighbouring properties. A question was asked about a new access point into the development site. It was stated that the Planning Authority had an approved outline application and a signed S106. This had dealt with the points of access therefore this had already been agreed.

The representative from the Highways Authority addressed the question posed about the slip road and advised that to provide access into the site from the A361 would result in lane closures (including through the summer period) and a breach to the newly constructed acoustic fence. He did expect Chettiscombe Trust to come forward with their link road and stated that they would be going out to tender this summer.

A question had been asked in relation to the loss of the Devon Bank and the density of development. The Area Planning Officer responded by stating that the outline application had allowed for up to 15 units but the Reserved Matters scheme only proposed 13 units. The proposed development did retain 2780m of hedgerow and efforts had been made by officers to retain as much of this and the Devon Bank as possible.

In response to the question concerning the shifting of the turning point eastwards off Uplowman Road it was stated that this had been given consideration by swapping the house and garage of plot 175. However, this would have resulted in a greater loss of hedgebank. It was hoped a link through to the NHS site would be forthcoming soon, this would secure additional access up to the boundary. However, this could not be moved forwards at the current time as the NHS site was in separate ownership.

In response to the question asked about moving the turning head further east, the Highways representative confirmed that technically this was possible but could result in the loss of the garage. It would also mean that the footway/ cycleway at the end of Uplowman Road would need to be shortened.

Consideration was given to:

- What guarantees were in place to ensure that the required number of affordable housing units would come forward? It was stated that the Planning Authority was already in receipt of a signed S106 to ensure that this would happen but that a separate developer would deliver that housing.
- A management plan had been received confirming that the attenuation ponds would be managed by a private company.
- Detailed construction plans had been submitted with the DCC flood risk team having signed off the elements in relation to water run off.
- Concerns in relation to the siting of the show homes and associated parking as currently proposed.
- Concerns regarding the loss of hedgebank and particularly Devon Bank parts of which were over 100 years old.

**RESOLVED** that Members were minded to approve the application but wished to defer final determination to allow for further consideration of the following issues:

- The possible repositioning of the turning head.
- The detrimental impact on the Devon Bank and whether this could be lessened.
- Repositioning of the show homes and associated parking to allay traffic concerns.

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and Director of 3 Rivers Developments Limited and left the meeting thereon and did not take part in the discussion.

- (ii) Cllr D J Knowles declared a personal interest as he knew some of the objectors.
- (iii) Cllr R F Radford left the meeting for part of the discussion and therefore did not take part in the vote.
- (iv) Dr Chris Bell (objector).
- (v) Cllrs D J Knowles and C R Slade spoke as Ward Members.
- (vi) The following late information was reported:

9<sup>th</sup> July 2018

Delete Conditions 11 and 12.

Condition 15 of Outline Planning Consent (13/01616/MOUT) confirms that no development shall take place on-site until the off-site highway works from the site access to Post Hill and along Putson Lane have been approved in writing by the Local Planning Authority. It goes on to say that those works should be in general accordance with drawing No. 3026/05A of the outline consent.

The drawings submitted to date for this Reserved Matters application do not fully meet the needs of the Highway Authority. However, because Condition 15 of the Outline Consent requires the works to be in general conformity only, amendments can be made to the final road design under Condition 15 without the need for new Conditions 11 and 12. This has been confirmed by DCC Highway Authority.

Delete Condition 10

Condition 11 of Outline Planning Consent (13/01616/MOUT) confirms that there shall be no occupation of any dwelling until various works within the highway have been completed. Parts a, b and c of Condition 10, that is attached to this Reserved Matters application, broadly duplicates Condition 11 of the outline consent. Parts a, b and c of Condition 10 are therefore un-necessary as they will be satisfied when Condition 11 of the outline consent is discharged. DCC Highway Authority have confirmed this.

Condition 10(d) of this Reserved Matters application also required details of the site compound. Those details have now been submitted (Drawing No.s SC1A & DB-SD13-008B) to the satisfaction of the Local Planning Authority. As such, Condition 10 can be deleted.

### **New Comments / Objections Received**

Tiverton Town Council **(03.07.18)**: Support

**Mr Sloman (06.07.18)**: Objection. Loss of a significant length of hedge bank and dominance of hard landscape to accommodate parking cars to the front of properties on along Uplowman Road is not in keeping with the area. It is not sympathetic to the existing properties and represents very poor design to the entire project.

**Dr Bell (30.06.18)**: Objection. Object to the location of the turning heading at Plot 175 based on engine noise, exhaust emissions and the health impact it would have on existing near residents.

Relocate eastwards so the turning head serves the full length of the 'stopped off' Uplowman Road as well as easing the impact on existing residents.

Application No. 18/00705/MARM

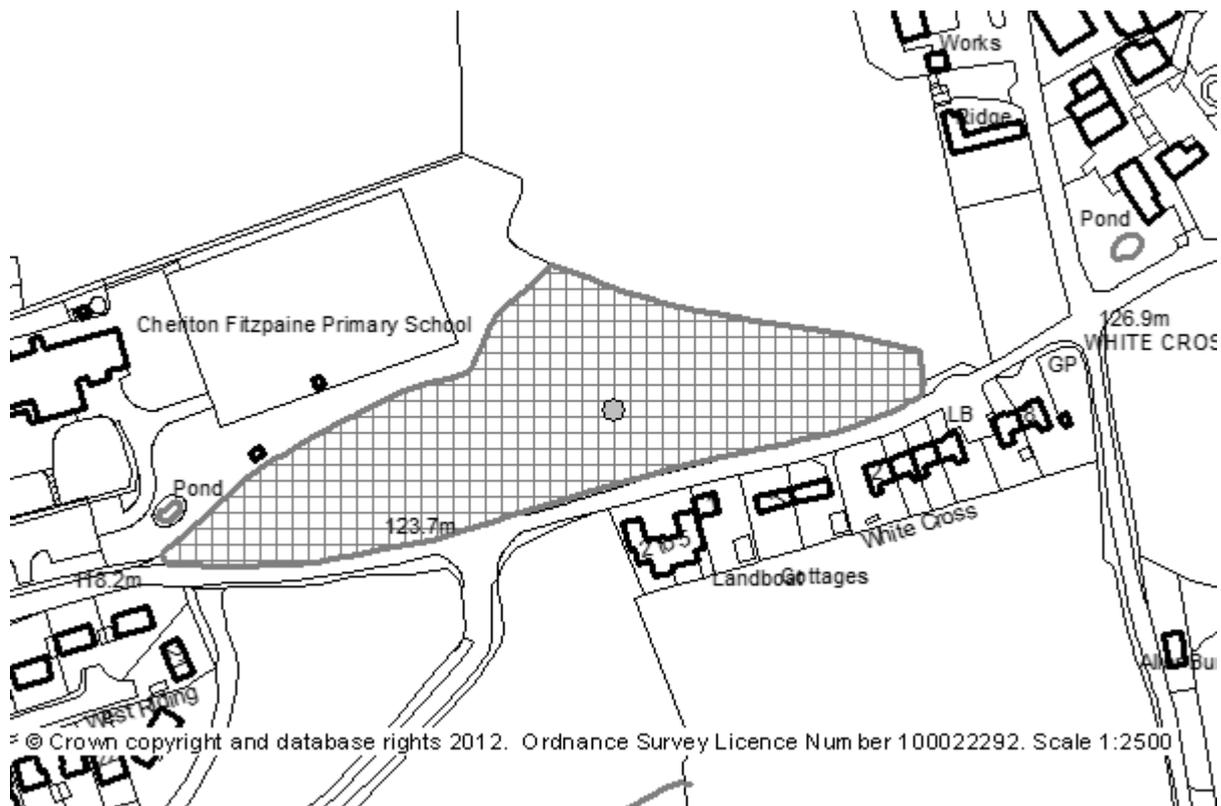
Grid Ref: 287482: 106363

Applicant: Mr S Green

Location: Land at NGR 287483 106365 (White Cross)  
Cheriton Fitzpaine  
Devon

Proposal: Reserved Matters for the erection of 28 dwellings and up to 90 sq. m of A1 retail floorspace, including incidental open space and car parking, following Outline approval 17/00173/MOUT

Date Valid: 10th May 2018



## **APPLICATION NO: 18/00705/MARM**

### **RECOMMENDATION**

1. Approve Reserved Matters subject to conditions
2. Agreed a deed of variation to the terms of the Section 106 agreement pursuant to LPA ref: 17/00173/MOUT to allow for variation to the affordable housing provisions to include the provision of a financial contribution of £25,000.00 for off- site delivery to compensate for a reduction of the units on site from 8 to 7.

### **BACKGROUND & PROPOSED DEVELOPMENT**

Outline consent has been granted for a mixed use development comprising of 90 square metres of A1 retail floor space and 28 houses under LPA ref: 17/00173/MOUT. In addition under LPA ref: 18/00058/FULL the access details from the public highway to serve the shop unit have been formally approved.

This application seeks consent for the reserved matters relating to the residential element of the outline consent: appearance, landscaping, layout and scale. The scheme as proposed shows a layout for 28 dwellings with a range of semi-detached and detached units, providing a mixture of 1, 2, 3 and 4 bed roomed units including 7 units that will be available to provide affordable housing. The units are arranged in a layout that is created with a single point of vehicular access with 2 areas of defined open space and with pedestrian links out back to the public highway to the east (adjacent to the existing bus stop) and back through the development area safeguarded for the proposed shop to the west.

The development is to be set within a parkland type environment with significant new tree and shrub planting, incorporating an attenuation pond to manage surface water drainage from the site.

The scheme proposes 17 x 3 bed units, 5 x 4 bed units, 5 x 2 bed unit and 1 x 1 bed units. The internal floor areas are confirmed below:

1. The 1 bed flat (2 bed spaces) is designed with an internal floor area of 64 square metres.
2. The 2 bed house (4 bed spaces) is designed with an internal floor area of 79/80 square metres.
3. There are 4 types of three bed roomed units (4 or 6 bed spaces) with an internal floor area of: 84, 88, 98 or 111 square metres.
4. There are 2 types of four bed roomed units (7 or 6 bed spaces) with an internal floor area of 123 or 142 square metres.

The design utilises traditional materials including render, brick, with either a slate roof or clay tile roof covering. The windows to be of grey uPVC. The plot areas are defined with largely open fronted areas to the front of the properties with rear garden boundaries formed by the existing hedgerows (front and back) with traditional 1.8 high close boarded timber fencing / screen walling used to contain plots.

The proposals include a footpath link from the residential estate back past the site reserved for the community shop out to the public highway. The details in terms of the precise siting, layout and design of the shop building will be resolved through a further reserved matters application.

## **APPLICANT'S SUPPORTING INFORMATION**

Application Form

Red line site plan

Site Survey plan and preliminary cut and fill analysis drawing, Elevation drawings, Site Layout, Floor Plans, Street scene sections, Materials schedule plan, Drainage Layout and Flood data, Landscape proposals and tree protection arrangements

Ecology Appraisal January 2018

Preliminary Ground Investigation Report

Construction Management Plan.

The scope of information has been submitted to discharge a number of the conditions that the outline consent was made subject to: 4 – 14.

## **RELEVANT PLANNING HISTORY**

88/01140/FULL - REFUSE date 8th September 1988

Erection of three houses and alterations to vehicular access

88/02215/OUT - REFUSE date 10th January 1989

Outline for the erection of a dwelling, garage and alterations to vehicular access

17/00173/MOUT - PERCON date 3rd January 2018

Outline for the erection of up to 28 dwellings and up to 90 sq. m of A1 retail floorspace, including incidental open space and car parking

18/00058/FULL - PERCON date 6th March 2018

Formation of vehicular and pedestrian access to service permitted retail unit

18/00705/MARM - PCO date

Reserved Matters for the erection of 28 dwellings and up to 90 sq. m of A1 retail floorspace, including incidental open space and car parking, following Outline approval 17/00173/MOUT

## **CONSULTATIONS**

CHERITON FITZPAINE PARISH COUNCIL - 20th June 2018

The Parish Council would like to support the development, providing that the mix of housing is enforced and the land for the shop does not get turned into housing, we also feel a pedestrian crossing from the current car park WX to the new development and a footpath from the school entrance to the western end of the development is required, thus eliminating the need to walk down a dangerous and unlit road and an increase in visitor parking is required.

Highway Authority - 6th July 2018

Observations:

The principle of development has been established and I have no observation to make on the current layout but ask that the following conditions are imposed.

Recommendation:

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

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road

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

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

2. 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

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

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

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

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

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

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

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

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

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

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

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

4. Off-Site Highway Works No dwelling shall be occupied on site until the off-site highway works for the provision of a footway from the site to the school entrance has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 108 NPPF

These conditions are already imposed on the planning approval 17/00173/MOUT as conditions 6, 7, 8 and 10.

DEVON, CORNWALL & DORSET POLICE - Police have no objections in principle to the proposal. The general layout will provide both active frontages and good overlooking to the new internal streets which is welcome.

The representation then refers the applicant to the following guidance: Residential - Building Regulations ' Approved Document Q - Security.

Reference to these comments and the advice in with the above documents will be included as an advisory note.

ENVIRONMENT AGENCY - 23rd December 2016  
We have no objections to this application

## **REPRESENTATIONS**

At the time of writing this report, a representation in support of the proposals has been received from the Management Committee of Cheriton Fitzpaine Community Shop Ltd.

## **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  
COR17 - Villages  
COR18 - Countryside

### **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 site housing targets  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 - Parking

**Mid Devon Local Plan Review (2013-2033)**

Policy CF2 - Land adjacent to School, Cheriton Fitzpaine

**MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in determination of this application are:

1. Policy
2. Layout
3. Design Quality / Impact on amenities of the area
4. Parking Provision
5. Landscaping and ecological impact
6. Summary / Planning Balance.

**1. Policy**

The site is located just outside of the existing settlement boundary of Cheriton Fitzpaine, adjacent to the village primary school and opposite Landboat and Whitecross Cottage. The principle of residential development on this site has been established by the outline consent as set out above.

The outline consent requires the provision of affordable housing (8 units) to be made on site. At the time when the agreement was completed the requirement was 4 x 2 bed units, 1 x 3 bed units and 3 x 1 bed unit . The proposals confirm that 7 units are proposed in the form of 4 x 2 bed units, 1 x 3 bed units, 1 x 2 bed units and 1 x 1 bed units. The arrangement shows the units to be made as available as affordable housing in a group towards the western boundary, with a mixture of affordable rent and intermediate housing.

This revised arrangement is considered acceptable as confirmed by this authorities Housing Options Manager, as it is considered better to reflect local needs in the village. In particular the provision of 3 x 1 bed units is now considered problematic with a large 2 bed unit and a single 1 bed unit providing a more responsive mix.

Although it is recognised that this revised mix in terms of the affordable housing units is more responsive to local needs (2018), it falls below the requirements as set out in the Section 106 agreement pursuant to the outline consent. In order to seek to redress this issue the applicant has agreed to make a financial contribution of £25,000.00 to contribute towards provision off site.

Whilst the comments from the Parish Council are noted, given the revised arrangements in terms of affordable housing delivery as set out above, the application is considered to remain in accordance with the provisions of policies AL/DE/1 -3.

The policies relevant to consideration of the other matters raised by this reserved matters application are set out above and will be addressed in the relevant sections below.

**2. Layout**

The site as an agricultural field rises from the west to a plateau in the relative centre of the site. An element of cut and fill is required to create the development area as shown on the plans as submitted. The layout confirms a fall of approximately 2.5 metres from the eastern boundary of the residential development area back to the point between the area for the new housing and the site reserved for the village shop. There is then a further fall of

approximately 2.5 metres back down to the highway and to the entrance point to this part of the site which has already been approved.

The proposed scheme utilises the means of access as approved by the outline consent with the main spine road leading into the estate being 5m wide and running approximately 30.0 metres back into the site from the junction with the highway. A shared surface arrangement then routes to both the east and west to provide vehicular access to the majority of the plots. To the west there is a public footpath connection 2.5 metres in width that runs between plots 5 and 6 back through to the site for the village shop down to the highway. The path will be gradually stepped to manage the fall. There is landscaped area with highlighted tree planting to form a buffer in order to assist with the transition from the residential environment through to the shop site. The police liaison officer has highlighted the need to manage this area with appropriate lighting and this is covered by the conditions as recommended by the Highway Authority. It is noted that the Highway Authority have not raised any objections to the scheme subject to reiteration of conditions that have been included on the outline consent.

### **3. Design quality**

The site is located adjacent to the village primary school and running parallel to the houses on the other side of the road stopping short of White Cross junction. These properties comprise a mixture of largely two storey houses set back from the highway with a separation distance of approximately 15.0 metres to the existing Devon bank hedgerow that contains the site on its southern boundary. The existing boundary form is to be largely retained except where sections are proposed to be removed and replaced with new planting on a new alignment in order to form the access. There would be a separation distance of at least 20.0 metres from the frontage of the existing properties to the back of the proposed units beyond the highway, hedgerow and rear garden areas. The primary school campus sits to the rear of the site with the main building set just to the east of the development. The layout as proposed positions the new built form largely in front of the playfield part of the campus and therefore will not present an uncomfortable relationship with the school building.

The proposed dwellings provide accommodation over two storeys, except for the one bedroom unit which is flat above a 3 space car port. The layout provides a density of 25.5 dwellings per hectare which falls below the minimum threshold of 30-40 in village locations as set out by policy COR1 of the Mid Devon Core Strategy (Local Plan part 1) and overall it is considered that the layout as proposed provides a suitable density of development for this location. The external appearance and material palette has been outlined above highlighting the use of traditional materials with some more contemporary features incorporated to the façade treatments. Overall, it is considered that the design strikes an acceptable balance between reflecting the character of the village whilst providing a slightly more contemporary and modern approach to the appearance of the houses.

All of the dwellings benefit from private amenity space ranging from just under 40 square metres up to 192 square metres with nine properties benefiting from a garden space in excess of 100 square metres. All the garden areas include a dedicated area to store refuse and recycling containers with satisfactory access back out to the highway. The dwelling sizes range as set out above in the description of development section of this report, with all the house types exceeding the overall floor space requirements set out by the Government's nationally prescribed space standards. The layout and positioning of the plots across the development area has been set out so that the majority of units across the estate do not have a front window to window relationship with another property, with the exception of plots 14, 15 and 16 which directly face plots 22, 23, 25 and 25 where there is separation distance of approximately 15.0 metres. Overall on this basis it is considered that the scheme will provide an acceptable level of amenity for future occupants.

A schedule of the materials to be used on site has been provided and is considered to be acceptable. A condition will be imposed for provision of the samples to ensure that the detail is appropriate to the character and appearance of the area.

A variety of boundary treatments are proposed with a feature boundary at the site entrance. On boundaries between properties 1.8m high close boarded timber fences which will provide suitable privacy between properties with the rear boundaries contained by the existing hedgerows. A more solid panel is proposed to contain the range of hard and public amenity areas across the site, including at the rears of 4, 5, 6 and 7 which are adjacent to the footpath leading back towards the site for the shop.

In summary the layout as proposed is considered to present an efficient and effective use of the site. The scheme is considered acceptable in terms of the quality of the housing, the visual appearance of the new buildings, and in terms of the standard of the accommodation for the future occupiers. Therefore overall the application is considered to meet with the requirements of policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seek high quality design.

#### **4. Parking Provision**

Policy DM8 requires the provision of 1.7 parking spaces per dwelling which across the whole site would generate a need for 56 spaces in order to be policy compliant. In total 67 parking spaces are provided largely on plot and with a number of the larger units also benefiting from a garage. Plots 4, 7 and 8 will benefit from parking immediately adjacent to the house curtilage directly adjacent to the gardens spaces of each.

Plots 5 and 9 sit directly adjacent to the building on Plot 3 which is a flat above a garage (FOG), with a car parking arrangement which includes a space for each unit with the ground floor of the building. The ground floor section of the building is to be constructed as a car port with each bay 3.0 metres in width and 6.0 metres deep with a further space to be laid to the front forming a courtyard type environment which would be directly overlooked by the houses on plots 5 and 9.

A lay by providing 2 further spaces is proposed centrally to the site in front of the open space and providing further opportunity for off street car parking.

On this basis it is considered that parking arrangements for the scheme overall sufficiently comply with the requirements of policy DM8 and the Council's SPD on the provision of parking in new developments.

#### **5. Landscaping/ Ecological impact**

The application scheme includes additional shrub, tree and hedgerow planting, the formation of two areas of open space for active use and a wetland area set around the attenuation basin at the top of the site. Details of the arrangements for the new tree planting and areas of informal and formal open space as proposed as part of the application details, and the delivery of the scheme, will be controlled through to delivery by imposing an appropriately worded condition.

At the outline stage an ecological assessment of the site's value was undertaken and a number of mitigating measures were identified as set out in the report provided by ESL Ecology, one of which was to safeguard an area in the north east corner of the site which incorporates a badger sett. The recommended buffer zone to the sett was set at 30 metres, whereas the layout plan presents a buffer zone of 20.0 metres. The applicant's ecologist has confirmed that this should still be sufficient.

Maintenance of the public open space as proposed, in addition to the SUDs scheme, is covered by either by condition on the outline consent and/or a requirement under the terms of the Section 106 agreement, and is therefore considered to be addressed.

## **5. Summary / Planning Balance**

This application presents a sustainable solution for the residential element of the outline planning permission issued under LPA ref: 17/00173/MOUT subject to the conditions and requirements as outlined in this report. The reason for approval is set out below.

### **CONDITIONS**

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

2. The development shall not be commenced until arrangements for protecting the existing trees and hedgerows on site have been submitted to and approved in writing by the local planning authority .The protection measures shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- i. There shall be no changes in ground levels
- ii. No materials or plant shall be stored
- iii. No buildings or temporary buildings shall be erected or stationed
- iv. No materials or waste shall be burnt; and
- v. No drain runs or other trenches shall be dug or otherwise created without the prior written consent of the Local Planning Authority.

3. Prior to their use on site samples of the materials to be used for all the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

4. 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.

5. The hard and soft landscaping works across the site, including all new planting, seeding, turfing, as set out on approved plans 18\_0399\_01, 02, 03, 04 (prepared by Pegasus Design) shall be carried out within 9 months of the substantial completion of the development, or the next planting season, whichever is the sooner; and any trees or plants which within a period of ten years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order to ensure that damage does not occur to the trees and/or hedgerows during building operations in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).

3. 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, DM14 and DM27.

4. 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.

5. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

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

This is a reserved matters application for the erection of 28 dwellings approved in outline under LPA ref: 17/00173/MOUT in conjunction with a site to be reserved for a village shop as part of the development area adjacent to the Village Primary School. Overall it is considered that the proposed layout, design, density and scale of the development is acceptable and will respect the character and appearance of the surrounding area. Sufficient parking has been provided and a footpath link is proposed to link the development area back to the public highway. The application proposes a variation to the delivery of affordable housing which includes 7 units that will provide a more responsive mix to the current demand in conjunction with a financial contribution to assist with offsite provisions in order to complete the package. It is not considered that the proposed development would harm the amenity of any neighbouring occupiers or affect the operations at the Village Primary School. On this basis the proposal is recommended for approval in accordance with Policies COR1, COR2 and COR9 of the Mid Devon Core Strategy, policy AL/IN/1 - AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan part 2) and Mid Devon Local Plan part 3 (Development Management Policies) DM1, DM2, DM8 and DM14.

### **Advisory Note**

**1. DEVON, CORNWALL & DORSET POLICE have provided comments on the application which the applicant is advised to consider prior to making an application for Building Regulations approval. The comments refer to the following guidance: Residential - Building Regulations ' Approved Document Q - Security.**

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

**Plans List No. 3**

Application No. 18/00474/FULL

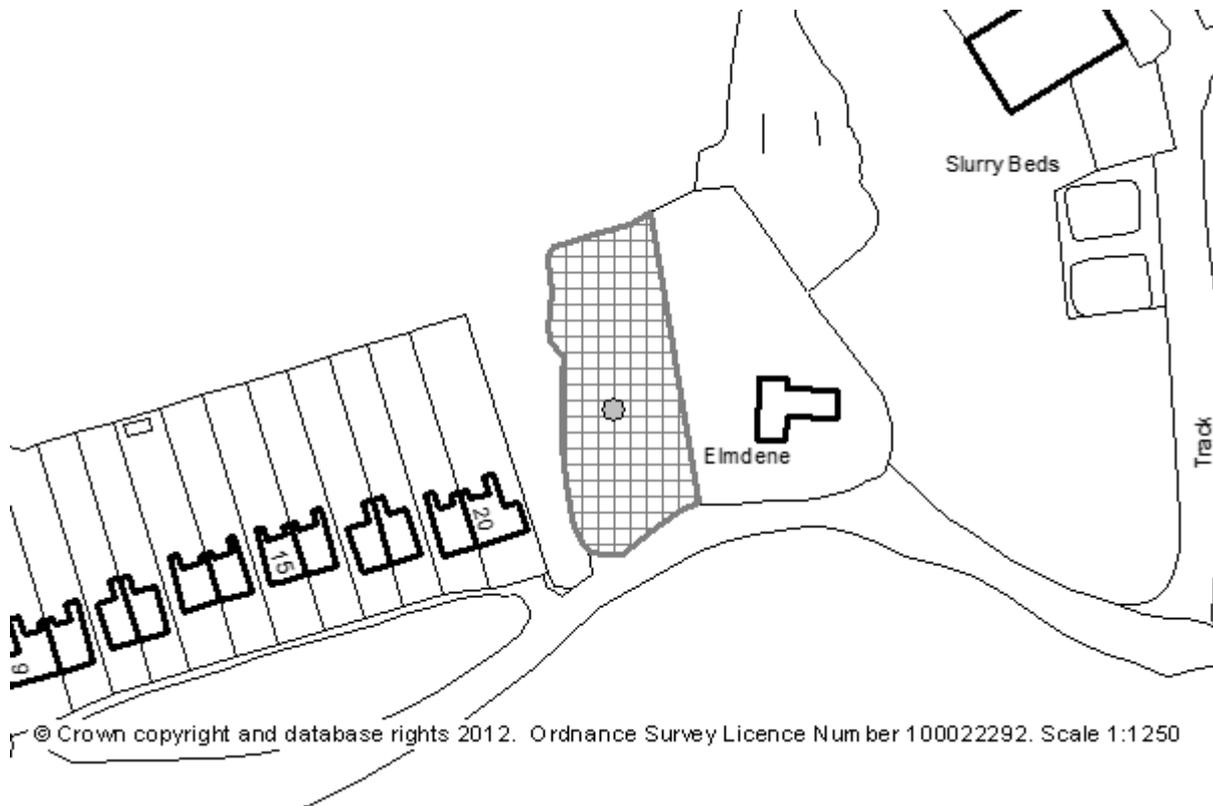
Grid Ref: 314249 : 113987

Applicant: Mr & Mrs Gooder

Location: Land West of Elmdene  
Hemyock  
Cullompton  
Devon

Proposal: Erection of 2 dwellings, alterations to existing access, and associated works

Date Valid: 5th April 2018



## **APPLICATION NO: 18/00474/FULL**

### **MEMBER CALL-IN**

Councillor Rosamond has called-in this application to be determined by the planning committee for the following reasons:

1. To consider the impact of the development on the AONB;
2. To consider the sustainability of the site being located outside of the settlement of Hemyock.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Erection of 2 dwellings, alterations to existing access, and associated works

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

Site location plan, proposed floor plans and elevation plans, tree report, wildlife survey, foul drainage assessment.

### **RELEVANT PLANNING HISTORY**

93/01286/FULL - PERMIT date 15th September 1993

Erection of garage

95/00769/FULL - PERMIT date 14th June 1995

Demolition of existing porch and erection of a conservatory.

06/00183/FULL - PERMIT date 14th March 2006

Erection of extension to west elevation and join garage to property with new pitched roof

### **DEVELOPMENT PLAN POLICIES**

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

COR18 - Countryside

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

AL/IN/3 – Public Open Space

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

DM2 – High quality design

DM8 – Parking

DM29 – Protected landscapes

### **CONSULTATIONS**

HEMYOCK PARISH COUNCIL - 3<sup>rd</sup> May 2018

The parish council is not content with this application and makes the following comments:- the application is outside the permitted development of Hemyock, there are issues with regard to the visibility onto the Highway, the location map does not take into account the extension of the west side of the bungalow Elm Dene in 2006, there are concerns with regard to the foul drainage, there is an existing septic tank and electric in the middle of the plot serving the bungalow Elm Dene, has this been taken into account? the dormer windows

are not in keeping and extend beyond the existing building line at the rear, there are 4 bedrooms shown on the plans but only 3 mentioned in the application, this is too much development both height and width for the size of the plot, the harm to the area outweighs any benefit.

7<sup>th</sup> June 2018

The parish council is not content with this application and makes the following comments:- There should be a full environmental/wildlife survey, there are serious concerns about the septic tank/soakaways. There is already an existing septic tank and electric in the middle of the plot serving the bungalow Elmdene, has this been taken into account? Can the site cope with any more dirty water? the application is outside the permitted development of Hemyock, there are issues with regard to the visibility onto the Highway, there are 4 bedrooms shown on the plans but only 3 mentioned in the application, this new revised scheme is even more development than before and is too much development both height and width for the size of the plot, the harm to the area outweighs any benefit. The council requests that if the officer is minded to recommend approval then the application is called in to committee.

10<sup>th</sup> July 2018

The pc is not content with the application and makes the following comments. It queries the effectiveness of the sewerage treatment plant and asks that the EA is fully consulted reference size of development, site and existing water course running through the wet site. The concerns the pc previously raised have not been addressed. It supports the comments made by the AONB Planning Officer. An unacceptable amount of trees would need to be felled for the development to take place which detracts from the site, area and location.

PUBLIC HEALTH: 14th June 2018

Contaminated Land - No objection to this proposal  
Air Quality - No objection to this proposal  
Environmental Permitting - No objection to this proposal  
Drainage - No objection to this proposal  
Noise & other nuisances - No objection to this proposal  
Housing Standards - No comment  
Licensing - NO comments  
Food Hygiene - Not applicable  
Private Water Supplies - Not applicable  
Health and Safety - No objection to this proposal enforced by HSE.

WESTERN POWER: 1st May 2018

Thank you for your letter dated 24th April concerning the above. I have looked at our network in the vicinity of the proposed dwellings and as they will no doubt be applying for new supplies should the development go ahead, a diversion of our overhead line would be necessary anyway as part of our design to provide those supplies.

HIGHWAY AUTHORITY: 19<sup>th</sup> June 2018

The Highway Authority has no objection subject to the conditioning of plan AC26/3D for parking, turning, and access with waiting bay. You may wish to place a visibility condition on the consent for 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25.m to the west and to the centre line of the road to the east with no obstruction greater than 600mm. I can also confirm that the additional traffic generated by the two dwellings would not be considered as severe under the guidance of NPPF. The applicant should be advised of the need to apply for a vehicle crossing licence from the Highway Authority.

Environment Agency: Operational development less than 1ha within Flood Zone 1. No consultation required. See surface water management good practice advice - see standard comment.

BLACKDOWN HILLS AONB: 18th June 2018

Comments: I write on behalf of the Blackdown Hills AONB Partnership having become aware of this application.

As you know, the primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. The AONB Partnership supports its local planning authorities in the application of their development management policy framework alongside national policy in this regard.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

I note that the application material references recent appeal cases elsewhere in Mid Devon with regard to housing land supply, and so we highlight Footnote 9 of the NPPF relating to Paragraph 14 which indicates that there should be no automatic presumption in favour of development in this case due to the AONB designation.

While Millhayes is now essentially a cluster of modern housing development, historically the only houses here were associated with the milk factory. It is separate to the main village and being beyond the eastern extent of Lower Millhayes, this site is outside the settlement limit and not well related to the rest of the village. We consider that speculative development around the edge of settlements should be resisted and a plan led approach to development in villages ensures that impacts on the AONB can be properly considered. Beyond Lower Millhayes there is an immediate sense of being in the open countryside, and we are concerned that the introduction of these houses with associated driveways, entrances and a layby will be to the detriment of this country lane and the rural setting of this part of Hemyock.

Incidentally, references to the daily bus service, 20, passing on Station Road are noted in the application, however this service does not come further north than Castle Park/Hollingarth Way.

## **REPRESENTATIONS**

A total of 34 letters of objection has been received at the time of writing the report. The comments contained in those letters are summarised as follows:

1. Location of the proposed development outside of defined settlement limit;
2. Location of the site within the AONB and the proposals impact on the AONB;
3. Proximity of the site from nearby watercourses;
4. Potential flood risk impacts of the development;
5. Loss of trees and planting on the site;
6. Visual appearance of the development;
7. Highways impacts;
8. Traffic impacts resulting from the development;

9. Existing septic tank of neighbouring property (Elmdene) being located within the site;
10. Proximity to village facilities;
11. Proximity to public transport links;
12. Potential loss of wildlife and ecology;
13. Impact on neighbouring properties amenity;
14. Questions over the type of housing being contributed to the local housing stock.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

#### 1) Policy and procedure

The site lies outside the settlement limit of Hemyock, in the open countryside and in the AONB. Hemyock itself forms one of the defined villages as set out in policy COR17 of the Mid Devon Local Plan Part 1 (Core Strategy) where small scale development within the settlement limit of Hemyock is given in principle support due to the villages being considered appropriate based on their physical characteristics, and the availability of a school, shop, pub and daily public transport service but the application site itself is considered to be in open countryside and subject to national and local rural constraint policies.

The Council does not presently have a five year supply of deliverable housing land and therefore paragraph 11 of the recently updated National Planning Policy Framework and DM1 of Local Plan Part 3 are engaged. The tilted balance in paragraph 11 requires the LPA to consider whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This balance is therefore undertaken at the end of this report. The site lies within the AONB where policy DM29 seeks to protect the natural beauty and character of the area.

#### 2) Dwelling sizes and layout of the dwellings

The Technical Housing Standards- nationally described space standard published in March 2015 by the Department of Communities and Local Government deals with internal space within new dwellings. It sets out requirements of the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The standard requires that a dwelling with 2 or more bedrooms has at least one double (or twin) bedroom, one double of which should be at least 2.75m wide, with all other double rooms being at least 2.55m wide. In order to meet the standard, double rooms must have a floor area of at least 11.5sqm and single rooms must have a floor area of at least 7.5sqm. In addition, single rooms should be at least 2.15m wide.

As the dwelling is to be 2 storey 4 bed dwelling large enough to enable 4 double bedrooms the standard requires that the dwelling has a minimum gross internal floor area of 125sqm with at least 3 sqm of built-in storage. The submitted plans meet this standard.

#### 3) Design and appearance

The two dwellings are proposed as detached 2 storey dwellings with pyramid type roof structures. Each of the dwellings has an internal garage which could be used either for parking of vehicles or for storage purposes. The dwelling on the Eastern side of the site closest to Elmdene has been set back into the plot further so as to limit any impacts such as loss of privacy or overbearing impact. There is sufficient space within the site to provide reasonable sized gardens for each of the properties. The dwellings are fairly large in scale and as such it is considered necessary to remove permitted development rights for the

proposed dwellings to limit further extensions and expansion of the dwellings. It is recognised that the outlook for occupants of Elmdene will be a different one to the current arrangement, the proposed arrangement is considered to respect the amenity of occupiers of Elmdene.

In terms of the proposed appearance of the two new dwellings, the following material palette is proposed: rendered walls, Redland 50 double roman roofing tile in breckland brown, and white UPVC windows and doors all of which are inkeeping with other properties in the area. Further it is considered that the design and appearance of the proposed dwellings respects the existing design and appearance of adjacent neighbouring properties.

#### 4) Impact on street scene

The site lies on the edge of Lower Millhayes which forms part of the Northern part of the settlement of Hemyock separated by the Southern part of Hemyock by the river Culm. The site forms part of the former garden of one of the existing properties along Lower Millhayes known as Elmdene. The properties in the vicinity are characterised by a row of 6 pairs of two-storey semi-detached dwellings to the West of the site (these properties are within the settlement limit of Hemyock). To the East of the site is a single bungalow known as Elmdene (this property together with the application site is outside of the settlement limit of Hemyock). Land to the North and South is defined as agricultural land characterised by open fields. All properties along Lower Millhayes are set back from the road. The application site is currently consists of hedging on 3 sides with a timber fence separating the site from the garden of Elmdene to the East. The site is largely overgrown with a variety of self-seeded trees and shrubs with largely some more notably species also.

In order to construct the proposed access to the site a large section of the hedge to the front of the site will need to be removed to achieve access and good visibility from the site. The submitted tree report identifies a number of trees within the site which are worthy of being retained in the proposed development. Officers are currently unsure as to which trees are to be removed or retained and if any additional landscaping is proposed as part of the application scheme. These details have been requested. It is anticipated that an update will be able to be provided to members upon receipt of these details prior to the committee meeting.

It is considered that the proposed development would constitute 'infill development' being located between the row of semi-detached properties to the West of the site and the bungalow of Elmdene to the East of the site. It is considered that Elmdene acts as a natural finish to the village before the road bends round the corner and goes into open countryside. While it is recognised that the proposal will remove a large section of hedge to facilitate the access and the view of this part of Hemyock will be different to the existing arrangement, the resulting impact would not be significantly harmful to the street scene or its setting within the AONB as the impact is minimal with limited wider impact. As such the proposal is considered to comply with policy DM2 and DM29 of the Mid Devon Local Plan part 3 (Development Management Policies).

#### 5) Impact on AONB

It is not considered that the proposal detracts from the AONB. The area is characterised by a linear form of residential development along Lower Millhayes with a single bungalow acting at the stopper to the village and a further two dwellings in this location cannot be said to harm the wider AONB.

#### 6) Impact on neighbouring properties

The site itself formed at one time part of the former garden of Elmdene which was then separated and is now in separate ownership. The LPA need to consider the living conditions of the occupiers of that property in the future as well as that of the occupiers of the adjacent proposed property in relation to existing neighbouring properties. The proposed dwelling to the East of the site sits further back within the plot adjacent to Elmdene. The property has been set back so as not to cause excess overshadowing on Elmdene and to limit any potential overbearing impact based on a two storey dwelling sitting adjacent to the bungalow. On this basis, it is not considered that the proposed dwelling will impact on the amenities of adjacent properties to such an extent as to warrant a refusal.

#### 7) Bin storage

The Refuse Storage for New Residential Properties Supplementary Planning Document adopted in February 2017 provides guidance on the design of waste and recycling storage in new residential developments across Mid Devon.

For detached properties, an area of hardstanding should be provided in the back garden for storage of two standard 240 litre wheeled bins per property, in addition to two 55 litre recycling boxes. This equates to at least 1.2 x 1.2m for each dwelling. If levels of the site restrict access to the rear, a bin store to the front of the property should be provided (this also applies if the distance required to pull out the bins for collection exceeds 25 metres). Paths leading from the bin storage area to the road for collection should be at least 650mm wide and tarmacked or covered with a smooth durable surface to facilitate wheeling the bin.

#### 8) Access

The application proposes a new access off the unclassified road. The Highway Authority have been informally and formally consulted on the submitted plans and have advised that they have no objection subject to the conditioning of plan AC26/3D for parking, turning, and access with waiting bay. It has been suggested that a condition could be imposed requiring a visibility splay for 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east with no obstruction greater than 600mm. It was also confirmed by the Highway Authority that additional traffic generated by the two dwellings would not be considered as severe under the guidance of NPPF.

#### 9) Foul/ surface water disposal

Foul sewage is to be disposed of via connection to a new treatment plant on the site. The proposed new treatment plant is proposed to serve the two new properties as well as Elmdene. Elmdene currently has a septic tank on the application site which would need to be relocated.

Surface water is to be disposed of via soakaway.

#### 10) Public open space contribution

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document states that new housing developments will provide at least 60 square metres of equipped and landscaped public open space per market dwelling, to include children's play areas, sports areas, informal open space and allotments in appropriate proportions, with safe and convenient access on foot or cycle. Due to the size of this site it is more appropriate for open space to be located off the site. In this circumstance contributions from development will be sought per dwelling based on the normal cost of providing public open space elsewhere. A

financial contribution of £2884 towards providing drainage at Longmead Sports Fields, Hemyock has been paid.

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 5 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 5 years is therefore estimated to be £10,280.

#### 11) Paragraph 11 tilted balance

Positive benefits of the development include the provision of two dwellings, funding towards POS improvements and the NHB. The site is well located to other dwellings which are located within the settlement limit of Hemyock. The proposal is considered to be acceptable in that, in accordance with the provisions of paragraph 11 of the National Planning Policy Framework, the benefits of provision of dwellings that respects the existing development pattern of development along Lower Millhayes, acting as infill development and has no unacceptable impact on highway safety, visual amenity and the amenity of neighbouring residents, are considered to outweigh the harm caused by the provision of two new dwellings in a countryside location outside of the defined settlement limit of Hemyock.

### **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. During the construction period, no work shall take place on site or deliveries made to the site outside the daily hours of between 8.00am and 6.00pm on Mondays to Fridays, 9.00am to 1.00pm on Saturdays, and no work or deliveries shall take place on Sundays and Bank/Public Holidays.
4. The dwelling hereby permitted shall not be occupied until the site access has been hardened and surfaced for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.
5. The dwelling hereby permitted shall not be occupied until the proposed parking, turning and access with waiting bay has been constructed.
6. The dwelling hereby permitted shall not be occupied until a visibility splay measuring 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east shall be provided with no obstruction greater than 600mm in either direction. Once provided, such visibility splays shall be permanently so retained and maintained for that purpose.
7. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2, relating to the enlargement, improvement or other alteration of a dwellinghouse, additions or other alterations to the roof of a dwellinghouse and the erection of gates, fences, walls or other means of enclosure shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To protect the amenities of neighbouring residents.
4. To prevent mud and other debris being
5. carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development management Policies).
6. To ensure that sufficient parking and turning space is provided within the site for the intended use of the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).
7. To provide adequate visibility from and of emerging vehicles, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To safeguard the [visual amenities of the area] [character and appearance of the area] [residential amenities of the area] [residential amenity of neighbouring residents] in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).

## **INFORMATIVES**

1. The applicant is advised of the need to apply for a vehicle crossing licence from the Highway Authority at DCC before commencing development.

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

The proposal is considered to be acceptable in that, in accordance with the provisions of paragraph 11 of the National Planning Policy Framework, the benefits of provision of two new dwellings that respect the existing development pattern of development along Lower Millhayes and has no unacceptable impact on highway safety, visual amenity and the amenity of neighbouring residents, are considered to outweigh the harm caused by a new dwelling in this countryside location outside of the defined settlement limit of Hemyock.

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

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## Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	1	12/10/2018	18/00964/MOUT	Outline for the erection of 15 dwellings, access, and associated works	Land at NGR 306177 116745 (Moor Lane) Westleigh Devon	Mr Daniel Rance	DEL	
2	2	09/10/2018	18/01091/MOUT	Outline for the erection of up to 10 dwellings including alterations to existing vehicular and pedestrian access	Land at NGR 300172 112650 West of Fishers Way Pethertons Halberton Devon	Mrs Alison Fish	DEL	
3	2	05/10/2018	18/01036/MFUL	Erection of an agricultural livestock building (1,250sqm)	Land at NGR 298567 125363 Quartley Farm Bowdens Lane Shillingford Devon	Mr Adrian Devereaux	DEL	
4	3	02/10/2018	18/01027/FULL	Erection of a two storey office building with undercroft for parking following demolition of existing single storey office block (Revised scheme)	Diespeker (Interiors) Ltd Unit 1 Longbridge Meadow Cullompton Devon EX15 1BT	Mr Daniel Rance	DEL	
5	4	26/09/2018	18/00915/MFUL	Erection of Lidl food store (Class A1) and non-food unit (Class A1) with associated parking, landscaping and access arrangements following demolition of existing buildings	Foundry Estate Blundells Road Tiverton Devon	Mr Adrian Devereaux	COMM	
6	4	27/09/2018	18/00978/MFUL	Construction of 2 linked detention basins and outfall swale with below ground pipe work and boundary fence to implement the surface water drainage strategy to serve the development consented under Planning Permission 14/00881/MOUT	Land at NGR 297768 112843 West Manley Lane Tiverton Devon	Mrs Christie McCombe	DEL	
7	6	10/09/2018	18/00936/MARM	Reserved Matters for the erection of 40 dwellings, formation of 64 space car park to service Copplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure following Outline approval 16/01888/MOUT	Land at NGR 276566 103177 (Old Abattoir Site) Shambles Drive Copplestone Devon	Miss Helen Govier	DEL	
8	8	30/08/2018	18/00678/MFUL	Erection of an agricultural cow cubicle building (1124sqm)	Lower Whipcott Holcombe Rogus Devon TA21 0NA	Mr Daniel Rance	DEL	

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
9	8	29/08/2018	18/00786/MOUT	Outline for the erection of up to 65 dwellings, public open space, ancillary works and associated infrastructure, including access	Land at NGR 282727 100936 Higher Road Crediton Devon	Joanne Halton	COMM	COMM
10	11	09/08/2018	18/00705/MARM	Reserved Matters for the erection of 28 dwellings and up to 90 sq m of A1 retail floorspace, including incidental open space and car parking, following Outline approval 17/00173/MOUT	Land at NGR 287483 106365 (White Cross) Cheriton Fitzpaine Devon	Mr Simon Trafford	COMM	COMM
11	12	01/08/2018	18/00680/MFUL	Extension and re-landscaping of car park, and alterations to hole 10 fairway and hole 12 tee and fairway	Land at NGR 284947 98978 (Downes Crediton Golf Course) Hookway Devon	Mr Simon Trafford	DEL	DEL
12	13	25/07/2018	18/00662/MFUL	Erection of an industrial building (B1/B2/B8 use) and provision of additional parking	Hartnoll Business Centre Hartnoll Farm Tiverton Devon EX16 4NG	Mr Daniel Rance	COMM	COMM
13	15	12/07/2018	17/02061/MFUL	Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping	Crediton Garden Centre Barnstaple Cross Crediton Devon EX17 2ER	Mr Simon Trafford	COMM	COMM
14	15	12/07/2018	18/00518/MFUL	Erection of 40 dwellings, conversion of barns to 7 dwellings, formation of new accesses and car parking areas, with associated works including access and landscaping	Halberton Court Farm High Street Halberton Tiverton Devon EX16 7AW	Mr Daniel Rance	DEL	COMM
15	17	27/06/2018	18/00504/MOUT	Outline for the erection of 10 dwellings	Land at NGR 307538 116626 (North of Town Farm) Burlescombe Devon	Mr Adrian Devereaux	COMM	COMM
16	17	27/06/2018	18/00414/MFUL	Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges	Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon	Miss Helen Govier	COMM	COMM
17	22	23/05/2018	18/00091/MFUL	Conversion of former redundant care home to provide 22 residential units, and external landscaping	St Lawrence Home Churchill Drive Crediton Devon EX17 2EF	Mr Simon Trafford	COMM	COMM
18	25	02/05/2018	18/00133/MARM	Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure	Land at NGR 298617 113487 Uplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
19	25	27/04/2018	18/00175/MOUT	Outline for the erection of upto 125 dwellings with public open space and associated infrastructure	Land at NGR 303288 110467 Adj Meadow Park Silver Street Willand Devon	Mrs Alison Fish	COMM	COMM
20	26	24/04/2018	17/01904/MFUL	Change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house	Blackborough House Blackborough Cullompton Devon EX15 2HJ	Mr Daniel Rance	COMM	COMM
21	29	03/04/2018	17/02020/MFUL	Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping	Astra Printing and Crown Works Site Willand Road Cullompton Devon EX15 1AP	Mrs Alison Fish	COMM	COMM
22	40	17/01/2018	17/01660/MOUT	Outline for the erection of 10 dwellings	Land at NGR 287219 106314 Barnshill Close Cheriton Fitzpaine Devon	Mr Simon Trafford	COMM	COMM
23	46	04/12/2017	17/01359/MOUT	Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site	Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell Devon	Mr Daniel Rance	COMM	COMM
24	49	05/12/2017	17/01346/MOUT	Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)	Land at NGR 301536 107900 North of Tiverton Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
25	51	22/11/2017	17/01178/MFUL	Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works	Land at NGR 302103 108277 (West Of Willand Road) Cullompton Devon	Ms Tina Maryan	COMM	COMM
26	53	03/11/2017	17/01170/MOUT	Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension	Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
27	55	04/10/2017	17/01090/MOUT	Outline for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure	Land and Buildings at NGR 281938 100425 (Adjacent Brookdale, Threshers) Hollacombe Devon	Miss Helen Govier	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
28	57	15/09/2017	17/00942/MOUT	Outline for the erection of upto 50 dwellings with associated access	Land at NGR 296202 112164 Exeter Hill Tiverton Devon	Miss Lucy Hodgson	DEL	DEL
29	60	29/08/2017	17/00878/MOUT	Outline for the erection of up to 16 dwellings with associated access, landscaping and other ancillary development	Land at NGR 292294 101802 (South of Broadlands) Thorverton Devon	Miss Lucy Hodgson	COMM	COMM
30	72	05/06/2017	17/00348/MOUT	Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations	Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon	Mr Simon Trafford	COMM	COMM
31	88	15/02/2017	16/01772/MOUT	Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure	Land at NGR 313382 113489 Culmstock Road Hemyock Devon	Ms Tina Maryan	COMM	COMM
32	90	01/02/2017	16/01707/MOUT	Outline for the erection of 41 dwellings and formation of vehicular access	Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon	Ms Tina Maryan	COMM	COMM