

Application No. 17/01359/MOUT

Grid Ref: 302469 : 114078

Applicant: Mr Neal Jillings

Location: Land and Buildings at NGR 302469 114078

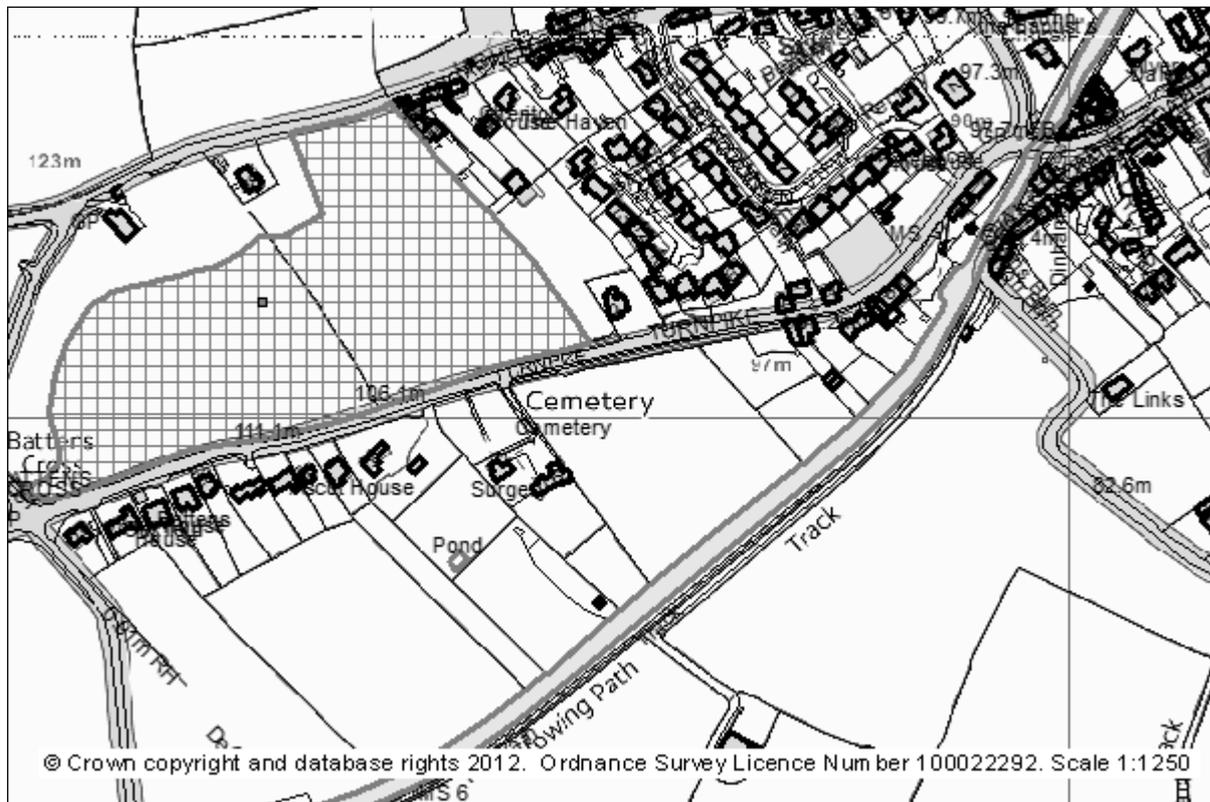
Higher Town

Sampford Peverell

Devon

Proposal: 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.

Date Valid: 4th September 2017



APPLICATION NO: 17/01359/MOUT

RECOMMENDATION

Grant permission subject to conditions and to the prior signing of a Section 106 agreement to provide for

1. 35% affordable housing (21 dwellings, tenure and mix to be agreed);
2. Financial contributions towards primary, early years and secondary education totalling together with secondary school transport of £243,398;
3. Public open space/LEAP to be provided in accordance with Policy AL/IN/3 and for maintenance to be undertaken by an appropriate management company
4. Retention of Green infrastructure located to the North of the site and the Green buffer area shown on the Indicative plan to the east of the site. A management plan to protect the future of the GI space and the Green Buffer zone from future development.
5. Submission and implementation of a travel plan to reduce the reliance on private motor vehicles.

PROPOSED DEVELOPMENT

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, provision of open space and local equipped area for play (LEAP), green infrastructure to the north of the site and to the east, the latter part to include possible location for the sustainable urban drainage system, with all other matters to be reserved.

APPLICANT'S SUPPORTING INFORMATION

Covering Letter

Topographical survey

Archaeological assessment

Design and Access statement

Flood risk assessment

Ecological Appraisal

Historical assessment

Landscape and Visual Impact Assessment LVIA

Travel Plan

Utility Statement

Location Plan

Section 106 Heads of terms

RELEVANT PLANNING HISTORY

03/01243/FULL - PERMIT date 23rd June 2003

Erection of timber framed storage building

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
COR12 Development Focus
COR17 Villages
COR18 Countryside

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

AL/DE/2 Overall Affordable Housing Provision
AL/DE/3 Affordable Housing Site Target
AL/IN/3 Public Open Space
AL/IN/5 Education Provision
AL/IN/6 Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1- Presumption in favour of sustainable development
DM2- High quality design
DM27- Development affecting heritage assets

CONSULTATIONS

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 28th September 2017

Recommendation:

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 has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable

Drainage Design Guidance, which can be found at the following address:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 26th January 2018

Recommendation:

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.

Observations:

It is noted that preliminary infiltration testing was undertaken within the site boundary however given that full infiltration testing (3 test runs) was unable to be undertaken within the time constraints the applicant should demonstrate that an alternative attenuation based system can be accommodated within the western portion of the site should additional testing show that infiltration is not viable.

The proposed infiltration system has been designed to accommodate the 30 yr. event within the soakaways themselves and exceedance contained within the bunded areas above surrounding the infiltration devices. The applicant should clarify the minimum height of the bunding which is required to accommodate the volume between the 30 to 100 year event. The Highway Authority should also confirm that they are happy with this arrangement as it appears they are proposed for adoption.

We are supportive of the use of permeable paving in the private areas proposed within the development as a method of source control with their detailed design being secured at the detailed design stage once a layout has been confirmed.

It is noted that a private 100 year attenuation tank is proposed for the eastern catchment, subject to adoption requirements (due to the connection to a public surface water sewer) the use of an open attenuation feature should be explored at the detail design stage.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 22nd March 2018

Recommendation:

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.

Observations:

It is noted that preliminary infiltration testing was undertaken within the site boundary however given that full infiltration testing (3 test runs) was unable to be undertaken within the time constraints the applicant should demonstrate that an alternative attenuation based system can be accommodated within the western portion of the site should additional testing show that infiltration is not viable.

The proposed infiltration systems have been designed to accommodate the 30 yr. event within the soakaways themselves and exceedance contained within the bunded areas above surrounding the infiltration devices. The applicant should clarify the minimum height of the bunding which is required to accommodate the volume between the 30 to 100 year event. The Highway Authority should also confirm that they are happy with this arrangement as it appears they are proposed for adoption.

The applicant should also provide MicroDrainage model outputs, or similar, to demonstrate that the attenuation system draining to the east of the site has been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

We are supportive of the use of permeable paving in the private areas proposed within the development as a method of source control with the detailed design of these being secured at the detailed design stage once a layout has been confirmed.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

It is noted that a private 100 year attenuation tank is proposed for the eastern catchment; subject to adoption requirements (due to the connection to a public surface water sewer) the use of an open attenuation feature should be explored at the detail design stage.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 17th May 2018

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

- No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (Ref. C-06685-C; Rev. P4; dated 1st February 2018), Drainage Strategy Layout Sheet 1 of 2 (Drawing No. C-06685-C-002; Rev. C; dated 9th May 2018), Drainage Strategy Layout Sheet 2 of 2 (Drawing No. C-06685-C-003; Rev. C; dated 9th May 2018), Drainage Strategy Layout Option B: No Infiltration Sheet 1 of 2 (Drawing No. C-06685-C-005; Rev. B; dated 9th May 2018), Drainage Strategy Layout Option B: No Infiltration Sheet 2 of 2 (Drawing No. C-06685-C-006; Rev. B; dated 9th May 2018), MicroDrainage outputs of greenfield runoff rates for the

site (File Attenuation – 30 YEAR_WHOLE; dated 23rd March 2018), MicroDrainage outputs for proposed Highway Soakaways (Ref. Highways Soakaway 1 - Rev A; File Highway soakaway; dated 23rd March 2018, as well as Ref. Highway Soakaway 2; File Highway soakaway; dated 23rd March 2018) and MicroDrainage outputs for attenuation option (Ref. Whole Site: 30 Year Only; File Attenuation - 30 YEAR_WHOLE; dated 23rd March 2018, as well as Ref. Whole Site: 100 Year + 40%; File Attenuation 30 YEAR_WHOLE; dated 23rd March 2018).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

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

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

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

Observations:

Following my previous consultation response (FRM/MD/01359/2017; dated 21st March 2018), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in e-mails dated 30th March 2018 and 9th May 2018, for which I am grateful. If not already done so, the applicant should submit the following information to the Local Planning Authority:

- MicroDrainage outputs of greenfield runoff rates for the site (File Attenuation - 30 YEAR_WHOLE; dated 23rd March 2018)
- MicroDrainage outputs for proposed Highway Soakaways (Ref. Highways Soakaway 1 - Rev A; File Highway soakaway; dated 23rd March 2018, as well as Ref. Highway Soakaway 2; File Highway soakaway; dated 23rd March 2018) - MicroDrainage outputs for attenuation option (Ref. Whole Site: 30 Year Only; File Attenuation – 30 YEAR_WHOLE; dated 23rd March 2018, as well as Ref. Whole Site: 100 Year + 40%; File Attenuation 30 YEAR_WHOLE; dated 23rd March 2018)
- Drainage Strategy Layout Sheet 1 of 2 (Drawing No. C-06685-C-002; Rev. C; dated 9th May 2018)
- Drainage Strategy Layout Sheet 2 of 2 (Drawing No. C-06685-C-003; Rev. C; dated 9th May 2018)
- Drainage Strategy Layout Option B: No Infiltration Sheet 1 of 2 (Drawing No. C-06685-C-005; Rev. B; dated 9th May 2018)
- Drainage Strategy Layout Option B: No Infiltration Sheet 2 of 2 (Drawing No. C-06685-C-006; Rev. B; dated 9th May 2018)

If infiltration methods are carried forward then further details of the proposed bund above the soakaways will be required to ensure that they are appropriately designed.

If infiltration is found to be less viable than anticipated, then further analysis of source control components will need to be completed.

The Above observations are for details required at Reserved matters Stage

SOUTH WEST WATER - No Objections - 11th June 2018

DEVON COUNTY EDUCATION - 4th October 2017

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 84 family-type dwellings will generate an additional 21 primary pupils and 12.6 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £276,204 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities for those living in the development.

We would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme school. The costs required are as follows: -

13.00 secondary pupils

£3.58 per day x 13 pupils x 190 academic days x 5 years = £44,213.00

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £21,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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

DEVON COUNTY EDUCATION - 21st March 2018

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 60 family-type dwellings will generate an additional 15 primary pupils and 9 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £197,289 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities for those living in the development.

We would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme school. The costs required are as follows: -

9.00 secondary pupils

£3.58 per day x 9 pupils x 190 academic days x 5 years = £30,609

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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

HIGHWAY AUTHORITY - 6th December 2017

Observations:

The Highway Authority have seen the revised access to the west, the proposed footway construction to Turnpike at its junction with Higher road, and proposed pedestrian egress to Higher road. In addition access to the south east corner for pedestrians and cyclists and re use of the existing gate way for pedestrians is accepted a. These will form part of a legal agreement under section 278 of the highways act and detail design will be required at this stage which will need to be accompanied by a stage 2 safety audit. Based upon the submitted information the highway Authority would have no further observations to make save that of further information over the requested permissive footway for inclusion in the highway agreement and while this is desirable it would not represent a reason for refusal given the other pedestrian route provided.

Therefore the highway Authority would recommend that the following conditions be imposed should consent be granted.

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, cycleway, 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 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

4. 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

5. 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

6. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for the pedestrian access to the North west onto Higher road, the pedestrian footway link at the junction of Turnpike and Higher road, and pedestrian accesses from the site to Turnpike via the existing farm gate and the pedestrian link at the south east corner of the site have been designed and approved in writing by the Local Planning Authority funded and have been constructed and made available for use.

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

HIGHWAY AUTHORITY - 26th March 2018

Observations:

The Highway Authority has assessed the amended plans and proposals for the pedestrian accesses. The Highway Authority (HA) has also viewed the objection comments, concerns, and observations and would offer the following observations comments and conditions.

The objection comments have raised a number of issues.

The availability of documentation on the planning web site is a matter for the Local Planning Authority (LPA) to consider. However the Highway Authority is in receipt of safety audits and design responses.

Construction details will be addressed through and in accordance with Devon county council specifications under section 38 and 278 of the highways act. Please note street lighting will be designed at this stage and may necessitate extension of the current lighting on existing roads as well as estate road lighting on the elevated plateau.

Alignment, layout, visibilities are considered under the planning process and will be subject to appropriate conditions.

Where the access is proposed on the link road between Turnpike and Higher Town, the professional opinion of the Highway Authority is that the observed speed of 30 mph is appropriate in considering the visibility splays and is the norm. The HA has been informed that it is backed up by speed data undertaken by the Developer which indicates an 85%ile speed of 28 and 29 mph. The LPA may wish to verify these figures with the developer.

(For members information the applicant has submitted to the Authority details with regard to speed data and the HA have considered these figures on the Authorities behalf and are of the view they are appropriate and provide sufficient information to be able to assess the new access to be acceptable to HA. The figures are available for scrutiny on the website)

Some concern at the wording of conditions is raised and for avoidance of doubt clarification of conditions will be set out below.

Some comments have indicated that the junction should be designed to TD 42 /95. this is not the appropriate standards as they are predominantly used for trunk roads and the location of the site and hierarchy of the roads warrant designs under Manual for Streets 1 and Manual for streets 2(MfS). The observed speed and subsequent supporting data require visibility splays of 2.4 m by 43 m with no obstruction greater than 600 mm above the roads surface.

Concern is raised that the inclusion of forward visibility splays will increase speeds on the road particularly downhill. This is disputed as the mean speed of the road is governed by the physical radii of the bend which is between 20 to 25 m and warrants a forward visibility of 33

m. The improved visibility will not impact the physical constraints but will provide an improvement of visibility and safety of the HGV, commercial and agricultural vehicles.

The reduction of residential units takes the requirement for emergency vehicle access below the conditional threshold and the HA can confirm our verbal acknowledgement of this to the Developer and officers. The footway cycle way onto Turnpike can be provided without such a requirement and can be redesigned to cater for the improved gradients, width, alignment and pedestrian barriers.

Concerns have been raised about the visibility splays and gradients of the footway cycle way onto Higher town. It is intended that a new gate way feature is incorporated and consideration of a relocated 30 mph limit is provided as part of the Highway agreement.

Notwithstanding the observed speeds of 30 mph have been noted and the visibility splays are in accordance with Sight stopping distances in Manual for Streets (MfS) with a 43m distance. The HA would agree that gradients within the site should be in accordance with the maximums, and the reserve matter application which deals with such matters should comply and the estate road condition covers this .

Loss of the informal parking on the carriageway has been raised however this parking already raises the issue of the extended narrowing raised as a concern over the new layout and while it is not enforced any obstruction of the highway by parked vehicles even without formal restrictions is an enforceable issue. Notwithstanding there is an opportunity when considering the internal layout to provide some visitor parking spaces which can be located close to the footway/cycle way which can be utilised by those residents who feel they need to park on road in Higher Town.

A lot of concern over the footway adjacent to the canal road bridge at the junction of Higher Town and Turnpike. This has been subject to an independent safety audit which did not find any issue but commented outside of the brief to acknowledge that the proposed works while substandard in some of its design criteria is a significant improvement on pedestrian facilities in the village. The objectors have raised concerns over the legitimate planting of evergreens on private land reducing forward visibility; however this will further exacerbate the existing situation where residents now walk further giving weight to the improvements. Much has been made of Devon design guide "Highways in residential and commercial estates" but as is acknowledged it is a guide and MfS being the overriding design principles. This is reinforced on Devon County Council

Web site page which states "In recent years the approach to the design of the space between buildings has evolved away from the traditional dominance of the engineered carriageway. There is now recognition that the public realm has many wider functions than just the movement of vehicles. This has been recognised in the national launch of the Manual for Streets (MfS) and MfS2."

Objectors have identified that the internal estate road as an R2 type access road which requires a 5.5m wide road, however the HA have recommended an R31 which has a 4.8m wide carriageway. The lower category of road is compliant with MfS and the reduced carriageway width will encourage slower speeds and allow for a more flexible internal layout without the need for physical speed reducing features except for speed reducing bends . It will also provide for lower maintenance costs. The internal design is not a matter for this application.

Reference has been made to the HA request for "Vissim model of Halberton," The applicants consultants have submitted a technical note to the HA which has satisfied the HA that the traffic increases will not be significant on the village.

Reference has been made to the content of the travel plan, the development having been reduced in size no longer meets the trigger for a conditional travel plan and while it is not conditional it is welcomed and any proposal to assist in the reduction of car borne traffic will be beneficial.

One of the residents has engaged a transport consultant to support his objection with many of the items being addressed above and will be addressed in the comments on the amended plans.

The following comments relate to the submitted plans

06685-HYD-xx-xx-Dr-TP-106 rev P3

The above plan is compliant with the requirements of the Highway Authority in the provision of an R31 Estate road as required by the design guide and off which are a number of Cul-de-sacs. The road design junction and layout is compliant with MfS and while the proposed development is some 10 units only over the maximum limit in the design guide it is reiterated that it is a guide and the road is compliant with the principles of MfS. The acceptance of the reduced width of carriageway (the only difference between the R2 and R31) is of a desire to maintain low speeds both entering and traversing the site. The wider width is likely to give rise to physical constraints which interfere in the free flow of vehicles and represent an increase in maintenance costs. Notwithstanding this the internal layout is a matter for reserve matter application and not for consideration but is for illustrative purposes.

Should the LPA desire to see the greater width the Highway Authority would have no objection but developers should be designing the road for a 20mph design speed.

Objectors have raised the issue of spacing of junctions, however manual for streets indicates in 7.3.17 to 7.3.19 that spacing are no longer considered in such prescriptive distances and again the internal layout is not for consideration.

It should be noted the independent safety auditor have raised no issue with the junction onto the link road

06685-HYD-xx-xx-Dr-TP-107

Forward visibility is governed by sight stopping distance and it is the physical constraint of the bend that will dictate the speed on the bends. The Devon design guide sets out in table 7.3.3 such details. Given that the bend is some 20-25m the mean speed is 20mph requiring a 33m of forward visibility? The Highway Authority is opting for the slightly greater splay in recognition of the agricultural and commercial vehicles using the road.

06685-HYD-XX-XX-DR-TP-0108 P1

The provision of an access for emergency vehicles is welcome but given the reduction in house numbers is no longer conditional of any consent and a better layout and design for pedestrians and cyclists can be achieved. The visibility splays shown are acceptable but provision of a small section of footway with tactile paving at a crossing point to the footway on the canal side away from existing drives would be preferable. Given the gradients and concerns for vulnerable users entering turnpike without constraint, better alignment with appropriate 1 in 12 gradients and provision of staggered barriers can be employed. This will also enable the LPA to consider the width and a more aesthetic look. This design change can be part of the reserve matter application, as the provided access has not had any safety issued raised by the auditor as briefed and can be dealt with as part of the condition set out below.

06685-HYD-XX-XX-DR-TP-0110-P1

This plan is acceptable for the point where it accesses the junction of Turnpike and the link road. However details of the crossing point, tactile paving, and footway on the canal side required. Also details of access to the permissive footway and the lane with a drop kerb should be provided. These will form part of the section 278 requirements and will be subject to further stages of the safety audit process.

06685-HYD-XX-XX-DR-TP-P05

The layout and design is acceptable to the Highway Authority and while there are some deficiencies in the design standards the safety auditors consideration is that " 3.1 while the Audit team note that achievable visibility distances in particular are below requirements for the design standards the highway is constricted with a boundary wall directly impacting an available visibility splay. The team note that while substandard the proposals are a significant

Improvement in pedestrian facilities within the village and are provided on an observed desire line." This is within the independent safety auditors stage 1 audit received from the developers on 13/10/2017.

C06685-C-S2 traffic calming

The Auditors in response to the above plan have queried the width of the road passed the hard standing. The Highway Authority has sought a minimum distance of 3.5m to allow for commercial and emergency vehicles

Concerns has been raised that vehicles will have some 60m of narrowing to traverse as vehicle will park adjacent to the give way marking where the road widens adjacent to the barn. Such parking on what can be considered a linear junction would be an obstruction of the highway and would be an obstruction of the visibility splay and could be prosecuted as such by the police. A traffic regulation order restricting such parking formally could be appropriate. Both Mr Baker and the Independent safety auditor have recommended that the priority be reversed and will have the added advantage of speed reduction. They are happy to consider this option as part of the section 278 agreement works and will seek a Traffic regulation order for the extension of the 30 mph in conjunction with the gateway features. The advanced signage both permanent and temporary will also form part of the section 278 submission for technical approval.

The safety audits, and recommended standards in Manual for Streets and the design guide answer the issues raised by the residents and the Highway Authority would raise no objection to the proposal subject to the legal agreements, conditions and Grampian conditions, and would recommend that the LPA consider the following conditions in addition to conditions 1 to 5 in my original response.

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. Off-Site Highway Works No development shall take place on site until the off-site highway works generally as shown on drawing no. 06685-HYD-xx-xx-DR-TP-05-REV P have been approved in writing, funded and 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

2. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown generally in accordance with drawing number C06685-CS" traffic calming have been designed, approved in writing, have been constructed and made available for use.

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

3. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for a footway/cycle way onto Turnpike inclusive of but not limited to footway, tactile crossing facilities, width, gradients, drainage and alignments have been designed approved in writing by the local planning authority and have been constructed and made available for use.

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

4. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for the provision of a footway at the junction of Turnpike and linking road inclusive of but not limited to footway, tactile crossings, drainage, visibility splays has been designed, approved in writing by the local planning Authority and have been constructed and made available for use.

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

5. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-107-P1 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

6. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-0111-P1 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.

HIGHWAY AUTHORITY 25th May 2018

Observations:

Further to the Highway Authority comments of the 26th March the applicant has submitted amended plans and the Highway Authority can confirm that the following drawings are acceptable subject to the conditions previously set out,

- a) 06685-HYD-XX-XX-DR-TP-0110rev P2
- b) 06685-HYD-XX-XX-DR-TP-106rev P4
- c) 06685-HYD-XX-XX-DR-TP-0108-P3
- d) 06685-HYD-XX-XX-DR-TP-p-04-Rev P3

SAMPFORD PEVERELL PARISH COUNCIL - 11th September 2017

Members of Sampford Peverell Parish Council, having studied and discussed this application, are not able to support it.

Sampford Peverell is identified by Mid Devon District Council Planning Department as a rural settlement suitable for limited development. The proposal to construct 84 dwellings on a site between Turnpike and Higher Town would add almost a fifth to the number of dwellings in the village and its immediate surrounding area: it is thus contrary to the concept of limited development (and in conflict with Policy S13 for rural settlements). As such, it is considered to be totally unsuitable for the community of Sampford Peverell.

However, the Parish Council does recognise the need for some limited development within the village. This would include some affordable housing and single storey dwellings to meet local needs.

The Parish Council has commissioned 'Devon Communities Together' to carry out a Housing Needs Survey. The survey identified and quantified an immediate need for 4 affordable dwellings to meet local needs, with another five dwellings required within the next five years. The Parish Council is now moving towards the setting up of a Community Land Trust as a means of implementing this development.

Following the publication of the Housing Needs Survey, a number of possible sites for a small development were identified, one of which was the site proposed by this current planning application. It was ruled out by Mid Devon Planners because of its proximity to the Grand Western Canal Country Park Conservation Area. (The preferred location for this limited development is the site of the former Parkway Hotel in Lower Town (designated SP1 in the emerging Local Plan) which has now become available for development.)

The application site, as well as being adjacent to the Conservation Area, is elevated and thus very prominent. The proposed development would be very obtrusive visually to the detriment of the Canal Conservation Area.

The proposed vehicular entrance off Turnpike will require extensive excavation of soil and a massive loss of ancient hedgerows will be required to create the necessary visibility splays.

Safe pedestrian access to village amenities, including the primary school, presents a major problem for large scale development on this site. Higher Town is but a single-track lane with no footways. The footway in Turnpike (which is the main road through the village) ends just before a blind bend and narrow bridge over the Canal. Access to the school would require the highway to be crossed at this point. It is extremely dangerous. Mid Devon District Council planners recognise this problem and thus require any applicant to provide measures to overcome this. No such measures regarding this fundamental problem are addressed in the current application.

All vehicular traffic associated with development on this site travelling either to Tiverton Parkway Station or to the North Devon Link Road and the M5 motorway will, of necessity, have to pass through the centre of the village, thus adding to the hazard for pedestrians referred to above. There are perhaps better sites for housing development on the eastern side of the village.

A development of the size proposed is likely to attract a significant number of children of primary school age. The village primary school is on a constrained site and is virtually full, with local children currently unable to be guaranteed places there. The latest figure available to the Parish Council suggests that ten extra children could be accommodated, but only of certain specific ages.

Sampford Peverell Parish Council is of the opinion that this application is premature and that determination should not be made until after the publication of the Planning Inspector's interim findings on the site designated as SP2 in the emerging Local Plan.

The Parish Council notes that this application is in conflict with the emerging Local Plan, which allocates site SP2 for no more than 60 dwellings to come forward following the commencement of development at Junction 27 of the M5 Motorway and associated highways works.

The proposed site lies outside the present development envelope for the village of Sampford Peverell. Any residential development would thus be in conflict with current planning policy.

If the Planning Officer is minded to determine this application, the Ward Members are asked to call it into Committee for determination.

Members of Sampford Peverell Parish Council urge that, in the process of determination of this current application, Members of Mid Devon District Council Planning Committee conduct a site visit to include a walk to the school and other village amenities from the proposed site.

SAMPFORD PEVERELL PARISH COUNCIL - 22nd January 2018

Members of Sampford Peverell Parish Council have already made a response to the original application for housing development on this site. It is on land between Higher Town and Turnpike on the western edge of the village, outside of the development curtilage, and in a prominent elevated position.

Sampford Peverell is identified by MDDC as a rural settlement suitable for limited development. The Parish Council was strongly opposed to the original application for the construction of 84 dwellings on this site because of the size and location of the development. It is noted that the proposal is now for 60 dwellings, but despite this fact, and the revised vehicular access and the pedestrian routes now described, it remains unable to support the application for exactly the same reasons.

The revised draft Local Plan has identified a need for additional housing associated with proposals for commercial development at J27 on the M5 motorway, with 60 of these new dwellings to be accommodated on a site identified as SP2 between Higher Town and Turnpike on the western edge of the village. In its response to the consultation on the draft Local Plan, Sampford Peverell Parish Council was strongly opposed to this allocation.

Adjacent to the Conservation Area, this site is in an elevated position: any development is going to be visible for miles around and be obtrusive on the skyline. The creation of road access to the site will require loss of extensive ancient hedges. There is no safe access to the village and its school for pedestrians. The single track called Higher Town to the north has no footways. Turnpike, the road to the south of the site, is the main road through the village and has no footway on the approach to the Canal bridge, where pedestrians have to cross the highway on a blind bend. This proposed development will create significant additional traffic movement on Turnpike. Added to that will be the effect of proposed development at Halberton at Halberton Court Farm, as well as the Eastern Urban Extension at Tiverton. Traffic from these developments will pass through the village of Sampford Peverell to gain access to Tiverton Parkway Station, adding very significantly to existing traffic volumes.

The site is thus considered totally unsuitable for housing development of the proposed type and size.

The ability of the village primary school to accommodate the children that a development of the proposed size would generate has been questioned. MDDC planning staff state that the

school has 40 spare places. This is absolute nonsense. Children of families moving into the village in recent times have had to go elsewhere. The Parish Council has been told by a Governor of the school that there is space for 10 children, but of specific ages. The school is on a constrained site with no realistic scope for expansion.

An addition of 60 dwellings, with the 10 dwellings proposed on the site SP1 of the draft Local Plan, would increase the number of dwellings in the village by nearly 15%, rather more than the present infrastructure could accommodate, and a level incompatible with the concept of limited development, in conflict with Policy S13 for rural settlements. It is too many, and in the wrong place.

With reference to the emerging Local Plan, this application is premature. Development of this site (SP2) for 60 dwellings is proposed to follow the commencement of development at J27. The Planning Application 17/01359/MOUT is thus in conflict with the emerging Local Plan, and also in conflict with current planning policy regarding development outside development curtilages. For these reasons, and because of concerns relating to this site expressed above, the Parish Council is strongly opposed to this application.

The Parish Council requests that the Ward Members call this application into Committee for determination. It is also requested that Members of Mid Devon District Council's Planning Committee conduct a site visit which will include a walk to the school and to the other village amenities from the proposed site.

SAMPFORD PEVERELL PARISH COUNCIL - 5th March 2018

Members of Sampford Peverell Parish Council have reviewed the revised drawings and information submitted by the applicants as further amendment of the original application for development at this site.

Notwithstanding the reduction of the number of dwellings now proposed and the revised position of the main vehicular access to the site, Members remain totally opposed to the application.

Simply, the proposed development is in the wrong place. If development at Junction 27 proceeds, then the provision in Sampford Peverell of the 60 extra dwellings said to be required by that development should be at a more suitable location, there being such sites available to the eastern side of the village. But until Junction 27 comes forward, this proposal is premature, and as such it is contrary to the provisions of the emerging Local Plan.

The proposed Higher Town site would negatively impact of the appearance and character of the village and of the adjacent Grand Western Canal Country Park Conservation Area. Traffic generated by the scheme will have to pass through the already congested village of Halberton in order to access the nearest major town of Tiverton or pass through the village of Sampford Peverell itself in order to access Tiverton Parkway Station or the M5 motorway.

These latter movements will add to the dangers to pedestrians accessing the village school, the Post Office and general store, the medical centre, and all other village amenities, given that there is no continuous footway along the two roads serving the site, Turnpike and Higher Town. The latest revised proposals do not adequately address this serious problem.

Sampford Peverell Parish Council, having listened to the views of its parishioners, remains totally opposed to this application and urges refusal of permission.

PUBLIC HEALTH - 14th September 2017

Contaminated Land - The Phase 1 desk study report is noted. In accordance with the report recommendations a further Phase 2 assessment is required. It is recommended that this is

secured by means of the recommended condition below (see comments). See also informative note.

Air Quality - In accordance with policy DM6 Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport

Assessment, Travel Plan, traffic pollution assessment and Low Emission

Assessment. Whilst the separate travel assessment and travel plan documents are noted, the submitted application does not meet DM6 requirements in full. Without adequate information I object to the proposal.

Environmental Permitting - N/A

Drainage - I have no objection to this proposal

Noise & other nuisances - Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards - No comment

Licensing -No Comment

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

Contaminated Land - Recommended conditions:

- 1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.
- 2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.
- 3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

Reason: In the interests of public health and the protection of the environment

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice before complying with these conditions.

PUBLIC HEALTH - 17th January 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 - Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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.

For additional consultations please note that we have received:

Revised Drawings and Additional Information

The items listed below refer to any Revised / Additional / Drawings / Information.

TRANSPORT ASSESSMENT ADDENDUM NOTE

06685-HYD-XX-XX-DR-TP-106 REV. P3 - ACCESS & PROFILE FROM W.

06685-HYD-XX-XX-DR-TP-107 REV. P1 - FORWARD VISIBILITY

06685-HYD-XX-XX-DR-TP-TR-02 REV. P - SWEPT PATH ANALYSIS

06685-HYD-XX-XX-DR-TP-TR-01 REV. P - SWEPT PATH ANALYSIS

06685-HYD-XX-XX-DR-TP-P-05 REV. P - HIGHWAY IMPROVEMENTS

06685-HYD-XX-XX-DR-TP-0108 REV. P1 - PED., CYCLE & EMERGENCY

06685-HYD-XX-XX-DR-TP-0109 REV. P1 - PED., CYCLE & EMERGENCY

06685-HYD-XX-XX-DR-TP-0111 REV. P1 - VISIBILITY SPLAYS

06685-HYD-XX-XX-DR-TP-0110 REV. P1 - PEDESTRIAN ACCESS

C-06685-C - TRAFFIC CALMING MEASURES

C-06685-C-002 REV. B - DRAINAGE STRATEGY LAYOUT (1 OF 2)

C-06685-C-003 REV. B - DRAINAGE STRATEGY LAYOUT (2 OF 2)

HERITAGE STATEMENT

LANDSCAPE & VISUAL IMPACT ASSESSMENT

DESIGN & ACCESS STATEMENT

1238-01 - SITE LOCATION PLAN

1238.04 - ILLUSTRATIVE SITE LAYOUT PLAN

DEVON COUNTY COUNCIL HISTORIC ENVIRONMENT SERVICE - 9th January 2018

I refer to the above application and your recent re-consultation. I have no additional comments to make to those already made, namely:

The proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

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

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

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

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with an archaeological geophysical survey of the application area, followed - if required - by the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The

results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

DEVON COUNTY COUNCIL HISTORIC ENVIRONMENT SERVICE - 15th February 2018

The proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

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

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

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

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with an archaeological geophysical survey of the application area, followed - if required - by the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works

required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

DEVON COUNTY COUNCIL HISTORIC ENVIRONMENT SERVICE - 10th April 2018

I refer to the above application and your recent re-consultation on this revised application. I have no additional comments to make to those already made, namely:

The proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

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

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

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

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with an archaeological geophysical survey of the application area, followed - if required - by the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a

charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

NATURAL ENGLAND - 14th September 2017

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice2>

NATURAL ENGLAND - 22nd January 2018

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13 September 2017

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

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

NATURAL ENGLAND - 22nd February 2018

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 13 September 2017.

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

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

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially

affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

NATURAL ENGLAND - 14th March 2018

Natural England has been contacted by a member of public who has raised concerns in relation to the perceived lack of survey effort carried out for protected species which utilise the application site.

Badgers: They have highlighted that the Standing Advice for badgers states that a survey for badgers should be undertaken if 'there are signs of setts or badgers in the development site or nearby'. They also do not consider that the applicant has been able to show that the area surrounding the badger sett will not be impacted. They have highlighted the potential extension of the 'cutting and the design of the cycleway as examples where more consideration may be required.

Reptiles: They have also highlighted that the Standing Advice for reptiles states that a survey for reptiles should be undertaken if the 'site has habitat suitable for reptiles'. They question the comment in the ecological appraisal that 'No predicted loss as reptile habitat will not be impacted' as a number of works are proposed in this area. They have highlighted the new 2m wide footway and the removal of the wall as examples of where more consideration may be required.

In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development. Further advice on protected species, over and above that covered by standing advice, will only be provided in limited circumstances such as where specifically requested.

Standing Advice is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

NATURAL ENGLAND - 10th April 2018

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13 September 2017.

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

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

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially

affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

DEVON, CORNWALL & DORSET POLICE - 8th September 2017

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available Illustrative Site Layout Plan does not reveal any specific details that would be of concern to the police.

However, all relevant planning applications should demonstrate, generally within the Design and Access Statement, the principles of Crime Prevention through Environmental Design (CPTED) and how they have been considered and incorporated into the design and layout of all new developments. The reference to the principles of Secured By Design (SBD) is noted and welcomed.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

- Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.
- Structure: Places that are structured so that different uses do not cause conflict
- Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.
- Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016
- Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

Secured by Design (SBD) is a crime prevention initiative owned by the Mayor's Office for Policing and Crime (MOPAC) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as detailed above.

Please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m

trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

Too much permeability in a development makes controlling crime and anti-social behaviour very difficult as it allows easy intrusion around the development by potential offenders and does not serve the community. All planned routes should be needed, well used by generating adequate footfall, well overlooked and well integrated. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence.

Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, forcing residents to park on the street.

Car parking areas should be well illuminated to provide the potential for natural surveillance during hours of darkness.

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Early consultation with the police frequently prevents delays further down the planning process when crime and disorder issues present a problem with the layout of a submitted design.

I look forward to reviewing a more detailed application in due course but in the meantime please do not hesitate to contact me if I can assist further.

DEVON, CORNWALL & DORSET POLICE - 8th January 2018

The layout for the most part will offer reasonable overlooking and active frontages to the new internal streets and adjacent open space and I note the Illustrative site layout plan (1238.04 - 19/12/17), which I appreciate may change. In addition to my comments of the 8th September 2017 relating to the original application for 84 dwellings, I have concerns regarding the 'rear parking layout' for plots 1 - 5 on the eastern boundary which is not that well overlooked. There may be housing adjacent but in there is no direct frontage or windows directly looking over these spaces, thus offering little or no surveillance of parked vehicles or rear access to these dwellings. I would suggest either these plots were turned to face onto this space or, as with the majority of other plots, the parking brought within curtilage.

DEVON, CORNWALL & DORSET POLICE - 12th February 2018

Police have no further comments at this time.

DEVON, CORNWALL & DORSET POLICE - 4th April 2018

Thank you for this application, Police have no further comments at this time.

HISTORIC ENGLAND - 16th October 2017

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.

HISTORIC ENGLAND - 9th January 2018

Thank you for your letter of 3 January 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

HISTORIC ENGLAND - 14th February 2018

Thank you for your letter of 9 February 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

HISTORIC ENGLAND - 6th April 2018

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

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

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 5th September 2017

Sampford Peverell is currently showing a need of 5, as of 1st August 2017. Figures extracted from Devon Home Choice - For those living in the village or working in the village. (Housing Enabling have confirmed that the 1st August 2017 figures are the most up to date figures).

REPRESENTATIONS

There have been 152 representations all of which are objections although a number of those relate to the initial application for 84 houses and access off Turnpike, although comments that are made which relate and have content relevant to the revised scheme will be considered. The majority of the objections cover the same issues and as such these have been summarised collectively as set out below.

1. There is no footway along Higher Town thus leading to health and safety issues
2. 10% increase in the population SP unable to cope
3. Surface water is a problem
4. Increase in heavy Lorries over the listed bridge.

5. School unable to cope with the influx of children
6. Elevated position clearly visible
7. Application submitted prior to the new local plan being considered and is premature.
8. Impact on the conservation areas.
9. Volume of traffic through the village is unacceptable.
10. The land is prime agricultural land
11. MDDC stated no development in the emerging policy SP2 unless J27 and 361 slip roads are developed.
12. The site is outside the present local plan and settlement limits.
13. The site is not a sustainable location, and totally unsuitable for development.
14. There is no traffic data with regard to flows to and from Halberton and potential increase due to the Eastern Urban developments.
15. Planning department and committee should stick to the promises of the triple lock on the site.
16. Incomplete conflicting information to enable the public to consider the proposal.
17. Outlook from nearby properties will be impacted.
18. There will be an adverse impact on the adjacent Historic grade II properties and conservation areas
19. The proposal is premature as there is to be no development prior to Junction 27 being brought forward.
20. The proposed new entrance location is poorly sited.
21. New development should be located at Lower Town.
22. The application should be withdrawn to allow time for clarification of information.
23. Committee should visit at school times to understand the traffic concerns.
24. If the Local Plan was produced on time this application would not be allowed.
25. The houses will be built on the skyline, and visible from the Grand Western Canal Conservation Area.
26. The proposal is unwanted and not needed.
27. That any development on this elevated position at the “wrong” end of the village would be an outrageous eyesore.
28. It will destroy a rural way of life.
29. The committee should visit the adjacent listed properties prior to determination.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development, including 5 year housing land supply, NPPF, and Emerging Local Plan Review Policy SP2**
 - 1.1 Adopted Local Plan and NPPF 5 year land supply**
 - 1.2 Emerging Local Plan Review Policy SP2**
- 2. The scale and character of the development within Sampford Peverell.**
- 3. Landscape impacts and effects on the Conservation Areas and Listed Buildings, Archaeology and Ecology**
 - 3.1 Landscape and Visual Impacts**
 - 3.2 Impact on Heritage Assets and Conservation Areas**
 - 3.3 Archaeology**
 - 3.4 Ecology**
- 4. Access and highway safety**
- 5. Effects on neighbouring residents**
- 6. Drainage**
- 7. Education.**
- 8. Other matters**
- 9. Section 106 agreement**
- 10. Planning balance**

- 1. Principle of development, including 5 year housing land supply, NPPF, and Emerging Local Plan Policy SP2**

- 1.1 The Adopted Local Plan**

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.

Policy COR17 of the Core Strategy adopted July 2007 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits. Policy COR18 of the Core Strategy adopted July 2007 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside, but adjacent to the village of Sampford Peverell's defined settlement boundary. The site is not allocated for development within the adopted development plan therefore the proposal is considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

However, Members will also be aware that Mid Devon has been found not to currently be able to demonstrate a 5 year housing land supply. In summary the latest evidence shows that Mid Devon has a deliverable housing land supply of 4.15 years as compared with a requirement for 5 years. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not

be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

The proposal is outside defined settlement limits of the adopted Local Plan and is therefore contrary to Policy COR17 and COR18 of the Core Strategy (adopted 2007). Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be “contributing to a restriction on bringing forward development in the district in line with the Framework requirement to boost significantly the supply of Housing” (APP/Y1138/W/17/3172380 Land off Silver Street, Willand Appeal Decision). This does not mean that Mid Devon’s policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

The NPPF contains a presumption in favour of sustainable development. Paragraph 47 of the NPPF requires local authorities to “boost significantly the supply of housing” and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites and as such NPPF paragraphs 14 and 49 will be applicable. Footnote 9 of paragraph 14 relates to designated heritage assets and gives examples of where development should be restricted, including the need to consider designated heritage assets. In this case whilst there are no designated heritage assets on the site it should be noted that immediately abutting the north eastern corner of the site there is a grade II listed building 42 Higher Town which lies within a group of undesignated historic buildings which includes 44 and 46 Higher Town and a former barn that is used as a garage. It should also be noted that the Sampford Peverell Conservation Area also abuts the north eastern corner of the site and the Grand Western Canal Conservation Area is located approximately 50m to the south east of the site.

Therefore, the setting of these buildings and the Conservation Areas carry’s great weight when considering the proposal.

1.2 Emerging Local Plan Review Policy SP2

The application site lies within the area of land proposed for allocation in policy SP2 of the Local Plan Review Proposed Submission (incorporating proposed modifications) that was submitted for examination to the Secretary of State on 31 March 2017.

The emerging Local Plan Review seeks to allocate the site for 60 dwellings and associated green infrastructure under policy SP2 which is considered below.

“Emerging Policy SP2

Higher Town, Sampford Peverell

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following:

- a) No more than 60 dwellings with 30% affordable housing;*
- b) No development until the completion of improved access works to the A361;*
- c) Landscaping and design which respect the setting and character of the area, conservation area and listed building;*
- d) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;*
- e) Mitigation of any wildlife impact including protection of hedgerows;*
- f) Archaeological investigation and appropriate mitigation; and*
- g) 2 hectares of Green Infrastructure laid out and managed with landscaping and open space.*

Two proposed amendments to Policy SP2 were also submitted to the Secretary of State following the public consultation in January / February 2017 which are as follows:

Include new criterion "Improved access to the village for pedestrians and cyclists"

Amend criterion g) as follows "2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space."

Consideration of the affordable housing provision, highways, landscape and design, heritage, drainage, wildlife, archaeology, and green infrastructure are separately considered below and the weight that should be attributed to policy SP2 will be assessed as part of these considerations.

The scale of development in Sampford Peverell

Sampford Peverell is a village 5.5 miles north-east of Tiverton. Sampford Peverell parish has a population of 1302 people and consists of around 2,000 acres of land. The village is situated near to the Bristol to Exeter main railway line and has a station (Tiverton Parkway) just on its outskirts. It is near to junction 27 of the M5. In addition, the Grand Western Canal (Tiverton to Lowdells) runs through the village.

The village of Sampford Peverell has a small shop with post office, doctor's surgery, a primary school, a pub and a hotel and some other local facilities including tennis courts and a play area. To the east of Sampford Peverell on the approach road to Tiverton Parkway Railway station, there is a farm shop.

Sampford Peverell is a sustainable location having good road links, bus links (No 1 daily service which runs between Exeter and Tiverton via Parkway Train Station) and rail links within close proximity with Tiverton 5.5 miles away and Wellington (Somerset) 9 miles. There is easy access to the main train station (Tiverton) and a public footpath is presently being considered from Lower Town to the Station with lighting by DCC Highways.

With regard to Policy SP2 of the LPR the proposal includes no more than 60 dwellings therefore this proposal is also in compliance with Policy SP2 of the LPR.

MDDC has assessed the scale of development in relation to the Village as part of the Local Plan Review (LPR) process and have agreed that the site should be taken forward as part of the LPR. Therefore the level of growth in relation to the village of Sampford Peverell is considered to be appropriate.

Landscape and Visual impacts, and effects on the Conservation Areas and Listed Buildings, Ecology and trees.

3.1 Landscape and Visual impacts

The site is open agricultural land located to the eastern fringe of Sampford Peverell settlement limits. The land is Grade 2 and characterised in the Mid Devon Landscape Character assessment October 2011 as 3E Lowland Plains. This Landscape has an open, low lying with gently rolling ground to lowland flat landscape, with smooth, rounded hilltops.

This type of landscape is sensitive to a number of potential changes due to the uncertain future for the agricultural economy, continued trend in hobby farming, development, climate change and diversification.

A landscape and visual impact assessment (LVIA) has been provided as part of this application. The Authority has sought the independent assessment of the LVIA by CEC Consultants. Their expert comments/conclusion relating to the submitted LVIA are set out below.

CEC Consultants Comments

The applicants LVIA follows appropriate industry guidance, based on a reasonable methodology and is a well written and considered report. We broadly agree with the conclusions, subject to the points requiring clarification as set out in this review, though we would suggest that certain key landscape and visual receptors have not been fully covered and should have been specifically assessed on account of their value. It is recommended that the Authority seeks further input from the applicant to cover the assessment of these specific receptors.

Some visual effects have been under-assessed, and the scheme should be reviewed with particular regard to visual effects on the Grand Western Canal users along the 180m section south east of the site, including users of that Conservation Area, Country Park, NCN route and boat users. Appropriate layout and mitigation measures to minimise perception of a larger developed area from this section of canal are considered important.

It should be feasible to integrate the development with the existing village, the Conservation Areas of Sampford Peverell and the Grand Western Canal, and the setting of no 42 Higher town (Listed Building) without causing undue adverse effects, and without causing more than negligible landscape effects to the contemporary setting of Sampford Peverell Conservation Area as a whole, subject to:

- 1. Conserving the strong rural character of the sunken lane at Higher Town (between no.42 and no. 48)*
- 2. Sensitive design of the new pedestrian links to the north east and south east of the site, with an emphasis on minimising visual clutter and sympathetic choices of walling and surfacing materials to match the vernacular constructions styles already existing in the immediate locality. This is of particular relevance to the north east access, to protect the setting of the adjacent Listed Building (but also of relevance to the setting of the Conservation Area to the south west).*
- 3. Sensitive alterations to the surrounding roadways generally, minimising road widening and realignment of hedgebanks as far as practical and ensuring any reinstatement is carried out in line with the local landscape character.*
- 4. Dispersed tree planting throughout the scheme, with further tree planting focused around the boundaries and greenspaces to reduce landscape and visual effects.*

5. *Development pattern, style and materials to reflect that of adjacent areas of development and the older vernacular in the village, without creating pastiche.*

6. *Consideration of neighbours and neighbouring uses (e.g. the Cemetery) avoiding any overbearing or substantial change.*

It is considered that the site is not unsuitable for the proposed type of development, but that the extent and nature of effects will depend on the final layout, detail design and quality of mitigation. Those aspects will need to be conditioned appropriately, and an updated LVIA, detailed mitigation strategy, landscape masterplan, tree planting and integration plan and long-term maintenance plan including responsibilities and delivery vehicle for maintenance should be prepared at detail application stage to fully confirm the level and nature of effects and ensure the scheme is as integrated as possible with its surroundings, with a long-term successful landscape scheme implemented with the development.

The Applicant has subsequently submitted an amended LVIA to take into consideration the shortcomings presented above, this additional information has been re-assessed by the Authorities appointed consultants.

Their summary is set out below;

*“In **summary**, it is clear that the LVIA has now been updated in response to many comments from our original feedback; however other comments have not been picked up upon. Whilst we accept there will be differences in professional opinions between different practices and individuals, we would still consider that the LVIA fails to conform to relevant guidelines, with the GLVIA 3rd edition allowing the assessor to focus on what they believe to be the primary landscape and visual effects (and omit others from the assessment). The overall assessment has benefited greatly from the additional details given to potential landscape effects on 42 Highertown (listed building) and both conservation areas, with minor landscape effects now acknowledged for each of these landscape receptors. We would still consider that certain relevant visual receptors have been omitted from the assessment, for which visual effects should probably have been assessed (particularly canal boat users and users of NCN route 3).*

Whilst the recommended mitigation within the report is well reasoned, a more detailed and definable green infrastructure strategy will be required to secure the mitigation effects discussed.

Key to potential effects on 42 Highertown will be retaining the rural character of the lane to the west. Whilst no changes or effects are described, the lane falls within the site (red line) boundary and any alterations will need to be sympathetically design, as will the new pedestrian access adjacent to the property.

Road alterations along Turnpike should also be a consideration in terms of potential effects on Sampford Peverell Conservation Area.

The local authority may feel that these can be suitably secured through the detailed application or planning conditions.”

Following the report from the authority’s consultants (CEC), the applicants have submitted a fourth amendment to the LVIA to further address the comments by the authority’s consultants.

This further LVIA has been assessed by the authority’s consultants and their summary is set out below;

Review of the submitted LVIA for a Residential Development on Land west of

Sampford Peverell (Ref: 17_01359_MOUT)

In April 2018 CEC were commissioned by Mid Devon District Council to undertake a LVIA review and evaluation of related documents submitted as part of the outline planning application 17_01359_MOUT. The proposal is for a development of 60 dwellings over two agricultural fields, immediately west of the developed area of Sampford Peverell. The developer LVIA was undertaken by AECOM.

Although our review was broadly in agreement with the developer LVIA's main conclusions, we did identify a number of areas where the LVIA would benefit from further evaluation of landscape and visual effects to present a clearer picture to the Local Authority, particularly with regards to potential effects on the two adjacent Conservation Areas (Sampford Peverell Conservation Area and The Grand Western Canal Conservation Area) and their users.

Prior to submitting our LVIA review report, CEC prepared an email response summarising the key findings of the sitework and initial LVIA review. A full report containing the LVIA Review and an independent assessment undertaken by CEC Ltd was then issued to the LPA on 09 April 2018, which was also sent to AECOM. AECOM subsequently submitted a revised LVIA (Rev 04 issued 20/04/18), with CEC then commissioned to evaluate the changes made with regards to whether the resubmitted LVIA now adequately addressed the points we raised in our original feedback.

A number of additions were found to be made to the resubmitted LVIA Rev 04, which addressed several points that we raised in our original email feedback (particularly with regards to potential landscape effects on the two adjacent Conservation Areas, and inclusion of reference to receptors we identified as being missing for the original LVIA submission).

However, some difference in professional judgement remained over aspects of the methodology and the sensitivity assigned to some visual receptors in particular, whom had been omitted from assessment based on the LVIA's methodology.

AECOM have subsequently submitted a further revision of their LVIA (Rev 05). CEC have now been commissioned by Mid Devon District Council to evaluate the changes made to Rev 05 of the LVIA, with regards to whether this now addresses the points raised. We have provided a table as Appendix 1 to this letter, evaluating whether the Rev 05 addresses the points made in the original email summary and subsequent key points identified in the Review Report (CEC3124 Review of LVIA dated 09 April 2018).

In summary, the key changes in Rev 05 of the LVIA are the corrections of the inconsistent terminology within the methodology section of the report (with correct terminology now referred to within the body of the report) along with further explanation on how sensitivity has been assigned. Susceptibility and value have now also been independently referred to within table 11 (which further clarifies how sensitivity ratings have been assigned).

Whilst these are all welcome improvements which strengthen the integrity of the LVIA report, our previous comments regarding the omission of what we would consider to be relevant visual receptors are still applicable (see our letter dated the 9th May for further detail), as well as points outlined again in the table appended to this letter.

Our further comments (within our letter dated the 9th May) regarding detailed mitigation proposals and preserving the rural character of Highertown should also be considered to be applicable.

We trust this assists in your consideration of the application and suitability of the LVIA as a tool for evaluation of likely effects and compliance with planning policy.

This report/letter set out above refers to the LVIA REV 05 the applicants consultant AECOM have referenced their latest LVIA as No 4

Having fully assessed the submitted LVIA it is concluded that the visual effects are not likely to be at a level that would be unacceptable. Whilst, there will be some harm to the landscape character and visual amenities of the area this is not considered to be unacceptable and when the development is viewed from a distance it will appear as part of the built form of Sampford Peverell. The site is considered to be suitable for the proposed type of development and the extent and nature of the effects can be suitably controlled through the imposition of conditions to control the final layout, detail of design and quality of landscaping. It is considered that proposal is considered to be in accordance with policies COR2 and DM2.

With regard to Policy SP2 of the Local Plan Review this requires Landscaping and design which respect the setting and character of the area, conservation area and listed building. It is considered that the proposal is in compliance with this element of Policy SP2.

3.2 Impact on Heritage Assets and Conservation Areas

The site is not within any specific designated area, although bounded to the east by the Sampford Peverell Conservation area, adjacent to a grade II listed dwelling and within 50m at its closest point to the Grand Western Canal Conservation Area (GWC). Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape and to protect their setting. Policy DM2 of the Local Plan Part 3 Development Management Policies requires development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and make a positive contribution to local character.

Paragraph 128 of the NPPF states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The NPPF states that development should be restricted where there may be an impact on designated heritage assets and gives a number of criteria which need to be met in order for development to be acceptable. These criteria are reflected in policy DM27 of the Local Plan 3 Development Management Policies.

Policy DM27 of the Local Plan 3 Development Management Policies considers a presumption in favour of preservation in situ in respect of the most important heritage assets; requiring development proposals likely to affect heritage assets and their setting to consider their significance, character, setting and local distinctiveness. This policy reflects the NPPF. As such there is a need to consider whether the proposal is in the public interest and does not adversely impact on these areas and heritage assets.

The Council's Conservation Officer has been consulted on the application and has commented as follows:

The site at Higher Town is adjacent to part of the western boundary of the Sampford Peverell conservation area; the Grand Western Canal lies to the south east. A listed building (42 Higher Town) lies adjacent to east boundary and the north east corner of the application site together with three other historic buildings 44 and 46 Higher Town and a barn north of 42 Higher Town. The remainder of the eastern boundary is adjoined by modern housing including bungalows. The land is currently in agricultural use and comprises two fields.

Turnpike the road linking Sampford Peverell to Tiverton runs along the southern boundary at a lower level separated from it by a bank topped with a hedge. To the south side of this road is a ribbon of modern development and a cemetery.

Higher Town runs along the northern boundary with these two roads linked by another road forming the western boundary. The linking road is bounded by a hedge and a dressed stone wall.

The land lies on a sloping elevated site rising from 110m in the south east corner to 125m in the north west corner.

Proposal

The proposal is in outline with all matters reserved apart from the access arrangements. There is an illustrative site layout showing the roads, the public open spaces including a SUDS feature and landscaping.

As currently set out there is a vehicular access from the road on the west boundary. It is unclear if the existing stone wall is to be set back and rebuilt on a new line or whether only the section breached for the access road is the only section to be removed. There also appears to be a requirement to remove/ relocate a section of hedge to provide the required visibility splay.

Pedestrian accesses are shown to the south west and north east corners. The access to the south west corner is intended to provide a walking route to Battens Bridge and to the tow path on the south side of the canal; the access to the north east corner of the site emerges adjacent to the barn north of the listed building and there is an associated traffic calming scheme on the approach to the village involving a build out, signage and road markings.

There is a further access in the location of an existing field gate currently shown as a combined pedestrian and cycle way together with an emergency access. However it is understood that the emergency access is no longer considered essential. The line of the path is quite straight and steep.

Other works are proposed within the highway in the vicinity of the site including new section of pavement, 1.2m wide from the junction of Higher Town with Turnpike for around 55m and an associated traffic calming gateway feature.

Impact upon the listed building, locally listed buildings and conservation areas.

The impact of the proposed new vehicular access needs to be considered in terms of the potential loss of the attractive dressed stone wall and the requirement to set back a length of hedgebank to provide the necessary visibility splay. If the stone wall can be left in situ and only the section for the new road access removed, combined with reusing the stone to form the return curves of the visibility splay this would minimise the visual impact of the new opening. The possible removal of the length of hedge to the south of the entrance would be offset if the line of the visibility splay was defined by a Devon hedgebank with traditional planting on top. This would represent a visual gain as the current hedge is very thin. Much of the visual impact of the new access on the rural character of this road could be mitigated by these measures. The proposed footpath access at the junction of this road with Turnpike is shown as a 2m wide strip with a hard surfaced pedestrian refuge on the verge.

The impact of the north east pedestrian access (less than 2m wide) is minimal on the listed building, the important unlisted building and the conservation area whilst the traffic calming measures in the highway on the approach to the conservation area do have a slightly negative visual impact on the character of the rural approach road. This causes less than substantial harm to the setting of the conservation area and the setting of the small barn identified as an important unlisted building.

The development is quite low density at around 15 dwellings per hectare giving plenty of scope for landscaping as illustrated by the notional layout provided. The illustrative layout

shows that the listed buildings and important unlisted buildings to the north east edge of the site could have a green buffer. There is also potential for some single storey dwellings which may be appropriate on higher parts of the site.

Good design reflecting the local vernacular and use of an appropriate palette of materials will contribute to the assimilation of the development into the landscape. This also applies to the surfacing of the various footpath / cycle paths.

The impact of the proposal on the setting of the two conservation areas is variable.

Sampford Peverell is the most closely affected as the development site runs adjacent to part of the western boundary and the required traffic calming/ pedestrian safety measures required by the highway authority are on the approaches or within the Sampford Peverell conservation area.

The Grand Western Canal conservation area in this locality runs on a north east –southwest line apart from a small wedge of land running at right angles from the northern canal bank and containing a house previously a doctor's surgery. This property is the nearest point the canal conservation area comes to the development site. Apart from small settlements like Westleigh / Burlescome the canal conservation area follows the line of the canal taking in its related historical structures such as bridges some by Isambard Kingdom Brunel and John Rennie the main canal engineer. Some individual properties of various ages were included where these immediately adjoin the canal bank such as in the case of the former doctor's surgery. The significance of the canal conservation area arises predominantly from its history and the engineering used in its construction.

For the distance of about 180m along the tow path there are views across two fields towards the development site after which heading south west along the canal towpath towards Battens Bridge the views are dominated by the ribbon of modern detached houses along the south side of Turnpike. The canal conservation area is increasingly distant from the site towards the west. The impact on the setting would be mainly from the intervisibility between the site and the section of canal immediately adjoining the two open fields and the finger of land encompassing the former surgery. None of the proposed access works would have any significant detrimental impact on the setting of the canal conservation area. There would be some limited visual impact from the pedestrian cycleway emerging on to Turnpike as currently configured although a less steep and direct route with appropriate surfacing could mitigate some of the less than substantial harm to the setting of the heritage asset of the canal conservation area.

Any harm identified even if less than substantial should be weighed against the public benefits arising from the proposed development in line with NPPF paragraphs 131 -135 and Local Plan Policy DM27.

Summary

No objections in principle to the works proposed subject to comments above on details, mitigation measures and the assessment of public benefits.

(Historic Environment Good Practice Advice Planning notes 2 and 3 (regarding significance and setting of heritage assets) were taken into account in the course of discussions with the applicants agents. Although the application is in outline the potential impacts including harm on the setting of Sampford Peverell Conservation Area and on the setting of the Grand Western Canal Conservation Area together with the potential impact on the setting of the Grade II listed 42 Higher Town and the adjacent important unlisted buildings were discussed in some detail. Those discussions resulted in a more detailed Heritage Statement from the applicants as well as amendments to the proposal in particular to the access arrangements.)

It is the view of the Conservation Officer that there will be less than substantial harm to the listed building, conservation areas and the unlisted historic assets. Para 132 of the NPPF makes it clear that great weight should be given to the assets conservation irrespective of the level of harm. The failure to give considerable importance and weight to the less than substantial harm to the Grade II listed building (arising from development within its setting) would amount to a failure to discharge the duty at s.66(1) of the Planning (listed buildings and Conservation Areas) Act 1990. Therefore officers must fully assess the harm to the conservation of the listed building, conservation areas and unlisted historic assets and balance this against the public benefits of the development to reflect the balance within paragraph 134 of the NPPF.

There have been concerns raised that the proposed development will have an adverse impact on the setting of the two conservation areas, the nearby listed building, the unlisted historic buildings and the stone wall on the western boundary which is considered by the objectors to be an unlisted heritage asset.

The Listed building no 42 Higher Town (dwelling) which is located to the north east corner adjacent to east boundary will undoubtedly have its setting affected to a degree. However the setting has already been impacted by the provision of other dwellings since its inception as a farm house and the proposal indicates on the illustrative site layout that there will be a good sized buffer of approximately 40m between the new houses and the Listed building. As such it is considered that a development in accordance with the illustrative layout would result in a minimal impact on the listed building.

With regard to the unlisted historic buildings also on the north east corner adjacent to eastern boundary of the site they will also have their setting affected to a degree. However, the setting of these buildings has already been impacted by the provision of other dwellings and the proposal indicates on the illustrative site layout that there will be a good sized buffer between the new houses and the unlisted historic buildings. As such it is considered that a development in accordance with the illustrative layout would also result in a minimal impact on the unlisted historic buildings.

The Sampford Peverell Conservation Area is the most closely affected as the development site runs adjacent to part of its western boundary and the required traffic calming/ pedestrian safety measures required by the highway authority are on the approaches or within the Sampford Peverell conservation area. Whilst there will be an impact on the character of the conservation area. It is considered that this is a low density development that will include a significant green buffer between the development and the conservation area. The highway improvements will affect the rural character of these approach roads however the impact of these highway improvements are slight and therefore the harm to the character of the conservation area will be minimal.

The Grand Western Canal (GWC) conservation area at its closest point is 50m from the site. However this area where the Conservation Area is at its closest to the application site is in private ownership and so there is little public impact on this immediate part. From the tow path of the Canal there are areas where the site is visible, however this is only partial and will not significantly impact on the GWC conservation area.

With regard to the unlisted wall on the western boundary of the site, the 2008 Sampford Peverell Conservation Area appraisal does not specifically mention this wall and it is not included in the list of unlisted buildings or structures. The Local Plan Review Historic Environment Appraisal of proposed allocations dated December 2016 under took a desk top analysis and referenced the wall on the western boundary and suggested the wall should be retained.

The wall on the western boundary of the site will have a section removed and rebuilt to provide the necessary access to the site but this will be kept to a minimum (approx. 60m). The specific details associated with the wall and visibility splay will be controlled through a condition. It is intended that with the exception of the alterations for the access, where the wall will be re-built to follow the line of the visibility required, the remainder of the wall will be untouched and retained.

The Conservation Officer has been on site and considered the proposed access and has concluded that provided the wall is re-instated once the required visibility has been created, then it is considered to be acceptable as it will also achieve the benefit of retaining the hedge bank along Turnpike.

The balanced judgement in this case considering harm falls to be low and so it is considered that the impact on the character of the area from the proposed change to the wall is small and an acceptable alteration to provide a suitable access to the site.

The proposed footpath to the north eastern corner of the site will need to be designed sympathetically to ensure there is minimal impact on the listed building, the unlisted historic buildings and the conservation areas. It is considered that this detail can be suitably controlled by conditions to ensure the design and landscaping of this access point is appropriate and sympathetic to the setting of the Listed building.

With regard to the footpath/cycleway emerging onto Turnpike at the south eastern corner of the site, this will utilise the existing field entrance and no longer provides emergency vehicle access. Therefore the reduced width has lessened the impact on the conservation areas and it is considered that the detailed design (including gradient) and landscaping of this access can also be suitably controlled by conditions to ensure the impact of this access point is acceptable. The internal layout of the paths will also be conditioned to ensure appropriate design, incline and landscaping are provided as part of the reserved matters application.

In view of the above it is considered that the harm to the character of the conservation areas and historic buildings from the proposed access works will be minimal.

Under NPPF para 134 it is necessary to also weigh the potential harm against the significance of a designated heritage asset in relation to the public benefits of the proposal, including securing its optimum viable use.

As outlined above it is considered that the scheme for 60 dwellings in this location will have an impact on the setting of the listed buildings and conservation areas however there are significant public benefits from the provision of much needed market and affordable housing. There will also be public benefits from the green infrastructure which will assist in preserving the setting of the immediate area around the heritage assets. The proposal will also provide pedestrian footpath provision to Turnpike and Higher Town and traffic calming to Higher Town, sec 106 contributions towards primary, early years and secondary education. Therefore it is considered that the benefits will be not only to Sampford Peverell but also to the wider Mid Devon area through providing further much needed dwellings. Having assessed the proposal against the balance within Para 134 of the NPPF and given the correct weight to the harm officers are of the view that the public benefits outweigh the harm to the assets.

In view of the above the proposal is felt to be compliant with Policy DM27 and NPPF para 129, 131-135.

With regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this sets out the general duty as respects conservation areas in exercise of planning functions. Subsection (1) of this section considers that for any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in

subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As the proposed is not within a conservation area it is considered that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged by this application.

With regard to Policy SP2 of the Local Plan Review this requires Landscaping and design which respect the setting and character of the area, conservation area and listed building. It is considered that the proposal is in compliance with this element of Policy SP2.

3.3 Archaeology

The Devon County Council Archaeologist has considered this proposal and has commented that the proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) The County Archaeologist has advised that any consent the Authority may be minded to issue should carry the following condition based on model Condition 55 as set out in Appendix A of Circular 11/95.:

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

Turning to Policy SP2 of the Local Plan Review this requires that an appropriate condition will be placed on the outline decision to provide for suitable Archaeology mitigation. It is considered that the proposal is in compliance with this element of Policy SP2.

3.4 Ecology

The Ecological Appraisal dated January 2018 provides a survey which covers all habitats and potential species and their ecological value. Within the Ecological Appraisal report it is indicated that there is a Badger sett (Figure three identifies a 20m protected non-impact zone (Not to Scale)). Within the Ecological Appraisal plan figure 2 there is also an area which has been shown as potential for reptiles on the highway verge north of Battens Cross which is affected by some of the highways and pedestrian access improvements .

Natural England has been consulted and has referred to their standing advice which sets out the procedure for considering impacts on the Badger sett and reptiles.

Natural England standing advice for badgers is set out below:

“BADGERS

What a sett is

A sett is any structure or place which shows signs indicating it's currently being used by a badger. This means that the tunnels and chambers and the areas immediately outside the entrances are all part of the sett. Other structures used by badgers for shelter and refuge could also be classed as a sett, including spaces:

- among rocks and boulders

- under garden sheds and raised buildings
- among hay bales
- under hedges or bushes

Survey methods

You can survey at any time of year. The best time is in early spring or late autumn when badgers are active but there's less vegetation to hide the signs.

When you find evidence of a sett you must decide whether there are signs that it's currently in use. The sett is protected if there are signs of badgers, even if they aren't occupying it at the time.

Look for:

- sett entrances, eg entrances that are normally 25 to 35cm in diameter and shaped like a 'D' on its side
- large spoil heaps outside sett entrances
- bedding outside sett entrances
- badger footprints
- badger paths
- latrines
- badger hairs on fences or bushes
- scratching posts
- signs of digging for food

These signs could remain for several weeks after the last occupation by a badger.

Bait marking

You should carry out a bait marking survey to find out:

- the territorial boundaries of different badger groups in an area affected by a development project
- if there are alternative setts used by the same badger group nearby which badgers could move to if a sett is destroyed
- the best site for a replacement artificial sett, if needed

To bait mark you should:

- place small coloured beads in a food bait that will be eaten by badgers, eg peanuts and syrup, at the entrance of each sett (buy the beads from a wildlife equipment supplier to make sure they are the correct composition and size)
- use different coloured beads for each sett
- check dung pits or latrines in the area and record the colour of any beads you find

- plot the locations and colours of beads you find on a map of the area - a boundary line drawn around the outermost points for the same coloured beads indicates a particular badger group's territory

Survey effort required

Monitor sett entrances over an extended period of time, eg up to 4 weeks, to see if they're active. You can use various ways to monitor the entrances, including:

- footprint traps, ie placing sand or soil on the entrance floor
- inserting small sticks firmly into the sett entrance so that they won't fall down unless pushed by a badger or other animal - you can attach sticky tape to the sticks to catch the hairs of animals moving through the entrance
- camera traps

Extra surveys must be done if there are active setts or foraging grounds. Use these surveys to:

- prove that a sett is in current use
- monitor use of the sett and determine if it's a significant sett for the group
- estimate territorial boundaries
- identify locations for mitigation measures

Assess the impacts

As part of your licence application, provide an assessment of the impacts this development will have on badgers if no mitigation measures were planned. Impacts you should consider include:

- damage to setts
- loss of setts
- loss of foraging areas
- disturbing badgers while they're occupying setts with noise, lights, vibration, fires or chemicals

Mitigation and compensation methods

Address the potential impacts on badgers with your mitigation and compensation plans using the following approach:

1. Aim to avoid negative effects.
2. Use mitigation measures to reduce the impacts.
3. Use compensation measures to offset any remaining negative impacts for badgers.

Avoid affecting badgers

Your plans should first attempt to avoid affecting badgers, for example by:

- keeping heavy machinery and excavation work away from setts

- deciding appropriate working distances for activities that might either damage the sett or disturb badgers in the sett
- not using fire or chemicals within 20 metres of a sett entrance
- felling trees so they fall away from active sett entrances
- clearing felled trees away from badger paths and sett entrances
- avoiding loud noises and vibrations near active setts, over and above what the badgers would be used to

Mitigation measures

Mitigation measures can include:

- maintaining foraging and watering areas, or creating new areas if needed
- maintaining habitat connectivity, for example with tunnels or underpasses
- excluding badgers from an area temporarily using badger fencing, provided you don't exclude access to setts
- creating badger crossings for roads

You can't translocate badgers for a development project. You're breaking the law if you intentionally capture, kill or injure a badger and you could be prosecuted and fined.

Compensation measures

Compensation measures can include replacing setts that will be destroyed, and improving or creating new habitat.

Excluding badgers from setts

Before setts are destroyed, you must be certain that all badgers have been excluded. This work must be done under [license](#). Licenses to exclude badgers and to close down or destroy a sett are only issued between 1 July and 30 November, other than in exceptional circumstances.

If you need to exclude badgers from a sett:

- make sure there are alternative setts nearby that badgers can relocate to (bait marking should help identify if these setts are used by the same badger group)
- if required, build artificial setts as early as possible and before excluding badgers from the original sett - ensure that badgers have found artificial setts before excluding them from original setts
- use [1-way badger gates](#) (PDF, 59.7KB, 2 pages) kept in place for at least 21 days from the last sign of badgers accessing the sett - gates must be checked at least once every 3 days for signs of badgers entering or leaving the sett
- don't use chemical repellents (as none are approved)

Once badgers have been excluded, you should:

- destroy the sett (if appropriate) as soon as possible to reduce the chances of badgers re-occupying

- ensure the sett is securely proofed against re-entry by badgers by using heavy-gauge chainlink or weldmesh

The above standing advice has been considered in respect of this application and against the information received under the ecology report submitted and the additional supporting information submitted following concerns raised by objectors to Natural England.

The information submitted and assessing against the criterion of standing advice shows there to be negligible impact on the sett although if required following any consent the badger sett is capable of closure under license. Licenses to exclude badgers and to close down or destroy a sett are only issued between 1 July and 30 November, other than in exceptional circumstances.

However mitigation measures should be considered, as set out below

Mitigation measures

Mitigation measures can include:

- maintaining foraging and watering areas, or creating new areas if needed
- maintaining habitat connectivity, for example with tunnels or underpasses
- excluding badgers from an area temporarily using badger fencing, provided you don't exclude access to setts
- creating badger crossings for roads

The area around the badger sett is to be maintained in pasture land, and habitat will be maintained in this area, along with connectivity to other parts of the site.

If there is a need to exclude badgers from a sett:

- make sure there are alternative setts nearby that badgers can relocate to (bait marking should help identify if these setts are used by the same badger group)
- if required, build artificial setts as early as possible and before excluding badgers from the original sett - ensure that badgers have found artificial setts before excluding them from original setts."

Having assessed the proposal against Natural England's standing advice, a sett which requires destruction will require the exclusion of the Badgers and the work must be undertaken under a licence. In this case there is no intention of impacting on the badgers or removing the sett and the proposed works are sufficiently distant from the sett not to be of significant concern.

Concerns have been raised by objectors with regard to the location of this Badger Sett in relation to the development. The objectors concern is that the location of the sett may conflict with the proposed pedestrian/cycle way. However the proposal for this application is for access only, the final route of the proposed pedestrian/cycle way is to be determined at reserved matters stage. It is considered there is sufficient area to provide the appropriate gradient without harm to the Badger sett provided an appropriate route is taken and designed, this will be subject to reserved matters. The Ecology representative for Place Land has confirmed that it is unlikely the proposal will impact on the Badger sett but that a licence is able to be obtained from Natural England if required.

It is concluded that there is to be no substantive harm to the Badger setts which would be sufficient to alter the scheme or to recommend refusal.

With regard to reptiles standing advice from Natural England reads as follows:

“REPTILES

Survey methods

Acceptable methods for surveying most reptiles are:

- searching for basking animals on banks, piles of wood and edges of woodland
- laying out artificial refuges like corrugated iron sheets (this is the only method recommended for slow worms and smooth snakes)
- carpet tiles or roofing felt bedded down well into the vegetation

Survey for reptiles in April, May and September. Avoid July to August and November to February.

Combine daytime searches with artificial refuges, and look at hibernation sites as well as summer sites.

Look at suitable habitat within the home range of (the distance the animal normally travels from) the development site. Surveys should aim to establish the population size and distribution of reptiles on and near the development site.

Assess the impacts

Assess the impacts this development would have on reptiles if no mitigation measures were planned. Impacts to consider include:

- losing links between habitats
- separating summer and hibernation sites
- reduction in habitat quality
- risk of fire
- effect of increased litter

Avoidance, mitigation and compensation methods

Address the potential impacts you've identified on reptiles with your mitigation plans.

For reptiles, mitigation planning should include:

- consider changing the layout and not developing the areas used by reptiles
- displace them from sensitive areas by changing the vegetation
- changing the timing of the work
- move the reptiles (translocate) to another area that has been specially prepared, but only as a last resort, maintaining networks across the site (for large schemes)

Compensation methods can include:

- creating links to other habitats

- creating new habitat
- improving existing habitat

Temporary fencing for mitigation

You can use fencing to prevent reptiles moving into areas where there are damaging activities. Make sure the reptiles can't pass over, under or through the fencing, eg by keeping vegetation close to the fence short on both sides.

Moving reptiles (translocation) as mitigation

If you need to move reptiles to a new location you'll have to choose a receptor site:

- as close as possible to the development site, and within the same local planning authority if possible
- that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)
- that will serve the same function as the habitat to be lost, eg it has hibernation features
- with similar habitat to the area that will be lost, including water bodies
- that doesn't currently support the same species, but can be improved to make it suitable
- that will be safe from future development and managed in the long term

You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers.

You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them.

Capture methods for mitigation

You can:

- use artificial refuges (but capture legged lizards by hand or noose)
- gradually reduce the amount of suitable habitat to concentrate the reptiles in certain areas, making it easier to capture them eg by strimming rough grass
- dismantle rubble, rock and wood piles carefully by hand to capture any reptiles using them as refuges

Only use invasive methods like mechanical excavation under expert supervision and after exhausting other methods.

Allow enough time to capture and release the reptiles, and build this into the development plans. For large populations, this can take up to 3 years, capturing between March and September. For small populations, 1 year is usually enough. Try to capture reptiles early in the season to avoid problems before hibernation or increased numbers due to breeding.

Don't capture reptiles:

- that are heavily gravid (pregnant or egg-laden, usually found in early summer)
- during autumn

- that are hibernating
- in extreme weather (heat, drought, flooding)”

Within the Ecological Appraisal there is an area which has been shown as potential for reptiles on the highway verge north of Battens Cross. It is considered that there is likely to be an impact on this area due to the visibility splay provision and footpath. A specific reptile survey is being carried out on site and will finish on 2nd July. At the time of writing the report there was no evidence of reptiles on site however a further update will be provided to members at planning Committee on the final findings of the survey.

Natural England has referred to standing advice and it is considered by your officers that the proposal conforms to this advice.

It will be necessary to ensure survey work and mitigation is undertaken prior to and during any development on site. A specific condition will be included to ensure that prior to any development/works being undertaken within 25m of the Badger sett the developer will be required to submit a mitigation plan and comply with any licence requirement by Natural England to ensure protection of the Badger sett.

It is considered that it will also be necessary to ensure mitigation is undertaken prior to and during any development on site in the area the Ecological Appraisal report indicates as a potential site for reptiles. A suitable condition will be imposed to ensure this happens.

Concerns have been raised by objectors with regard to lighting and the potential impacts on bats. The ecological report considers the site to have negligible potential to support foraging bats and no evidence of bats was found on site. Lighting will be a reserved matters proposal and this subject will be considered then.

Subject to the recommended mitigation measures, the development is not considered to harm habitats and protected species and is considered to be in accordance with Natural England’s standing advice and policy DM2(d) of the Local Plan 3 Development Management Policies in this respect. In addition, there is opportunity to enhance landscape features on the site such as hedges and trees, and the proposal would contribute towards the provision of additional green infrastructure close to and associated with the village of Sandford Peverell. The inclusion of green buffers and additional planting will provide a significant improvement over that which is there at the moment. On this basis the impact of the proposed on ecology is deemed to be acceptable.

With regard to Policy SP2 of the Local Plan Review this requires mitigation of any wildlife impact including protection of hedgerows. It is considered that the proposal is in compliance with this element of Policy SP2.

4. Access and highway safety

This application was originally submitted for 84 dwellings with a main access point off Turnpike, additional pedestrian links located to the north east corner of the site, a pedestrian link at the crossroads and onto the road bounding the west of the site, close to the existing field access off this road.

Officers considered that the proposed access of Turnpike would have a detrimental visual impact on the street scene and the conservation areas. Therefore amended access arrangements were sought which now show the site accessed from the western boundary road running from Higher Town to Battens Cross. In addition the number of dwellings was reduced from 84 to 60. Access drawings have been submitted showing the new access at the western side of the field. New footways are proposed from the site onto Turnpike, and Highertown, there is a requirement for localised road widening and minor junction

realignment at the bend on the road between Higher Town and Battens Cross. Also traffic Calming features are required on Higher Town to the north east of the site associated with the new pedestrian/cycleway. In addition a new footpath is to be provided off site to the west and on the northern side of Turnpike immediately to the west of the listed bridge. Visibility splays at the entrance would require the removal of part of the stone wall (approx. 60m). This is intended to be re-built utilising the existing stone to follow the line of the visibility splay, apart from this the hedge along Turnpike is proposed to remain intact, with some minor alterations to accommodate the footpath and cycle way from the site. It is also proposed to provide pedestrian/cycle access to the north/east corner of the site, with an area of hedge and bank to be removed and re-profiled. There is currently poor visibility at this pedestrian access point and an appropriate highway build out as shown on the plan 06685-HYD-xx-xx-DR-TP-p-04 P3 would be required to improve visibility for pedestrians.

Concern has been raised by local residents with regard to a number of highway related issues, including the ability of local roads to cope with additional traffic, on road parking and congestion in the vicinity and over the bridge within Sampford Peverell. The off-site highway works would facilitate safer walking to school from the development with the installation of improved footway crossing provision and traffic calming.

The Highway Authority has not raised any particular concerns regarding traffic circulation within the village but has recommended that the off-site highway works shown on the plans are conditioned prior to development and are subject to a section 106 agreement. Subject to these improvement works, the Highway Authority considers the access arrangements to be acceptable. Set out below are aspects assessed by the Highway Authority.

The Highway Authority has assessed the amended plans and proposals for the pedestrian accesses. The Highway Authority (HA) has also viewed the objection comments, concerns, and observations and would offer the following observations comments and conditions.

The objection comments have raised a number of issues.

The availability of documentation on the planning web site is a matter for the Local Planning Authority (LPA) to consider. However the Highway Authority is in receipt of safety audits and design responses.

Construction details will be addressed through and in accordance with Devon county council specifications under section 38 and 278 of the highways act. Please note street lighting will be designed at this stage and may necessitate extension of the current lighting on existing roads as well as estate road lighting on the elevated plateau.

Alignment, layout, visibilities are considered under the planning process and will be subject to appropriate conditions.

Where the access is proposed on the link road between Turnpike and Higher Town, the professional opinion of the Highway Authority is that the observed speed of 30 mph is appropriate in considering the visibility splays and are the norm. The HA has been informed that it is backed up by speed data undertaken by the Developer which indicates an 85%ile speed of 28 and 29 mph. Details have been supplied concerning speed data which has been considered by DCC highways who have confirmed they are satisfied with the approach and findings.

Some concern at the wording of conditions is raised and for avoidance of doubt clarification of conditions will be set out below.

Some comments have indicated that the junction should be designed to TD 42 /95. this is not the appropriate standards as they are predominantly used for trunk roads and the location of the site and hierarchy of the roads warrant designs under Manual for Streets 1

and Manual for streets 2(MfS). The observed speed and subsequent supporting data require visibility splays of 2.4 m by 43 m with no obstruction greater than 600 mm above the roads surface.

Concern is raised that the inclusion of forward visibility splays will increase speeds on the road particularly down hill. This is disputed as the mean speed of the road is governed by the physical radii of the bend which is between 20 to 25 m and warrants a forward visibility of 33 m . The improved visibility will not impact the physical constraints but will provide an improvement of visibility and safety of the HGV, commercial and agricultural vehicles.

The reduction of residential units takes the requirement for emergency vehicle access below the conditional threshold and the HA can confirm our verbal acknowledgement of this to the Developer and officers. The footway cycle way onto Turnpike can be provided without such a requirement and can be redesigned to cater for the improved gradients, width, alignment and pedestrian barriers.

Concerns have been raised about the visibility splays and gradients of the footway cycle way onto Higher town. It is intended that a new gate way feature is incorporated and consideration of a relocated 30 mph limit is provided as part of the Highway agreement.

Notwithstanding the observed speeds of 30 mph have been noted and the visibility splays are in accordance with Sight stopping distances in MfS with a 43m distance. The HA would agree that gradients within the site should be in accordance with the maximums, and the reserve matter application which deals with such matters should comply and the estate road condition covers this .

Loss of the informal parking on the carriageway has been raised however this parking already raises the issue of the extended narrowing raised as a concern over the new layout and while it is not enforced any obstruction of the highway by parked vehicles even without formal restrictions is an enforceable issue. Notwithstanding there is an opportunity when considering the internal layout to provide some visitor parking spaces which can be located close to the footway/cycle way which can be utilised by those residents who feel they need to park on road in Higher Town.

A lot of concern over the footway adjacent to the canal road bridge at the junction of Higher Town and Turnpike. This has been subject to an independent safety audit which did not find any issue but commented outside of the brief to acknowledge that the proposed works while substandard in some of its design criteria is a significant improvement on pedestrian facilities in the village. The objectors have raised concerns over the legitimate planting of evergreens on private land reducing forward visibility; however this will further exacerbate the existing situation where residents now walk further giving weight to the improvements. Much has been made of Devon design guide" Highways in residential and commercial estates" but as is acknowledged it is a guide and MfS being the overriding design principles. This is reinforced on Devon County Council Web site page which states "In recent years the approach to the design of the space between buildings has evolved away from the traditional dominance of the engineered carriageway. There is now recognition that the public realm has many wider functions than just the movement of vehicles. This has been recognised in the national launch of the Manual for Streets (MfS) and MfS2."

Objectors have identified that the internal estate road as an R2 type access road which requires a 5.5m wide road, however the HA have recommended an R31 which has a 4.8m wide carriageway. The lower category of road is compliant with MfS and the reduced carriageway width will encourage slower speeds and allow for a more flexible internal layout without the need for physical speed reducing features except for speed reducing bends . It

will also provide for lower maintenance costs . The internal design is not a matter for this application.

Reference has been made to the HA request for "Vissim model of Halberton," The applicants consultants have submitted a technical note to the HA which has satisfied the HA that the traffic increases will not be significant on the village.

Reference has been made to the content of the travel plan, the development having been reduced in size no longer meets the trigger for a conditional travel plan and while it is not conditional it is welcomed and any proposal to assist in the reduction of car borne traffic will be beneficial

The submitted Travel Plan seeks to reduce the number of single person car journeys to and from the village and also to make sure new residents are informed of travel options. The Travel Plan also includes an element of traffic monitoring. It is recommended that compliance with the Travel Plan is secured within the Section 106 Agreement.

With regard to Policy SP2 of the LPR it is important to note that the development site is coming forward prior to the commencement of development of the M5 Junction 27 allocation, and that development will be coming forward prior to the completion of improved access works to the A361. However it is also important to note that Devon County Council as the Highway Authority has been consulted on this application. Having assessed the application, the Highway Authority has not required that it only comes forward following the provision of improved access works to the A361. The capacity of the existing highway network is considered to be acceptable to accommodate additional traffic arising from this development; this includes the potential additional traffic flows through Halberton towards Tiverton.

The Highway Authority has also recommended conditions relating to the provision of the access roads, footways and other highways infrastructure, as well as approval of a construction management plan to minimise the impact on local residents.

Subject to these provisions, the development is considered to be acceptable in terms of its access arrangements and impact on highway safety, in accordance with policies COR9 of the Mid Devon Core Strategy (LP1) which seeks to co-ordinate development and transport planning and provides for development to consider its impact on highway safety and policy DM2 of the Local Plan 3 Development Management Policies which seeks the creation of safe and accessible places.

5. Effects on neighbouring residents

Concern has been raised by local residents that the development would have an unacceptable overbearing impact on listed buildings and the residents of Higher Town 42-46, Turnpike, Paultett and the nearby residential dwelling 48 higher Town.

48 Higher Town is a detached isolated property located to the north of the site. The proposed scheme will affect the outlook of this property although loss of views are not a material concern. It is not considered that there will be any significant overbearing impact on the property arising from the development. A Green Infrastructure (GI) area will be provided, to the northern and eastern side of the site, to assist with reducing any potential impacts of the site on adjacent properties such as 48 Higher Town 42-46 Higher Town.

42-46 higher Town are a group of cottages no 42 being a listed property which are located to the eastern edge of the site set down below the level of the site by approximately 1 metre. Views out of the properties are generally across the development site. Ground floor views look out onto the site with the ground level of the site being at eye level when inside the existing property. The properties on this site boundary are a mixture of old historic cottages

set below the level of the land and newly built bungalows at the same level of the site. For the properties at a reduced level, the area of the site immediately adjacent is indicated on the illustrative plan to remain undeveloped with the exception of a pedestrian access point to Higher Town. This area at the north east corner where the path will exit is also GI. The area at the southern part of the eastern boundary is also to be an open area where the suds will be located and is intended to be kept primarily as green infrastructure. The relationship between these properties and the development can be considered further at reserved matters, but at this outline stage is not considered so detrimental as to warrant the refusal of the application.

Paullett is a cul-de-sac of properties set to the eastern side of the site, the older properties not being contiguous with the site, 4 bungalows have recently been granted planning permission off Paullett and once constructed, will be located adjacent to the site boundary. The new dwellings according to the indicative layout plan will be approximately 50m from the nearest property with a GI and Sustainable Urban Drainage (SUDs) area separating them from the built scheme.

The road Turnpike runs east west along the southern boundary of the site. The site is elevated above the generally modern built form of a line of detached dwellings, generally set back from the road frontage along Turnpike. These existing dwellings are on the southern side of Turnpike. The indicative plan shows the nearest property of the scheme to the closest existing property (26 Turnpike) is approximately 30m. It is intended that the existing hedge will be reinforced to assist with screening and to assimilate the proposed into the landscape. Objectors have raised concerns about the potential overbearing nature of the proposal on properties in Turnpike, primarily due to the former being on higher ground to the north. It is your officers view that although there will be a change in the appearance of the landscape, the nearest properties on the development site will be set far enough away from those existing properties as to not be so overbearing as to warrant refusal. Although scale and massing will be subject to reserved matters the indicative layout shows properties on Turnpike to be between 35m and 60m away from the development on site and will have intervening existing vegetation on the site boundary which is to be enhanced with additional planting. No levels have as yet been provided at this stage although requested and so this will be addressed at reserved matters and through the imposition of suitable worded levels conditions. The edge of the site along Turnpike varies in height but is generally 1.5-2m above the level of the highway, with a greater height differential as you move away from the site further south toward the Canal. The distances involved when combined with the mitigating planting is considered to not cause excessive visual impact on the existing dwellings located on Turnpike. The height of buildings, location, scale and their mass will be considered at reserved matters stage. Illustrative information submitted as part of the landscape and visual assessment includes a visualisation along Turnpike, and other vantage points, it needs to be stressed that this is indicative only.

The proposed development has the potential to directly affect a number of properties which surround the site. However it is considered that this can be controlled through the imposition of suitable conditions and through the reserved matters application. Therefore it is not considered there will be an unacceptable loss of privacy and amenity for the residents of these dwellings.

The LVIA has considered the impact of the proposal on the various receptors which include (Historic buildings, Conservation Areas) during and post construction; it has concluded that there is medium/low sensitivity during construction, within 1 year of the scheme being built medium/low sensitivity also, and post 15 years medium/negligible sensitivity.

Your officers consider the development to be compliant with policy DM2 of the Local Plan 3 Development Management Policies in respect of its impact on the privacy and amenity of existing residents within the immediate area.

6. Drainage

The site is located in Flood Zones 1 (low flood probability). The Environment Agency has raised no in principle objections to the development. Although DCC Lead Flood Authority have concerns about the surface water management programme. The proposed site to be developed is entirely outside of the Flood Zones 2 and 3, which meets the flood risk sequential test and complies with policies in the National Planning Policy Framework and COR11 of the Mid Devon Core Strategy (LP1) which seek to direct development to the areas least likely to flood.

A sustainable urban drainage system (SUDS) is proposed which directs surface water from the development via swales and porous paving to an attenuation pond with a restricted outfall. The drainage strategy confirms that the drainage scheme will provide betterment to existing greenfield run-off rates. The Lead Local Flood Authority has confirmed it has no in-principle objections from a surface water drainage perspective, subject to the imposition of suitably worded conditions.

Details of the final SUDS solution will be required to be submitted prior to commencement of development and the Lead Local Flood Authority has recommended conditions in respect of additional percolation testing and the approval of a detailed design for the SUDS. Management and maintenance of the SUDS will also be conditioned for approval, as well as details of temporary surface water management provisions during the construction period. In this way the impact of the development upon surface water drainage both during construction and during the lifetime of the development will be controlled.

Foul drainage would discharge into the main sewer.

With regard to Policy SP2 of the Local Plan Review this requires the provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance. It is considered that the proposal is in compliance with this element of Policy SP2.

The drainage proposals are considered to be in accordance with policies COR11 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies in respect of flood risk and sustainable drainage principles.

7. Education.

Devon County Council Education has confirmed there is currently capacity at the nearest primary school (Sampford Peverell) for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school (Uffculme) that serves the address of the proposed development. The contribution sought is £197,289 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities to meet the need arising from for those living in the development.

Devon County Council has also requested a financial contribution of £30,609 towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme school. The costs required are as follows: -

9.00 secondary pupils £3.58 per day x 9 pupils x 190 academic days x 5 years = £30,609

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

These financial contributions meet the need arising from the development in accordance with policy.

8. Other matters

Green infrastructure.

The application is for 60 dwellings to the west of Sampford Peverell, and set out broadly in line with the emerging Local Plan Policy SP2. However there is some divergence from the plan of the proposed SP2 allocation in relation to the area of proposed green infrastructure (GI). The GI area identified in SP2 is approximately 2.5ha including open space. The proposed scheme is to provide a similar amount of space when the LEAP, open space and GI are combined. It is intended to include the GI area within the section 106 agreement to protect this area from future development. It is proposed that the area of land to the north and west of the site will be retained as agricultural pasture land, and the area to the east as open amenity space and suds provision. The section 106 will need to ensure that this area is retained for these purposes whilst also establishing an appropriate management plan. The precise wording of the documents will be considered by the Authority's legal team when drawing up the section 106 agreements. The northern and eastern GI area is generally outside of the application red line but is within the blue ownership area identified in the application drawings.

With regard to Policy SP2 of the Local Plan Review this requires the provision of 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space. It is considered that the proposal is in compliance with this element of Policy SP2.

Recreational opportunities

The application includes an indicative area to provide for public open space and recreational opportunities in connection with the development for the residents of the site and potentially Sampford Peverell, as well as providing land for the SUDS scheme. Recreational opportunities in the surrounding area are likely to be improved as the development is capable of being used by existing dwellings located to the west of the village. Officers consider that the development would have a positive impact on the enjoyment of recreational facilities in the area.

New homes bonus

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 5 years. The amount of New Homes Bonus to be generated by this development would be £237,210. Whilst a material consideration in the determination of this application that counts towards the development, your officers consider that this is of little weight to decision making when assessed against other material considerations.

9. Section 106 agreement.

The applicant has agreed to make these financial contributions through a Section 106 Agreement.

Protection of the Green infrastructure

Off-site highway works for the provision of the new foot path near the listed bridge, the traffic calming facilities at higher town and the provision of a foot path link at Battern Cross.

Affordable housing

Policy AL/DE/3 of the AIDPD sets an affordable housing target of 35%. Policies AL/DE/4 and AL/DE/5 set criteria for the occupation, design and location of affordable dwellings.

The applicant has agreed to enter into a Section 106 Agreement in order to provide 35% affordable dwellings on the site totalling 21 affordable dwellings, tenure and mix to be agreed.

With regard to Policy SP2 of the Local Plan Review this requires the provision of no more than 60 dwellings with 30% affordable housing. It is considered that the proposal is in compliance with this element of Policy SP2.

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling, equating to 3,600sq m. The applicant has agreed to this provision and the illustrative plan submitted with this application shows how public open space of this scale could be accommodated on the site in accordance with this requirement. It is expected that public open space will be transferred to a management company. Management and maintenance arrangements will be controlled by condition.

10. Planning balance

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.

Policy COR17 of the Core Strategy adopted July 2007 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits. Policy COR18 of the Core Strategy adopted July 2007 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside, but adjacent to the village of Sampford Peverell's defined settlement boundary. The site is not allocated for development within the adopted development plan therefore the proposal is considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be "contributing to a restriction on bringing forward development in the district in line with the Framework requirement to boost significantly the supply of Housing" (APP/Y1138/W/17/3172380 Land off Silver Street, Willand Appeal Decision). This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

Mid Devon DC has been found not to currently be able to demonstrate a 5 year housing land supply and the latest evidence shows that Mid Devon has a deliverable housing land supply of 4.15 years as compared with a requirement for 5 years. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

Footnote 9 of paragraph 14 relates to designated heritage assets and gives examples of where development should be restricted, including the need to consider designated heritage assets. In this case whilst there are no designated heritage assets on the site it should be noted that immediately abutting the north eastern corner of the site there is a grade II listed building 42 Higher Town which lies within a group of undesignated historic buildings which includes 44 and 46 Higher Town and a former barn that is used as a garage. It should also be noted that the Sampford Peverell Conservation Area also abuts the north eastern corner of the site and the Grand Western Canal Conservation Area is located approximately 50m to the south east of the site.

Therefore, the setting of these buildings and the Conservation Areas has been given great weight when considering the proposal.

It is the view of the Conservation Officer that there will be less than substantial harm to the listed building, conservation areas and the unlisted historic assets. In accordance with Para 132 of the NPPF your officers have given great weight to the assets conservation irrespective of the level of harm. The failure to give considerable importance and weight to the less than substantial harm to the Grade II listed building (arising from development within its setting) would amount to a failure to discharge the duty at s.66(1) of the Planning (listed buildings and Conservation Areas) Act 1990.

Therefore officers have fully assessed the harm to the conservation of the listed building, conservation areas and unlisted historic assets and then balanced this against the public benefits of the development to reflect the balance within paragraph 134 of the NPPF.

As outlined above it is considered that the scheme for 60 dwellings in this location will have an impact on the setting of the listed buildings and conservation areas however the public benefits of the scheme in the provision of much needed market and affordable housing when combined with the green infrastructure which will assist in preserving the setting of the immediate area around the heritage assets. In terms of the public benefits it will provide significant public benefits through the provision of affordable and market housing, public open space and green infrastructure with footpath provision to Turnpike and Higher Town and traffic calming to Higher Town. There will also be sec 106 contributions towards primary, early years and secondary education. Therefore it is considered that the public benefits will be not only to Sampford Peverell but also to the wider Mid Devon area through providing further much needed dwellings.

Having assessed the proposal against the balance within Para 134 of the NPPF and given the correct weight to the harm officers are of the view that the public benefits do outweigh the harm to the assets.

The NPPF contains a presumption in favour of sustainable development. Paragraph 47 of the NPPF requires local authorities to “boost significantly the supply of housing” and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The development will provide 39 open market and 21 affordable dwellings which assist in meeting the deliverable housing land supply of 4.15 years as compared with a requirement for 5 years and would also provide economic and social benefits for Sampford Peverell.

The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. Policy COR12 focuses development on the towns and states that other settlements should have only limited development to meet local needs and promote vibrant rural communities. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever appropriate.

Sampfords Peverell is classed as a village where development should be limited to meet local needs. It is considered that this application will bring forward a sustainable proposal for 60 dwellings on a site which is allocated in the LPR for the same number of units under Policy SP2.

With regard to the weight that can be given to LPR Policy SP2, NPPF paragraph 216 provides guidance on the weight to be given to emerging plans. The more advanced the preparation, the greater the weight that may be given. The degree of weight that can be given to Policy SP2 is affected by the formal representations that have been received to this policy. The fact that Policy SP2 has yet to be tested through the Local Plan's examination means that policy SP2 can carry little weight in the assessment of this application. Therefore it follows that the timing requirements within SP2 as drafted, which requires that this site should only come forward following the commencement of development of the M5 Junction 27 allocation, also carry's little weight in the assessment of this application.

Whilst the emerging policy can carry little weight, the processes that have been undertaken as part of the allocation of this site are a material consideration when assessing the sustainability of the site. Clearly the fact that the site has been proposed for allocation as a suitable site for housing under policy SP2 of the LPR demonstrates that Mid Devon District Council considers the site to be a sustainable site that complies with the NPPF. This is a significant factor in the assessment of whether the site is considered to be sustainable and also whether the site will enhance or maintain the vitality of rural communities.

It can also be argued that there is a need for the development in order to help meet the housing needs of the village and, to meet market demand for additional market housing within Mid Devon. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever appropriate.

Your officers consider that there would be some harm to the landscape qualities of the area but visual effects are not likely to be at a level that would be unacceptable and this can be further mitigated through conditions that ensure good design, layout and landscaping. The design, size, scale, form, and layout of the houses, together with materials will be critical factors in how well the proposal fits in to the village and the wider landscape. However these issues can be suitably controlled through conditions and through the submission of a reserved matters application.

In the wider landscape, your officers consider that the development would be seen in the context of the existing built form of Sampfords Peverell.

The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and physical off-site highway works. This when combined with the inclusion of an area of public open space within the proposed development, the change to the proposed access and the improvements to the public footway at the bridge, are significant benefits that weigh in favour of the development.

Taking all the above into account, your officers consider that the delivery of housing on a sustainable site results in a development that accords with the NPPF. Subject to appropriate

conditions and provisions of the proposed s106 agreement there are no technical objections to the application. The Local Planning Authority concludes that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Accordingly the development is recommended for approval.

SUMMARY/REASON

The proposal is considered to be acceptable in that the development would provide 39 market and 21 affordable dwellings to meet an identified need, as well as a substantial area of public open space/green infrastructure. The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and physical off-site highway works. The impact on the Listed building, Conservation Areas and other historic buildings is considered to be acceptable and can be controlled further through the imposition of suitably worded conditions to address design, landscaping and layout. The wider visual effects of the development are also considered to be acceptable and again can be controlled through conditions relating to the design, size, scale, form, layout of the houses and the landscaping proposals to be approved under later reserved matters application(s). In terms of the wider landscape, the development would be seen in the context of the existing built form of Sampford Peverell and mitigated through the presence of green infrastructure on the most elevated part. The provision of an area of public open space within the development will meet the needs of the site along with substantial highway improvements around the Listed bridge area by improving highway safety and so assists in weighing in favour of the development sufficient to warrant approval in the public interest.

The development is considered to be in accordance with policies COR1, COR2, COR3, COR9 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM8, and DM27 of the Mid Devon Local Plan part 3 (Development Management Policies) and the National Planning Policy Framework as a whole, and the SPDs on parking, public open space and meeting housing needs. The proposed development is considered to be contrary to policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) as it is outside any defined settlement boundary and is not allocated for 100% affordable housing. The Local Planning Authority concludes that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole and accordingly permission should be granted.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings, roads, pavements, the wall to the west access and the landscaping (including the attenuation pond area) (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, tree protection plan and arboricultural method statement.

5. No development shall begin until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which shall have been previously submitted to and approved by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority, and the results of the fieldwork and post-excavation specialist analysis shall be undertaken and submitted to the Local Planning Authority in an appropriately detailed and illustrated report.

6. No Development shall take place on site until the off-site highways works generally as shown on drawing no. 06685-HYD-XX-XX-DR-TP-P-05 Rev P set out in the Transport statement have been approved in writing, funded and constructed and made available for use.

7. No occupation of the development shall take place on site until the off-site highway works generally as shown on drawing no. 06685-HYD-xx-xx-DR-TP-106 REV P4 set out in the Transport statement have been approved in writing, funded and constructed and made available for use.

8. No occupation of the development shall take place on site until the off-site highway works as shown generally in accordance with drawing number 06685-HYD-XX-XX-DR-TP-p-04 P3 traffic calming have been designed, approved in writing, have been constructed and made available for use.

9. No occupation of the development shall take place on site until the off-site highway works for a footway/cycle way onto Turnpike inclusive of but not limited to footway, tactile crossing facilities, width ,gradients, drainage and alignments have been designed approved in writing by the local planning authority and have been constructed in accordance with the approved details, are made available for use and shall be so retained.

10. No occupation of the development shall take place on site until the off-site highway works for the provision of a footway at the junction off Turnpike and linking road inclusive of but not limited to footway, tactile crossings, drainage, visibility splays has been designed, approved in writing by the local planning Authority and have been constructed in accordance with the approved details, are made available for use and shall be so retained.

11. No occupation of the development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-108-P3 have been constructed and made available for use.

12. No occupation of the development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-0110-P2 have been constructed and made available for use.

13. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details. Such Construction Management Plan shall include:

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure;
- d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and

6.00pm on Mondays to Fridays inclusive, 9.00am to 1.00pm on Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;

- e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - f) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste;
 - i) the means of enclosure of the site during construction works;
 - j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking on-site;
 - k) details of wheel washing facilities and obligations;
 - l) details of the amount and location of construction worker parking;
 - m) photographic evidence of the condition of adjacent public highway prior to commencement of any work.
14. 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 and approved in writing by the Local Planning Authority.
15. 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 metres back from its junction with the public highway in accordance with approved Plan 06685-HYD-xx-xx-DR-TP-106 REV P4.
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) A site compound and carpark have been constructed to the written satisfaction of the Local Planning Authority.
16. 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.
17. No development shall begin until a temporary surface water drainage management system to serve the development site for the full period of its construction has been implemented and is operational. Details of such temporary surface water drainage management system shall be submitted to and approved in writing by the Local Planning

Authority before its implementation and shall address both the rates and volumes, and quality, of the surface water runoff from the construction site. The temporary surface water management system shall be implemented in accordance with the approved details and so retained during the construction works.

18. No development shall begin until a programme of percolation tests have been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. The programme shall take the form of a representative number of tests to provide adequate coverage of the site, with particular focus on the locations and depths of the proposed infiltration devices.

19. No part of the development hereby permitted within the site shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

20. No development shall begin until details of the permanent surface water drainage management system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be informed by the programme of percolation tests required by condition 5. and the principles set out in the Level 2 Flood Risk Assessment (Report Ref: 422/FRA2, Rev. V1, dated 20/10/2016). Once approved, the development shall be constructed in accordance with the approved the permanent surface water drainage management system, the system shall be fully operational before any of the proposed dwellings are first occupied and be so retained.

21. No dwelling shall be first occupied until the full details of the adoption and maintenance arrangements for the permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be retained and maintained in accordance with the approved adoption and maintenance arrangements for the lifetime of the development.

22. No dwelling in any agreed phase of the development shall be first occupied until the following works have been carried out in accordance with the approved details:

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 have 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.

23. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the approved details.

24. No external lighting shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority before any external lighting is installed.

25. 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 [B, C,] of Part 1, of Schedule 2, relating to Dormer windows and alterations to roof including roof lights, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

26. Prior to commencement of any site works, a repeat survey for the presence of Badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority in consultation with specialist advisors. Site works shall be carried out in accordance with the survey unless otherwise agreed in writing by the local planning authority.

27. The reptile mitigation strategy report undertaken by Ecological Surveys Ltd dated May 2018 is to be fully implemented and maintained during the course of developments associated with this area of the site as set out within this report.

28. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (29) below are met.

29. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (28) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.

30. Following completion of any works required by condition (29) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development, in accordance with paragraph 141 of the National Planning Policy Framework and Mid Devon Local Plan Part 3 Development Management Policy DM27.
6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.
7. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.
8. To minimise the impact of the development on the highway network in accordance with paragraph 32 NPPF.
9. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
10. To minimise the impact of the development on the highway network in accordance with paragraph 32 of the NPPF.
11. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
12. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
13. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).
14. To ensure that adequate information is available for the proper consideration of the detailed proposals.
15. To ensure 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.
16. To ensure the proper development of the site.
17. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
18. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

19. To ensure tht the use of infiltration devices on the site is an appropriate means of surface water drainage management.
20. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.
21. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
22. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
23. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
24. In order to minimise light pollution and to minimise the development's impact on bats.
25. To safeguard the visual amenities of the area and residential amenity of neighbouring residents in proximity of the site in accordance with Mid Devon Core Strategy (Local Plan 1) policy COR2 Local Plan Part 3: (Development Management Policies) DM2.
26. To ensure that protected species are fully considered and impacts on them are mitigated.
27. To ensure that protected species are fully considered and impacts on them are mitigated.
28. In the interests of public health and the protection of the environment.
29. In the interests of public health and the protection of the environment.
30. In the interests of public health and the protection of the environment.

INFORMATIVE NOTE:

You are advised that a suitable programme of work should take the form of the archaeological excavation of all areas where iron-working has been identified by the geophysical survey and field evaluation works already undertaken within the application area to ensure an appropriate record is made of these heritage assets.

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.