

Application No. 18/02019/MOUT

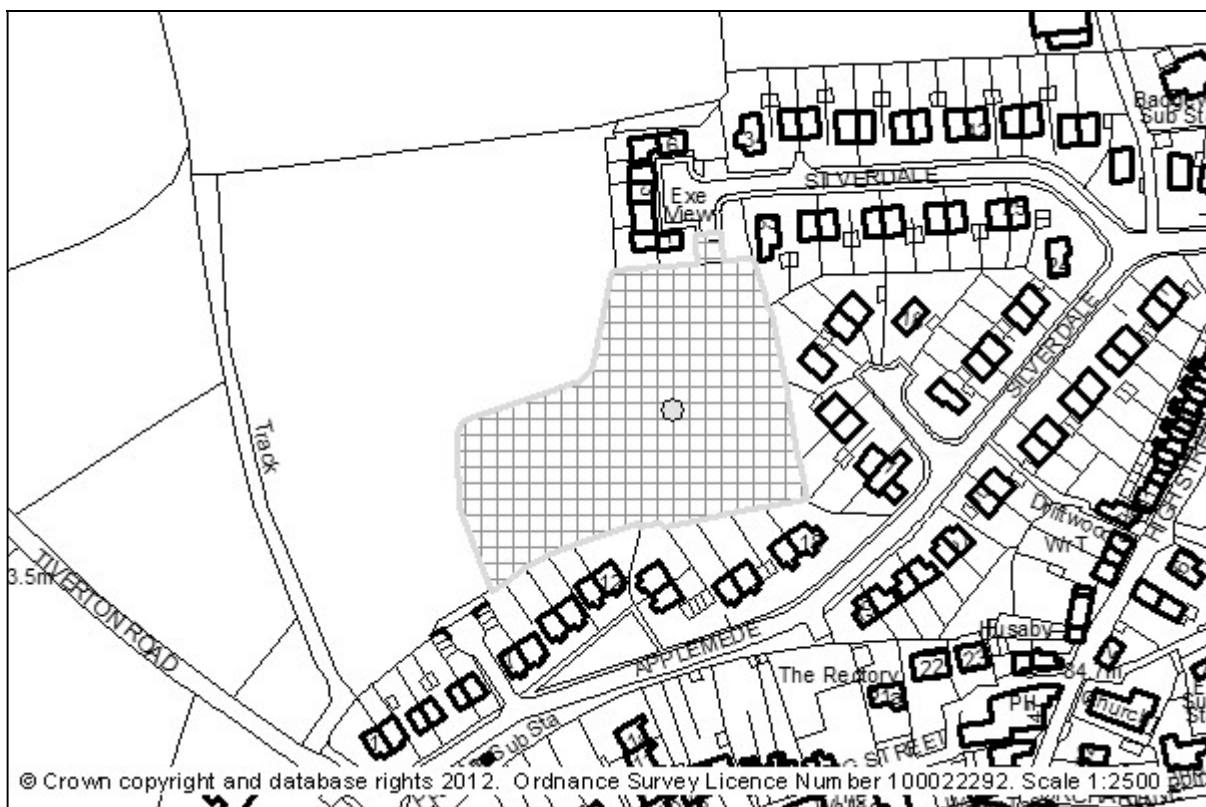
Grid Ref: 295447 : 103239

Applicant: Mr & Mrs Sauer, Northern Renovations

Location: Land at NGR 295508 103228 (Silverdale)  
Silverton  
Devon

Proposal: Outline for the erection of up to 20 dwellings and associated access

Date Valid: 14th December 2018



## **APPLICATION NO: 18/02019/FULL**

### **MEMBER CALL IN**

This application has been called in by Cllr J Wright for the committee to consider whether the development would have an unacceptable impact on the local area through traffic movements and impact on residential amenity of through adverse visual impact on the landscape and locality.

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a S106 agreement to secure the following:

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £65,763 towards secondary school infrastructure at Clyst Vale Community College, £7,638 for transport to secondary school due to the development being further than 2.25 miles from Clyst Vale Community College. This figure arising from a development of 20 dwellings resulting in 3 secondary pupils. An Early Years contribution of £5,000 (£250 per dwelling).
- 3) A financial contribution of £24,100 towards public open space provision in the Parish of Silverton, this figure based on an outline application for 20 dwellings.

### **PROPOSED DEVELOPMENT**

This is an outline application for the erection of up to 20 dwellings with details of access submitted and all other matters reserved for future consideration.

The site is located to the east of Tiverton Road, north of Applemede, west of Silverdale and south of Exe View. It is proposed to be accessed via the existing adopted highway of Silverdale and through the existing development called Exe View.

The site is outside the defined settlement boundary of Silverton and does not form part of any proposed allocation for development in the emerging Local Plan Review. The site slopes up hill to the north. Here are hedgerows on the east and southern boundaries of the site and the ecological report and indicative plan suggest the planting of new hedgerows to form the east and north boundaries of the site as part of the development.

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

Archaeological assessment  
Design and Access Statement  
Preliminary drainage assessment  
Transport assessment  
Travel plan  
Ecological assessment  
Planning statement  
Waste Audit statement

## **RELEVANT PLANNING HISTORY**

**18/01318/PREAPP** - CLO date 13th September 2018  
PROTECT - Proposed erection of 15 dwellings

## **DEVELOPMENT PLAN POLICIES**

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

COR1 Sustainable communities  
COR2 Local distinctiveness  
COR3 Meeting housing needs  
COR5 Climate change  
COR8 Infrastructure provision  
COR9 Access  
COR10 Strategic transport networks  
COR11 Flooding  
COR12 Development focus  
COR17 Villages  
COR18 Countryside

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

AI/DE/3 Affordable housing site target  
AL/IN/2 Development without CIL  
AL/IN/3 Public open space  
AL/IN/4 Green Infrastructure  
AL/IN/5 Education provision

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

DM1 Presumption in favour of sustainable development  
DM2 High quality design  
DM4 Waste management  
DM6 Transport and air quality  
DM7 Pollution  
DM27 Development affecting heritage assets  
DM28 Green infrastructure in major development

## **CONSULTATIONS**

HISTORIC ENVIRONMENT TEAM - 11.03.19

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33625c

I refer to the above application and the results of the archaeological geophysical survey undertaken that have now been received by this office. The geophysical survey has not identified any anomalies that are indicative of significant archaeological deposits.

In the light of this new information I would consider the proposed development site as having little or no archaeological potential and, as such, would like to withdraw my previous objection.

No additional archaeological mitigation is required and the Historic Environment Team has no further comments to make on this planning application.

HISTORIC ENVIRONMENT TEAM - 08.01.2019  
Devon County Historic Environment Team ref: Arch/DM/MD/33625a

I refer to the above application. The proposed development occupies a large area on a south facing slope in a landscape where prehistoric activity is recorded in the County Historic Environment Record. The site also lies to the south and downslope from a possible Iron Age enclosure on summit of the hill. The topographic situation of the proposed development site would have made it a favourable position for early settlement, and there is the potential for the proposed development site to contain archaeological and artefactual deposits associated with the known prehistoric activity in the surrounding landscape. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of any heritage assets that may be present within the application area or of the impact of the proposed development upon these heritage assets.

Given the potential for survival and significance of below ground archaeological deposits associated with prehistoric activity in this area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of:

- i) An archaeological geophysical survey, followed - if required - by
- ii) A programme of intrusive archaeological field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

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:

HIGHWAY AUTHORITY - 08.04.19

Observations:

Further to the Highway Authority initial response the applicants have submitted the additional information required of them by the Highway Authority. The development will generate 9 vehicle trips in the am peak hour the majority of which will be along Fore Street 9 in total equating to 1 vehicle in every 6 minutes. Given the total numbers of vehicles on Fore Street and the opportunities to pass afforded by the traffic restrictions the increased usage introduced by the development is considered as not being severe and Fore Street has the capacity to cater for the volumes.

The development will introduce 2 movements at the junction with Upexe Lane from Tiverton Road junction such an increase is not significant and while the junction is substandard the increase from the development would be seen in daily fluctuations and is not considered severe and would be unreasonable to recommend refusal on an increase in risk. The traffic generation towards the

A396 north of the site was deminimus and towards old Butterleigh Road north likewise. Therefore the Highway Authority would raise no objection to the proposed development but should the Planning Authority be minded to allow the proposal the following conditions should be imposed

Recommendation:

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

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

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

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

REASON: To protect water quality and minimise flood risk in accordance with flood management act

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

**HIGHWAY AUTHORITY - 08.01.2019**

Highway Authority accepts the transport assessment as far as it goes but would need to see some survey data for the immediate local road network to ascertain the directional splits and significances of impact on junctions and corridors. Please can I have junction counts for the following junction. Silverdale junction Applemeade; Applemeade junction Tiverton road; Applemeade junction High St and High Street the square.

My current concerns are that Tiverton road junction with Upexe, and Tiverton Road with A377 is substandard and would not wish to see a significant or severe impact by an increase in traffic.

Also The parking along High Street is at specific identified locations in a complex of parking restrictions and these may need to be reviewed with the anticipated increase in volumes which may displace the parking to more unsuitable areas and I would wish to see the significance of the increase to inform this decision.

**SILVERTON PARISH COUNCIL - 11.01.2019**

The Parish Council does not support the above application on the following grounds:

The Parish Council has concerns relating to access to the site which is limited for large construction vehicles. Construction vehicles will not be able to access the site via Fore St/High St due to the width of the roads. Access via Applemede into Silverdale has its own problems with on-street car parking permitted on these roads and construction vehicles will undoubtedly find access difficult causing disruption to residents and potential damage to the road surface.

Should the development proceed problems will undoubtedly be caused by the additional traffic using Tiverton Road to access the site. Tiverton Road is a narrow road with on-street parking and no pavement for the majority of its length. Additional traffic would cause an increased danger to parishioners and children walking along this road. In additional Silverton's draft Neighbourhood Plan clearly identifies this area as a potential risk from any additional volume of traffic.

Concerns were raised as to whether or not the current sewage system could support the additional housing.

The proposed development area is currently agricultural land and the Parish Council are concerned as to the environmental impact the development may have on wildlife and the environment generally - it is believed the area may support slow worms?

The proposed development is in an area where the hill above gives the effect of an amphitheatre and the Parish Council is concerned that noise levels could cause a nuisance to the neighbourhood. King Street, which is within the Conservation Area, lies close to the proposed development.

Concerns were expressed as to how any run-off water would be dealt with - no sustainable drainage system is shown.

The Parish Council feels, after consider its concerns above, that the above application would have a negative impact on the local community.

18.02.2019

At the Silverton Parish Council Meeting on Monday 4th February 2019, concerns were expressed from members of the public and Councillors about the Addendum to the Transport Statement prepared by Trace Design dated January 2019 for and on behalf of Mr and Mrs Sauer.

The report was prepared in response to the concerns expressed by the Highways Authority about the impact on the immediate local road network, junctions with the A377 and parking along the High Street, Silverton.

Trace Design is a relatively newly incorporated company whose website clearly states their aim as 'Helping you secure planning permission...overcoming existing transport and highways constraints...' This has raised public concerns about any conflict of interest that might exist in serving the requirements of the client and responding to the further data requested by the Highways Authority.

It is understood that it is normal practice for the applicant to supply the information for consideration and our assumption is that concerns such as those held locally are assuaged by a rigorous review of the methodology, assumptions, data collection and findings by the Authority.

The concerns expressed about the report were that it does not appear to have taken account of the potential for a different demographic profile of new residents on the proposed site. Surveying a mostly older populations journeys in the area and then using this data to predict future increased traffic movement seems flawed. Our assumption would be that most of the new residents will be younger, have families and be working. If these assumptions were used in the methodology we wonder if a different view may be reached about the traffic impact on all the areas of concern expressed by the Highways Authority.

FLOOD and COASTAL RISK MANAGEMENT TEAM –  
27.02.19

Recommendation:

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 of the proposed infiltration devices/permeable surfaces.

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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 in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

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.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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



#### Observations:

Following my previous consultation response FRM/MD/02019/2018, dated 04/01/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 31/01/2019, for which I am grateful. Silverdale Drainage Calculations dated 07/22/2019 TD18037 Land At Silverdale, Silverton Maintenance Schedule SWW Point of Connection Letter The applicant has put forward a feasible surface water drainage strategy based on infiltration which is the preferred method of surface water disposal as per the surface water management hierarchy. Please note that DCC has a requirement for one year's worth of ground water monitoring as per BRE 365 Digest and Ciria C753 (2015) SuDS Manual. The applicant has also put forward a feasible alternative strategy should on site infiltration testing deem infiltration to not be a viable solution at this site. The applicant has also submitted information detailing that South West Water have agreed in principle discharge into their network as part of the alternative strategy.

16.01.2019

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:

We are delighted that infiltration is being proposed within the surface water management strategy for part of the site which follows the principles highlighted in the surface water management hierarchy. However, we would require infiltration testing to be carried out, in strict accordance with BRE Digest 365 Soakaway Design (2016). The testing must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices. The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event. The calculations should clearly indicate the greenfield runoff rate and contributing impermeable areas. We would also require long term storage where parts of the site are not proposed to drain to soakaways. If the applicant proposes to discharge into an existing sewer then agreement in principle should be sought from South West Water.

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.

Please note that where infiltration is being proposed we have requirement for a year's worth of groundwater monitoring as per our DCC groundwater policy. This would be required as part of any detailed design/reserved matters application.

We would be happy to provide another substantive review once additional information has been submitted to the local planning authority.

27.02.19

#### Recommendation:

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 of the proposed infiltration devices/permeable surfaces.

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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 in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

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.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

Observations:

Following my previous consultation response FRM/MD/02019/2018, dated 04/01/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 31/01/2019, for which I am grateful. Silverdale Drainage Calculations dated 07/22/2019 TD18037 Land At Silverdale, Silverton Maintenance Schedule SWW Point of Connection Letter The applicant has put forward a feasible surface water drainage strategy based on infiltration which is the preferred method of surface water disposal as per the surface water management hierarchy. Please note that DCC has a requirement for one years worth of ground water monitoring as per BRE 365 Digest and Ciria C753 (2015) SuDS Manual. The applicant has also put forward a feasible alternative strategy should on site infiltration testing deem infiltration to not be a viable solution at this site. The applicant has also submitted information detailing that South West Water have agreed in principle discharge into their network as part of the alternative strategy.

DEVON COUNTY EDUCATION - 14 January 2019

Devon County Council has identified that the proposed increase of 20 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Silverton C of E Primary School and Clyst Vale Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecasted that the nearest primary school has capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a primary contribution.

However, we have forecasted that the nearest secondary school does not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at Clyst Vale Community College which serves the address of the proposed development. The secondary contribution sought is £65,763 (based on the DfE extension rate of £21,921 per pupil) This will relate directly to providing education facilities for those living in the development.

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

3 Secondary pupils

£2.68 per day x 3 pupils x 190 academic days x 5 years = £7,638.00

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £5,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It

is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

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.

**PUBLIC HEALTH** - 18 December 2018

Contaminated Land No objection to this proposal IRW 17.12.18  
 Air Quality No objection to this proposal JMP 17.12.18  
 Environmental Permitting No objection to this proposal JMP 17.12.18  
 Drainage No objection to this proposal IRW 17.12.18  
 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. IRW 17.12.18  
 Housing Standards No comment TW 17.12.18  
 Licensing No comments JT 17.12.18  
 Food Hygiene Not applicable AN 17.12.18  
 Private Water Supplies Not applicable AK 17.12.18  
 Health and Safety No objection to this proposal enforced by HSE AN 17.12.18

**HOUSING ENABLING & BUSINESS SUPPORT MANAGER** - 21 June 2019

<b>Housing Need for Silverton</b>					
<b>Banding</b>					
<b>Property size &amp; type</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Grand Total</b>
<b>General Needs</b>	2	3	2	16	23
1 bedroom		1	1	5	7
2 bedroom	1	1	1	8	11
3 bedroom	1	1		2	4
4 bedroom				1	1
<b>Maximum of 3 steps</b>			1		1
1 bedroom					
<b>Wheelchair Accessible</b>		1			1
5 bedroom		1			1
<b>Grand Total</b>	2	4	3	16	25

DEVON, CORNWALL & DORSET POLICE - Re 20 dwellings (land at Silverdale) Silverton Devon - 18th December 2018

Thank you for this application. It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available site layout drawing (18009\_SK04) 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 (DAS), 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 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.

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively on corner plots, for example, plots 1 and 10, 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.

An early point to consider is that if existing hedgerow is likely to comprise new rear garden boundaries 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.

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.

## **REPRESENTATIONS**

56 letters of objection have been received at the time of writing this report. The concerns raised have been summarised as follows:

- The number of dwellings proposed is more than is required in the village
- The general scale of the development
- The proposed access cannot sustain an increase in traffic
- Ease of access for emergency services
- Safety of access
- Increase in traffic could result in safety issues
- Greenfield site
- Not enough facilities/services in the village

- Strain on existing services such as GP surgery and school
- Lack of places at local schools
- Inadequate road and public transport infrastructure
- Doesn't provide enough affordable housing for residents of the village
- Reliance on private cars
- Lack of variety in terms of types of homes particularly referring to lack of bungalows
- Impact on biodiversity
- Increase in pollution
- Overlooking of nearby residential properties
- Surface water concerns
- Waste collection
- Impact of goods vehicles during construction
- Visual impact
- Doesn't take in to account the content of the Silverton Neighbourhood Plan

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

1. Principle of development, planning policy and 5 year housing supply;
2. Highways and highway safety
3. Drainage and Flood Risk
4. Public open space and green infrastructure (GI)
5. Landscape and ecology
6. Living conditions of the occupiers of nearby residential properties
7. Impact on Heritage Assets
8. S106 Obligations and local finance considerations
9. Sustainable development balance.

### **1. Principle of development, planning policy and 5 year housing supply;**

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Cridton.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types. Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

This is an outline planning application for the erection of 20 dwellings on a site currently outside but adjoining the settlement boundary of Silverton, a recognised settlement in the Mid Devon Local Development Framework. Policy COR 17 of the Core Strategy allows for minor development within the defined settlement boundary for Silverton but outside of the settlement limits, Policy COR18 would apply. COR18 does not support unrestricted dwellings in the countryside.

The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan being a major proposal for residential development outside the current settlement limit. With regard to the Council's emerging policy, the strategy for development focus will be at Tiverton, Cullompton and Cullompton as identified in policy S1.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. The Forward Planning Team has advised *'The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.*

*A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.*

*Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.*

*Draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. The adoption of the Mid Devon Local Plan Review will establish a new housing land supply position and policies that will carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon.*

*Other development plans, including the Devon Minerals and Waste Local Plans and Neighbourhood Development Plans (once 'made'), adopted masterplans and supplementary planning documents, where relevant, can also be material to the determination of planning proposals for housing development.'*

As policies relating to housing delivery in the Core Strategy are considered to be out of date the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

*'Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

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 NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 9 of this report.

The Local Plan Review has been through public examination and the Inspector has now agreed the main modifications that are to be consulted on for a period of 6 weeks. The Local plan Review has not yet been adopted. At the time of writing this report, with the Planning Inspector having not raised any objection to the residential development allocations proposed in Silverton, the Local Plan Review is considered to carry some weight in consideration of this planning application. The two sites in Silverton that have been identified in the Local Plan Review for residential development, SI1 and SI2 both now have planning permission, for a total of 10 dwellings across the two sites.

The principle of developing the site for up to 20 dwellings and the proposed means of access to the site are the only issues for consideration through this application. An indicative layout has been provided to show how a layout for the residential development could be achieved. Whilst it may be the case that the layout shown would need to be amended, it does at least show that a scheme for 20 dwellings could be provided on site given the size of the site. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

#### Draft Silverton Neighbourhood Plan

A draft neighbourhood Plan has been produced for Silverton. It was produced in 2016. The residents of Silverton Parish have been consulted on the content of the Neighbourhood Plan. The neighbourhood Plan has not been submitted to Mid Devon District Council for form examination. In order for the content of the neighbourhood Plan to have weight as a material consideration in planning decision making it is necessary for the neighbourhood plan to have been examined by an appointed examiner and if the content is considered to be acceptable a referendum is then carried out with the residents of the relevant Parish. If a referendum is successful and a majority vote in favour of the Neighbourhood Plan then it would become a Supplemental Planning Document and be given weight in the planning application evaluation/consideration and decision process. At the present time the Neighbourhood Plan for Silverton is in draft form and while its content has been noted by the Local Planning Authority, no weight is able to be given to its content with regards to decision making. The application site is not a proposed development site in the draft neighbourhood plan.

## **2. Highways and highway safety**

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services. The NPPF states that transport issues should be considered from the earliest stages of planmaking and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Local Highway Authority have advised that they have no objection in terms of the volume of



traffic generated by this development and using the proposed access via Silverdale, with a number of conditions recommended such as a Construction Management Plan.

Concerns have been received about the access to the development through Silverton, either via Tiverton Road, Applemede and Silverton or via Fore Street and Silverdale. The quality of the road surface on Applemede and Silverdale has also been raised but this is a highway maintenance requirement and not a consideration for this planning application. The lack of parking and congested nature of the surrounding streets has also been raised. The Highway Authority have not raised any objections subject to the imposition of relevant conditions. The levels and location of parking provision proposed for the site are set out in current policy DM8 Local Plan Part 3 (Development Management Policies) which requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not form a consideration under this application. On balance, given that the Local Highway Authority have not raised an objection to the proposal on highway safety grounds, the development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy and the NPPF.

### **3. Drainage and flood risk**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. The application site is within flood zone 1. Therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with.

The applicant has stated within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage strategy. The Environmental Health Department has raised no objection on drainage grounds at this stage. Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have to date raised no objections to the proposed development. On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3.

#### **4. Public open space and green infrastructure (GI)**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. The indicative plan identifies landscaping but no formal public open space within the site so a S106 agreement would outline the financial contribution required toward a public open space project in the Parish.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland. The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The submitted layout plan is only indicative at this stage but does indicate areas of Green Infrastructure in and around the site. Given that its provision can be secured by way of submission of reserved matters application, it is considered that the policy requirement can be satisfied.

#### **5. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is not located within a designated landscape although it has been noted that there is a conservation area further to the south where the development could be viewed from a number of heritage assets with potential to have an impact on the setting of the conservation area/listed buildings, this is considered later in this report.

In terms of this application site, it is an agricultural field on the North West outskirts of the village. The field within which the site forms part is sloping and rises in a northerly direction. With reference to the Mid Devon landscape character assessment which was prepared in 2011, the Landscape Character Type (LCT) for this area is 3G River valley slopes and combs. This landscape of valley sides and valley floors, is described as strongly undulating with a variety of sloping land, sometimes incised, steeply rising and sometimes more gradual in character. It is stated to be a tightly rolling, medium to small scale landform, this landscape has generally been carved away by tributaries of the Rivers Exe, Taw and Creedy. The landscape is defined by the moderately dry, fertile smooth slopes running into small-scale vales with a damp character. The landscape scale is typically small to medium and the combinations of the incised landform and repeated medium scale and field patterns give the landscape a relatively enclosed character. Hedgerows are often untrimmed and dense bounding regularly shaped, variable scale enclosures of pasture. The assessment states that this is a landscape with high degrees of variation in terms of the levels of visual containment. The Mid Devon town and village character assessment

indicates that settlements in the Lower Exe settlement character area (including Silverton, Thorverton and Bickleigh), tend to have developed over time by spreading up onto higher land.

The site is bound on its western boundary by mature hedgerow with interspersed hedgerow trees. The southern and eastern boundaries are hedged, but at a lower height than the western boundary. The northern boundary would in part be a new within field boundary (likely to be a hedge or bank and hedge but subject to reserved matters consideration) and the remainder of the northern boundary would be likely to be a combination of the retention of the side boundary of the existing properties in the north east corner of the field and the existing bank that currently separates this development from the remainder of the field.

With respect to the proposed development, this is an outline application for up to 20 dwellings with details of layout, scale and appearance reserved for later consideration. However, an indicative plan has been provided to identify how 20 dwellings could be accommodated on site. While here is no indication of the height, scale and type of properties that are proposed there is a mix of single storey and two storey properties in the immediately surrounding area and this is a mix that could be replicated on this site of 20 dwellings. The proposed density of the development is approximately 28 dwellings per hectare which is considered to be acceptable on this site. It is considered that the proposal would not result in the overdevelopment of the site.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places. Any landscape impacts of a development on the site would form part of the reserved matters application.

With regards to protected species and habitats, an extended phase 1 habitat survey has been submitted which shows the survey results for the site. No protected species were found on site but the survey suggests that potential for bat roosting should be incorporated into each of the new dwellings. The site also provides feeding habitat for bird species and as mitigation measure bird nesting provision should be incorporated in to each of the new dwellings. The report states that external lighting should be positioned to illuminate retained vegetation and areas beyond the survey area and any created bat roost provision to prevent artificial lighting having any impact /deter nocturnal species such as bats and dormice. The conclusions were that the proposed development will cause a limited extent of habitat loss during construction, and post occupation disturbance through implementation of ecology mitigation, compensation and enhancement measures, the proposal would represent a positive biodiversity gain.

Mitigation through provision of bat boxes and bird nesting and careful consideration of artificial lighting will need to be considered within the scheme and form part of the reserved matters application.

Subject these matters being taken into account at reserved matters stage it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1) and the provisions of the NPPF.

## **6. Living conditions of the occupiers of nearby residential properties**

Paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is reflected in policies DM2 and DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. This is an outline application with matters of layout, landscaping, appearance and scale to be considered at a later date, but based on a development of 20 dwellings. While the layout submitted is indicative only it does demonstrate that distances of between 22.5m and 30+ m can be achieved between proposed and existing properties. It is considered that a residential development could be designed that would be in accordance with policies DM2 and DM14 of the Local Plan 3 Development Management Policies.

## **7. Heritage**

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

The Historic Environment Team at Devon County Council has noted that the geophysical survey of this site has not identified any anomalies that are indicative of significant archaeological deposits. The proposed development site is considered to have little or no archaeological potential and as such the Historic Environment Team have no raised any objection to the proposed development. No additional archaeological mitigation is required.

In terms of the potential for the development to impact on the nearby Conservation Area and listed buildings, the Case Officer has discussed the application with a Conservation Officer. The Case Officer does not consider that the proposed development of 20 dwellings on the site will have any

adverse impact on the setting of the conservation area (which covers the core of the village) or the setting of any nearby listed buildings. The visual journey into Silverton from the north west will not be greatly affected by the development due to the local topography and views from the north side of the conservation area (from the rear of properties on the north side of King Street) will be seen within the context of previous development, circa 1970s, of Applemede and Silverdale and the later small development to the west of Silverdale. It is noted that this is an outline application and the final details (reserved matters) will be important in determining that there will not be significant harm to the setting of either the Conservation Area or listed buildings. Therefore subject to the further consideration to the design of the dwellings and layouts at reserved matters stage, it is considered that a residential development could comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## **8. Section 106 obligations**

The s106 requirements are set out in full at the start of this report.

The applicants are required to provide 35% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The application has included an indicative plan which does not include the provision of public open space on site and therefore it would be necessary to secure a financial contribution towards off-site provision, which in his case would be £24,100 with the allocated project being the provision of new play equipment at Silverton Recreation Ground. This would be secured by way of an s106 agreement.

The Education Authority have requested financial contributions towards education provision as Devon County Council has identified that the proposed increase of 20 family type dwellings would generate an additional 3 secondary pupils which would have a direct impact on Clyst Vale Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested which would amount to a contribution of £65,733 toward infrastructure at the community college at a rate of £21,921 per pupil. In addition to this it is necessary to request £7,638 toward the provision of secondary school transport. This is based on a calculation of £2.68 per day x 3 pupils x 190 academic days x 5 years). DCC have also requested £5,000 towards early years provision in Silverton at a rate of £250 per dwelling.

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations can satisfy the relevant tests above.

## **9. Planning balance**

As set out in section 1 of the material considerations, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated through appropriate final design, layout and landscaping, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions.

The delivery of 20 new homes, including 35% affordable housing weighs in favour of approval of the application. There is a District wide benefit to boosting the supply of housing and the provision of 20 new dwellings must be considered a benefit to housing supply. There is also a district wide need for affordable housing and this scheme proposes a 35% provision which would result in the provision of 7 affordable dwellings. The provision of affordable housing is a benefit of the scheme but clearly is not limited to meeting an identified local need for affordable housing.

Also weighing in favour of the approval is the financial contribution towards public open space and education services and facilities. There could also be some modest benefits to the local economy, arising from construction and sales and additional spending by local residents on local services and facilities. The site located adjacent the existing settlement limit for the village and within walking distance of the village centre where existing facilities and services can be found.

Weighing against approval of the application is the fact that the application is not policy compliant in that the site is not allocated for development in either the existing or the emerging local plan. The site has not been identified as part of the draft Silverton Neighbourhood Plan as a site suitable for residential development.

Taking all the above into consideration while acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage or highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.*

## **CONDITIONS**

1. The development hereby permitted shall be limited to a maximum of 20 dwellings.
2. Before any part of the development hereby permitted is begun, detailed drawings of the access, layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the local planning authority.
3. Application(s) for approval of all the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.

5. 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 of the proposed infiltration devices/permeable surfaces.

6. 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 in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

7. 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.

8. No development shall commence until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed for the full construction period, has been submitted to and approved in writing by the local planning authority. The plan must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved, the management plan shall be implemented in accordance with the approved details.

9. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include, but shall not necessarily be limited to, details of the following:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for

loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(k) details of wheel washing facilities and obligations;

(l) The proposed route of all construction traffic exceeding 7.5 tonnes;

(m) Details of the amount and location of construction worker parking; and

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work a) parking for vehicles of site personnel, operatives and visitors.

The development shall be carried out strictly in accordance with the approved Construction Management Plan.

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

a) The access road has been laid out, kerbed, drained and constructed up to base course level 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

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

12. No development shall commence until a scheme for Electric Vehicle Charging Points ("EVCP") has been submitted to and approved in writing by the local planning authority, such scheme to include provision of at least a single EVCP for each dwelling comprised in the development which has a private driveway or garage within its curtilage ("Relevant Dwelling"). The installation of the EVCPs shall be completed in accordance with the approved scheme prior to first occupation of each Relevant Dwelling.

13. The occupation of any dwelling shall not take place until the following works have been carried out:

a) The access and site roads within the development 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 footways and footpaths which provide the dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

c) Both vehicular and pedestrian/cycle route visibility splays have been laid out to their final level;

d) The street lighting for the access, site roads 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 this dwelling have been completed with the highway boundary properly defined; and



g) The street nameplates for the development have been provided and erected.

14. The detailed drawings required to be submitted by Condition 2 shall include the following information: boundary treatments, existing and proposed site levels, site section drawings, finished floor levels and materials, details of any areas of proposed public open space, and an ecological management plan for ecological mitigation and enhancement contained in the submitted Ecological Appraisal.

15. Prior to 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 nonadopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

16. As part of the Reserved Matters submission(s) referred to in Condition 2, a Site Waste Management Plan which will detail the proposed method of dealing with waste from the site, including transportation of waste from the site where this is necessary. This will include the specific destination for each wastage type and the route that is required. Details shall also include measures to encourage the reuse or recycling of waste and shall set out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall thereafter be carried out in accordance with the agreed Site Waste Management Plan.

### **REASON FOR CONDITIONS**

1. To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought.

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. 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.

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

6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

7. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place and to ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. The appellant should refer to Devon County Council's Sustainable Drainage Guidance.

8. A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, without negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

9. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

10. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

11. To minimise the impact of the development on the highway network, in accordance with the aims and objectives of the National Planning Policy Framework.

12. In order to comply with the requirements of policy DM8 of Mid Devon Local Plan part 3 (Development Management Plan) in relation to parking.

13. To minimise the impact of the development on the highway network, in accordance with the aims and objectives of the National Planning Policy Framework.

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

15. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

16. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

### **INFORMATIVE**

Devon County Council as Lead Local Flood Authority have stated that the appellant must use the +40% climate change values when sizing the proposed surface water drainage management system at the detailed design stage. For more information the appellant should contact Devon County Council.

The Lead Local Flood Authority advises the applicant to refer to Devon County Council's Sustainable Drainage Guidance.

### **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 20 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The site is beyond but adjacent to the defined settlement limit of Silverton. The quantum and density of development proposed are considered to be acceptable on this site.

The access into the site to serve a development of 20 dwellings is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area,

design and layout of green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the access arrangement and increase in traffic on the local road network is acceptable to the Highway Authority. The delivery of 20 new homes, including 35% affordable housing weighs in favour of approval of the application as do S106 contributions towards public open space and education. Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a site currently outside of the settlement limit.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable. The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

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.