

Application No. 17/00348/MOUT

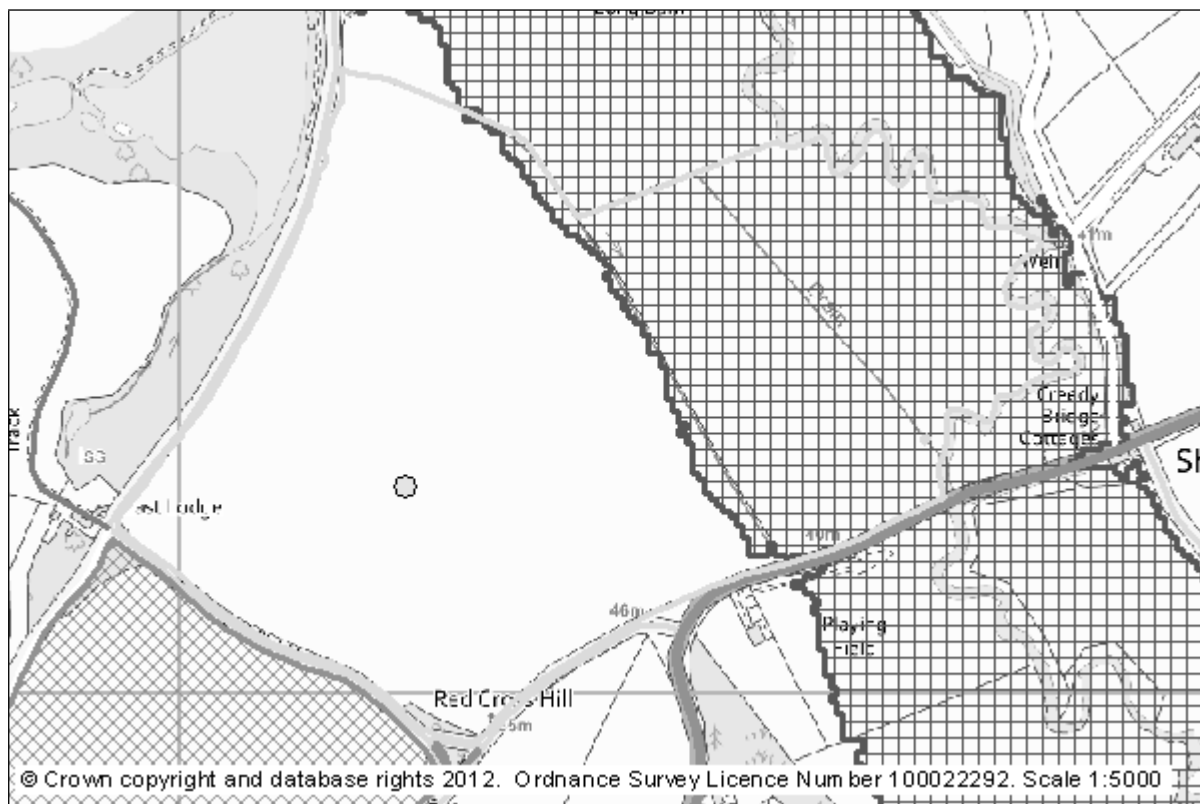
Grid Ref: 284007 : 100951

Applicant: Messrs T Turner, S Turner, R. Turner, B Stamp & O Taylor

Location: Land at NGR 284185 101165 (Creedy Bridge)
Crediton
Devon

Proposal: Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations

Date Valid: 6th March 2017



APPLICATION NO: 17/00348/MOUT

RECOMMENDATION

Grant permission subject to the provision of a Section 106 Agreement and conditions.

Section 106 agreement to include:

1. The safeguarding of a 1.1ha site for a Primary School, and agreement for the land to be transferred to Devon County Council prior to the commencement of any development.
2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community, and the following provisions regards delivery and operation:
 - i. A scheme for the detailed setting out of the 5 gypsy and traveller pitches to be submitted and approved by the occupation of 110th dwelling (i.e. 43% completion); and
 - ii. Gypsy and traveller pitches to be laid out by 193rd occupation (i.e. 75% completion).
3. 56 units of affordable housing. The precise tenure and mix of unit sizes to be specified as follows: 40% Discounted housing and 60% Affordable Housing for rent, and with a property size requirement as follows: 1 bed 10%, 2 Bed 50%, 3 Bed 35% & 4 Bed 5%.
 - A phasing plan to manage the delivery of the affordable housing units.
 - A cascade clause agreed to protect for local occupation for a fixed period of 6 months (specifically to respond to the concerns raised by Sandford Parish Council).
4. The safeguarding of 8.6ha of land for the relocation of the Crediton Rugby Club, and agreement for the land to be transferred to Rugby Club prior to the commencement of any development, or another date to be confirmed by the Rugby Club.
5. The setting up of a management company for the long-term management and maintenance of all communal areas including any parking courts, landscape, public open space and children's play areas.
6. Sustainable Travel Measures (to include a public transport contribution, a contribution to undertake improvements to existing PROW network and the provision of travel plan vouchers for future occupiers of the 257 houses) - £955,900. 00. To be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
7. Primary Education - £13,652 per pupil (63 pupil spaces required) to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
8. Early Years Education - £250 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
9. Primary Special Needs - £141 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.

10. Healthcare provision - £363 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.

11. Off-site highway works as follows:

- Access arrangements from A3072 (Exhibition Way);
- Pedestrian and cycle access on to the Pounds Hill / Stonewall Cross Junction, Old Tiverton Road and Pedlarspool Lane; and provision of passing places along Stonewall Lane.

PROPOSED DEVELOPMENT

The application was first submitted on the 6th March 2017 with the following description of development:

Residential development of up to 326 dwellings; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlarspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations.

Following ongoing discussions over a lengthy period of time with officers the terms of the application scheme were amended with the following description of development (scheme revision date 26th March 2018).

Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlarspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations.

The application proposes a new access into the site from A3072, and a pedestrian access in the South Western corner. Pedlarspool Lane is to become largely a pedestrianised route with restricted vehicular access at either end. Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The site is bounded by Exhibition Road to the south, Stonewall Lane to the west, Long Barn Drive to the North with open countryside and the River Creedy to the east. The tree lined Pedlarspool Lane runs through the application site effectively creating two development areas (referred to eastern and western development areas below). The site is currently in agricultural use and actively farmed

Although submitted as an outline application an illustrative masterplan has been submitted showing how the proposed land uses would be arranged across the site. The masterplan is submitted at a scale of 1:2000. The layout shows the following disposition of land uses.

Eastern Development area:

1. Access directly into the site from Exhibition Road with a new mini roundabout arrangement proposed.
2. Provision is made on this part of the site for the relocation and enhancement of Crediton Rugby Club to include the following facilities: Club house, car park and provision for up to 4 playing pitches.

3 An area of approximately 6.6 hectares for residential development proposing 203 residential plots (including 47 affordable units) which equates to 30.75 dwellings per hectare.

Western Development Area:

4. An area of approximately 1.8 hectares for residential development proposing 54 residential plots (including 9 affordable units) which equates to 30.0 dwellings per hectare.
5. An area of approximately 0.3 hectare for a gypsy and traveller site to provide pitches. Access to this facility would be proposed by Pedlerspool Lane (4 plus 5 = 2.1 hectares)
6. An area of approximately 1.1 hectare for a one form entry primary school.

APPLICANT'S SUPPORTING INFORMATION

Following the applicants decision to amend the terms and scope of the application as set out above amended plans and reports were submitted on 26th March 2018. The list of drawings as set at point 1 below are the drawings showing the revised scheme. The list of reports as set out at point 2 confirm the scope of the supporting information submitted in support of the application. The original reports as submitted have been supplemented by addendum reports to reflect the scope of the scheme revisions.

1. Application form, site plan, topographical survey and other drawings as follows:
Land Use Plan rev M, Access and Movement Plan rev N, Density Parameter Plan rev M, Scale Parameter Plan rev M, Green Infrastructure Plan rev K, Illustrative Masterplan rev D,

2. Supporting Reports

Archaeological desk-based assessment report prepared by CgMS consulting;
Archaeological trench evaluation report prepared by AC Archaeology;
Built Heritage statement prepared by CgMS consulting;
Design & Access statement and Landscape & Visual Impact assessment reports prepared by Barton Wilmore;
Ecological Impact assessment and Landscape and Ecological Management Strategy reports prepared by ead Ecology: dated February 2017;
Statement of Community engagement prepared by Meeting Place communications: dated February 2017;
Transport Assessment report, Flood Risk & Drainage strategy report and Utilities Technical note prepared by AWP consulting;
Planning Statement report and Waste Management statement report prepared by Vail Williams;
Air Quality Assessment report prepared by Kairus Ltd;
Arboricultural Survey, including Tree Constraints plan prepared by Tom Hurley.

In addition a Transport Assessment Addendum note 2 has been submitted to examine the capacity of internal network of routes for use by farm traffic. This documents is dated 14th June.

RELEVANT PLANNING HISTORY

There is no planning history in relation to the application site. The application as referred below relates to the planning permission issued (now time expired site) for the adjacent site at Red Hill Cross.

11/00602/MOUT: Outline for the erection of up to 135 dwellings and associated works, including 22% affordable housing.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR15 - Crediton

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

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/CRE/8 - Crediton Air Quality
AL/CRE/12 – Pedlerspool, Exhibition Road – included as a contingency site, in accordance with policy AL/DE/1.

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM27 – Heritage Assets

Proposed Local Plan Review (2013 – 2033) Proposed submission January 2017

Mid Devon Local Plan Review (2013 – 2033) Proposed submission (incorporating proposed modifications January 2017

CRE5 – Pedlerspool, Exhibition Road:

CONSULTATIONS

Given that the application proposals have been amended two separate consultation exercises have been undertaken. The list of responses as set out below confirms the latest response for each Statutory Consultee. The original consultation responses provided by the Parish/Town Councils are also set out as in many instances the respective Parish Council have confirmed that their original comments still apply.

For members information since the Consultees provided their original and further comments on the application, the guidance as set out in the National Planning Policy Framework as originally issued in 2012 has been updated. As part of this process the Government have issued an updated Guidance document (dated July 2018), and therefore the references as set out by many of Consultees will have been superseded. However your officers have considered the comments in light of the July 2018 guidance and remain satisfied that the comments provided remain consistent with the updated guidance in the Framework.

SANDFORD PARISH COUNCIL - 15th May 2018 - OBJECTION RAISED

Further to our previous comments (25th April 2017) regarding the above proposed Housing Development, we wish to add the following comments.

The lack of proposed improvements to the roads to the South and East (Stone wall Lane and above East Lodge to the crossroads) is of great worry as there has been a significant increase in traffic using these roads since the traffic survey was originally carried out, due mainly to increase in delivery vans, generated by shopping on line, and larger farm machinery having to use this route. As such these roads will be used well beyond their safe carrying capacity. However, any widening might necessitate taking down mature trees and this must be well monitored.

Additionally, DCC Highways (Ian Sorenson) indicated that there is likely to be another housing development site on the south side of Stonewall Lane in future . The junction of Old Tiverton Road and Stonewall Lane, where vision is extremely limited, is a potential accident black spot. Any farm traffic with trailers, combine harvesters, and large delivery lorries etc will necessitate long reverses if meeting on coming traffic. The need for such traffic having to reroute through either the new estate or down into Crediton round extremely narrow lanes is of great concern.

Although Gleesons have reduced the number of dwellings from the 326, there is huge concern over the 'increase' in number of houses from the Local Plan allocation of 200 to 257. Parishioners want to know why is this application even being considered by MDDC when they were originally looking for a maximum of 165 houses, albeit increased later to 200 dwellings? As this is 'only' an outline planning application there is no way of knowing what the proposed new development would look like.

Added to this the amount of affordable housing is only 21% (5 gypsy and traveller pitches) = 23% when the requirement in the Local Plan is for 28%. There is also great concern over the potential use of three storey houses in the development to squeeze in sufficient (for Gleesons) dwellings to apparently make the scheme financially viable.

These tall dwellings would appear above the tree line and be an eyesore in this beautiful valley. We have been asked why there is a double standard in not allowing the cottage at the cross roads to have a shed in the garden due to its proximity to Shobroke Park and yet potentially 257 of unknown design and finish the opposite side of the cross roads is being considered by MDDC. Sandford Parish Council strongly feel that IF planning consent is given it should be limited to the 200 dwellings noted in the Local Plan AND the full number of Affordable dwellings should be made available primarily to Local Residents. The Potential for Local People to have the opportunity to gain in this way should be widely advertised to ensure local people are aware of this. Alternatively how many plots could be available for local people to build their own homes potentially 5%.

Original comments 26th April 2017 – Sandford Parish Council wish to register their objections due the non-compliance with many of the Local and National Planning Policy frameworks and strategies, as follows: -

1. The stated strategy for Crediton is 'that development will be targeted to develop underused and brown field sites within towns in preference to greenfield land. The proposed development is obviously a greenfield site currently used for growing crops, is also outside the Crediton town boundary as specifically defined by a main road and is within the rural parish of Sandford.

2. Housing Policy CR5 indicates an allocation of only 200 dwellings, having been increased from 165, yet the application is for 326 dwellings. Additionally, there is only an allocation for 16% affordable dwellings but the plan indicates that this should be 28%. This is in direct contradiction to the MDDC stated Local Plan.

3. If such a development were to be considered it should be on the basis of the Vision for Villages, and Countryside, i.e. Sandford, outside defined towns and villages; it should meet agricultural and other rural business needs but does not; it should promote environmental enhancement considering landscape and biodiversity but does not, it should encourage appropriate economic diversification to support the rural economy but does not and it should provide infrastructure to meet the needs the economy but will it???

4. The Policy SP9 Environment says that 'development will sustain the distinctive quality, character and diversity of Mid-Devon's environmental assets' but with the high density of dwellings proposed and many also being 3-story town houses, this will obviously be much more like urban dormitory towns looking like Lego Land than distinctive character, etc.

5. Historic England note that the application site is significantly larger than the site intended for allocation and the Built Heritage Statement does not entirely follow the sequence of steps recommended within the guidance on The Setting of Heritage Assets since it does not include the fourth step relating to the maximising of enhancement and minimising harm arising from a development.

6. Part of the proposed site is within Environment Agency Flood Zone 3. The National Planning Policy Framework Environment Agency states that the flood risk Sequential Test has to be satisfactory in accordance with that Policy otherwise this will be sufficient justification to refuse the planning application.

7. The proposed development would be adjacent to the River Creedy which is at present used by several protected species such as otters and the pristine white clawed crayfish as well as for angling. Additionally, so many houses with potentially polluting dogs and cats that prey on all small animals, birds and frogs would decimate the local populations and foul the pavements.

8. The proposed site is outside the CREDITON town boundary and distant from the town centre, the train station and has poor bus access. The vision stated in the Local Plan is to reduce the need to travel by car, increasing the potential of public transport, cycling and walking but will be impossible without substantial infrastructure improvement, which would be additionally destructive of the existing environment.

9. One of the access routes would be via the narrow single carriageway Stonewall Lane, where it is also proposed to build an additional 50 houses. DCC indicated that proposed road widening for passing places would limit the destruction of trees to those that are diseased or 'in the way'. Hedgerows are protected under the Hedgerows Regulations 1997 from being removed or worked on without control and hedgerows are defined as inter alia those that are at least 30-year-old. The existing hedges are certainly that age.

10. The proposed increase in population would require a new pumped main to cope with sewerage increase and so would increase the carbon foot print and, as placed, the pumping station would be vulnerable to flooding and power outages caused by any flooding being on the flood plain - which is subject to flooding.

11. Existing Doctors' surgeries are at full capacity. It is understood that Gleesons consulted the Crediton Town Council but there is no indication that the doctors' practices were consulted. There are insufficient local medical services existing to support this development.

12. The traffic survey carried out was based on 2011 data and the proposer's consultants have not apparently taken into account the rural traffic such as a girt big tractors with trailers nor

the additional cars generated by the rugby club at evenings and weekends, adding massively to the pollution, run-off and congestion in and around Crediton and Sandford.

13. The Crediton Rugby Club is lobbying for acceptance of the proposed application, which would mean that the Club could sell their existing premises for additional housing which in turn would provide an allocation of perhaps another 100 houses, on similar densities. The District Local Plan Review requires 6800 new dwellings so with the permitted Wells Parks, Redhills, and potential Chapel Downs developments around Crediton, the Tiverton allocations and the Cullompton 5000, there is no apparent need for the Creedy Bridge development. The Rugby Club could still transfer to the Pedlerspool land if desired with far less disruption to people, environment, infrastructure and existing services.

14. Natural England states that the consultation documents indicate that this area includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

If significant harm resulting from a development cannot be avoided than planning permission should be refused.

We therefore reiterate that this application should be refused. In addition we would like to highlight the many issues that were raised at the Public Meeting held in Sandford of 6th April 2017 and these are attached to this letter.

CREDITON TOWN COUNCIL: 17th May 2018: OBJECTION RAISED

Comments: It was resolved to support Sandford Parish Council's concerns and OBJECT to the application on the following grounds:

The housing density for the site is more than 25% higher than the allocation in the emerging Local Plan. This level of density has negative effects. It is detrimental to the town setting and views of the town because the site is agricultural farm land bordered by trees in a river valley. The NPPF (11.109) recommends that the planning system 'should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes'. If the density were lower, especially with a reduced density on the north side of the site, which is most visible, and a more ambitious green infrastructure plan introduced, the development would fit better into the setting and the negative impact on the valley would be reduced.

If the development were to be approved, it is essential to the historic street layout that the mature oaks along Pedlerspool Lane be retained. Keeping these and more robust landscaping would help to 'establish a strong sense of place ... and ... create [an] attractive and comfortable place to live.' (NPPF 7.58), also helping to protect a much valued landscape.

The NPPF (11.125) recommends that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The negative aspects of light pollution have not been addressed at the outset and will impact on what as previously been a naturally dark landscape.

Para 4.35 of the NPPF stresses the desirability of developments having access to 'high quality public transport facilities' and a robust Travel Plan. This site is not well located for easy access to the town's public transport, especially for commuter routes. To mitigate this, 'developments ... should... give priority to pedestrian and cycle movements'. The outline plan does not adequately address sustainable transport, especially pedestrians and cyclists as the most direct routes into the town centre have not been identified for the whole site.

In addition, the proposal to close Pedlerspool Lane to motor vehicles and to divert through the development to the A3072 may also divert local through-traffic up the single track Longbarn Lane, which is unsuitable.

Also, it is agreed that additional traffic will use Stonewall Lane. Although there are proposals to improve passing places, there are still stretches where it will remain single track because of the topography. This is will not be an adequate link between such a large development and the western end of the town or even the town centre itself.

UPTON HELLIONS PARISH COUNCIL 18th May 2018 - OBJECTION RAISED

Thank you for the opportunity of seeing the new proposals. Having studied them I am afraid that the views of Upton Hellions Parish Meeting with regard to our objection are unchanged. This also applies to my own objection submitted previously. Please accept the previous objections as relevant to the present proposals:

Original Comment: On 20th March 2017, the residents of Upton Hellions held a parish meeting hosted by Mr Peter Coleman, the Chairman. We know from this meeting, subsequent conversations, and written objections already made to MDDC that 21 out of the 25 households in the Parish strongly oppose the application for Planning permission. To our knowledge, the remaining 4 have not been involved in this process.

Upton Hellions is a small, rural, historic parish which is separated geographically from Sandford and is the Parish that would be most affected by this development. The residents took part in a detailed Character Assessment of the area we inhabit and this document has been submitted to MDDC. From this one can understand the rural and heritage significance of this locality. The land in the area is actively farmed and constitutes a beautiful, scenic area which would suffer immeasurably by the proposed development. The adverse impact would be great on those of us who live here and daily use the country lanes that surround the site on three sides.

Rather than reiterating the many grounds on which this application should be rejected, we wish to endorse the detailed and well informed views already submitted to MDDC. We would urge the Councillors of the Planning Committee to examine these documents. In particular, we suggest the following submissions, which are by professionals who bring their considerable expertise to oppose this development at Creedy Bridge.

There has been no expense spared by the promoters in commissioning numerous, often lengthy assessments in support of their application. On examining these, we note significant omissions, inaccuracies and sometimes conclusions which appear to be at odds with the body of the reports. Some are inconclusive and suggest that ongoing monitoring and further reports are necessary to protect the natural environment.

We also oppose granting of OPP because the plans run counter to many of MDDC's own policies expressed in adopted and emerging Local Plans. These policies have been well thought out and should continue to be the guiding principles for growing our towns and protecting our countryside.

Because of irreparable harm that could be done to this area, it is vital that the Planning Committee takes full heed of the objections submitted by existing residents who stand to be in the forefront of witnessing the consequences of a calamitous decision.

We do not accept that the allocation of this land for development should be irreversible, because situations change, and more information or potential sites in the District may become available.

We urge the Council to do the right thing, reject this application, and remove this site from the Local Plan.

SHOBROOKE PARISH COUNCIL - 11 May 2018 - OBJECTION RAISED

Shobrooke Parish Council considered the revised application at the May meeting and still wish to object to this application on the grounds that the potential extra traffic that will travel through the village of Shobrooke has not been properly considered, assessed and appropriately mitigated.

One of the main concerns for Shobrooke parish is additional traffic and the impact this will have on the rural parish of Shobrooke. The transport assessment carried out as part of the application assumes that the majority of traffic will travel to Exeter along the A377. However, as this already busy main road gets even busier, how long will it be before commuters and other drivers seek out alternative routes? An obvious alternative route is from Shobrooke Park to Langford via Efford and Shute. The rural village of Shobrooke risks becoming "rat run" as commuters try to find quicker, less congested routes. If there is a problem on the A377, such as an accident or road works for example, this alternative route will be used even more. Cars pass each other on the narrow roads of the parish only by making use of private driveways. In addition, Shobrooke does not have many pavements, leading to a greater risk to pedestrians, especially if they are walking at "rush hour". Agricultural traffic travels through the parish on a regular basis and this will also present hazards as well as leading to potential jams. The Parish Council has been concerned for a while about the speed of traffic through the village and with an increasing number of vehicles, this concern will only increase. We request that an impact assessment is carried out on the additional traffic that will use the road through Shobrooke.

Mid Devon Local Development Framework - Allocations and Infrastructure Development Plan Document (AL/CRE/12) states that this development will have 21000 square metres of employment floorspace. However, there is no such allocation in the current planning application. This lack of employment opportunity will mean that residents will be forced out of the area to work, thus increasing the traffic. Again, this proposal fails to meet MDDC development requirements.

There are no provisions for additional health care. Chiddenbrook and New Valley practice are stated as being undersized by 40% and 43% respectively. We are concerned about the wider impact on hospitals such as RD&E.

We understand that part of the proposed site is within an Environment Agency Flood Zone 3. A few years ago, this area was badly flooded and the road impassable. Will the proposed retention pools perform well enough to prevent this?

The proposal includes a new 200 place primary school. We are concerned that this provision will not be enough and that existing schools will be put under pressure to accept more pupils. DCC advise that there is enough secondary school provision, but this still remains a concern.

Public transport - we note that improvements are proposed to public transport and cycle lanes. Such improvements will be essential as current provision will not be adequate. The station is not close and the trains are infrequent. Buses are already overcrowded.

Given the likely impact on Shobrooke parish that this development will have, the Parish Council would like assurances that it will benefit from S106 money should this development take place, as proposed or through an amended application.

Shobrooke Parish Council asks MDDC planning committee to reject the current proposal and to carry out an impact assessment on the effect additional traffic travelling through Shobrooke will have on our rural parish.

CREDITON HAMLETS PARISH COUNCIL - 10th May 2018 - Crediton Hamlets Parish Council met on the 8th May and resolved they were neutral in respect of this application

Original comments 4th April 2017: Crediton Hamlets Parish Council met on the 3rd April and resolved to offer the following comments on this development in a neighbouring authority. The Council expressed surprise that part of the development seemed to be on a flood plain. They expressed concern about increased traffic issues and about the overdevelopment in the Crediton area leading to increased pressure on existing services. Original Comments 6th September 2017: Crediton Hamlets Parish Council commented on this application in April and raised its concerns. The Council met again on the 4th September and considered the application again and resolved to object to the application. Their further concerns were the lack of employment locally which would lead to more residents travelling to Exeter for work creating further traffic congestion. They also stressed again the over development in the Crediton area and its implication for the existing services/infrastructure.

DOWN ST MARY PARISH COUNCIL - 28th March 2017

The Down St. Mary discussed this application at their last meeting. The Council were opposed to the application. The area chosen was damp and there would be problems with the water flow. The Council felt that the site was wholly unsuitable. The plan needed to be better thought out.

MORCHARD BISHOP PARISH COUNCIL - 4th April 2017 - Unanimously supported with two provisos: 1. No houses to be built on the flood and 2. Phased development of infrastructure before development of houses.

CHERITON FITZPAINE PARISH COUNCIL - 23rd March 2017 - No comments

DEVON COUNTY COUNCIL 30/04/2018: Thank you providing the opportunity to comment on this amended planning application. This response provides the formal views of Devon County Council in relation to those areas listed below except healthcare provision, where comments have been provided by NHS England:

- Local transport provision
- Local education provision (including early years)
- Waste planning
- Potential historic environment impacts
- Surface water flooding
- Public health
- Healthcare provision

This response is separated into sections relating to each of the subject areas set out above

Local transport provision: The Highway Authority has considered the application, through pre-application advice, and through the submitted application before us.

The Highway Authority has considered the trip generations and these are in keeping with previously accepted figures. Therefore the Highway Authority has no objection in principle to the above development with only the recently installed mini roundabout at the junction of Exhibition Road and Commercial Road coming close to capacity and any future developments will need to consider their impact on this junction. The Highway Authority welcomes the improvements detailed in the transport assessment, and drawing PHL-02rev F is generally in accordance with requirements and should be conditional of any consents and

should be part of the section 278 of the highways act by legal agreement. In addition the access roundabout on PHL-03rev F and PHL05 footway enhancements should also be conditional and form part of the package of offsite works subject to section 278 of the highway act. Also the widening of Stonewall Lane will form part of a package of measures under section 278 of the highways act. The Highway Authority would recommend that the off-site measures are secured through a section 106 legal agreement subject to the Town and country planning act. The Highway Authority would also seek further contributions to the provision of sustainable travel measures including footway improvement works along the existing ROW between the sports centre and Shobrook. A contribution of £250,000 is requested. Also the provision of contributions to public transport have been Identified and a contribution of £135,000 per annum for 5 years is requested.

Travel plans will necessitate the provision of bus and cycle vouchers in the information pack for the first owners of the property at a rate of £250.00 for bus vouchers and £50.00 for cycles per household. Therefore should the Local Planning Authority be minded to grant consent the following conditions should be imposed:

Recommendation:

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

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

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

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

- a) The access road and roundabout has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway;
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out;
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level;
- d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

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

- a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
- REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

5. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works as shown generally in accordance with but not limited to drawing no. PHL-02 rev F have been designed and approved in Writing by the Local Planning Authority, 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.

6. Off-Site Highway Works No development shall take place on site until the off-site highway works for the provision of the access roundabout and new junction alignment for Old Tiverton road generally in accordance with but not limited to drawing no. PHL03 rev F have been designed and 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.

7. Off-Site Highway Works No occupation of the dwellings development shall take place on site until the off-site highway works for the improvements to footways along Exhibition road 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 policy paragraph 32 of NPPF.

8. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for the provision of widening, and passing bay provisions on Stonewall lane between Pound Hill and the Access entrance have been designed and approved in writing 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.

Additional comments from Highway Authority via email on 09/05/2018 regards the following matters:

1. Are the arrangements for Pedlerspool Lane acceptable in terms of closed to vehicular access other than to serve the proposed gypsy and travellers pitches, with other vehicular movements diverted through the development area back out onto A3072.
2. Are the access arrangements to the school as proposed acceptable, ie through the new development area via the new access off the A3072.

The application is in outline with all matter reserved except access. Therefore the masterplan is considered as illustrative only and internal details will be dealt with at the reserve matter application however I have the following observations to make on the layout as requested.

The access to the school while acceptable in principle would need careful consideration and the school will need to include sufficient parking for parents to drop off and Pick up otherwise the neighbouring residential streets will be parked upon , alternatively the introduction of sufficient visitor layby parking close to the school needs to be provided with appropriate footway linkages.

The Distributor road alignment in its current alignment gives cause for concern as indicated by the parishes. It is essential that the route is of sufficient width to cater for Agricultural vehicles, and swept paths of the largest tractor and trailer combination needs to be applied to show that two vehicles can pass each other particularly on the bends and in particular the junction of Pedlars pool with the distributor road which now appear to give priority to the estate road traffic . Its proximity to the junction from the west into the estate and a give way junction at the distributor road should be modelled to indicate any queue lengths and forward visibility of traffic entering the estate should be such that there is sufficient site stopping distance to the end of the maximum length queue. The current layout gives rise to the potential for greater conflict with residential properties as the number fronting the road appears to have increased. The Highway Authority when viewing the reserve matter would wish to see the number of residencies minimised fronting the Distributor road and its route from roundabout to Pedlars a more direct but still a sinuous route to keep speeds down.

With regard to the lane itself the Highway Authority are happy for its closure with all Agricultural traffic using the new distributor provided it is of sufficient width and alignment with the lane being restricted to travellers site only and the rest being a public footpath/cycleway. If the Local Planning Authority is minded to keep the lane open then the junction onto Old Tiverton road will need to be designed so that it has appropriate radii and visibility splays of 2.4m by 45m in either direction with no obstruction greater than 600mm This will necessitate removal of trees and bank and probably require the central island being removed as part of the design. But with the limit use current proposed it would be unreasonable to request such improvements based on current traffic generations.

Further comments were provided by the Highway Authority having considered the addendum note received on 14th June. The purpose of the note was to consider the proposed route of the internal road network and the ability for vehicles and farm traffic, including tractors and trailers, to travel on the more direct route through the site once Pedlerspool Lane has been closed to vehicular traffic. It was prepared in response to concerns raised by local stakeholders and residents in relation to farm traffic utilising the proposed main internal road network. Having considered the scope of this further submission it is confirmed that the layout of the internal route is more than capable of carrying farm traffic.

Local education provision (including early years): In assessing the education requirements from this development, Devon's revised Education s106 Policy has been applied: <https://new.devon.gov.uk/planning/planning-policies/pupil-place-planning>. The proposed 257 family-type dwellings will generate an additional 64.25 primary pupils and 38.55 secondary pupils.

It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 1.5% of the school population require specific Special Education provision, therefore this development is likely to generate 1.53 pupils who will require a specialist place. DCC would

request for additional SEN provision that would be required as a result of the development. The request would be a total of £37,119 (based on £24,261 per SEN pupil).

By the time the development is at implementation phase it is forecasted that the primary schools within the area of development (Landscape and Haywards) are likely to be at capacity and would not be able to support the pupils likely to be generated by this development. DCC will not seek additional primary contributions on SEN pupils because of the request made above and therefore Devon County Council will seek a contribution towards the remaining 63.29 primary pupils likely to be generated by the development. The contribution request is £864,035.00 (based on the current DfE extension rate of £13,652 per pupil for Devon), these contributions would be used towards increasing capacity within the town.

The need for a new primary school to serve Crediton has been identified through the Local Plan review process. Devon County Council has forward funded schemes at Landscape Primary School and Hayward's Primary School, which we will retrospectively apply developer contributions towards. Whilst this provides more primary places in the town to accommodate some development and increasing demographics in the town, it is not forecast to be sufficient to accommodate the level of development proposed within the town. A school site was identified on this site as it would assist in distributing school places across the town as currently both schools are towards the southern side of the town.

A school site of 1.1 ha to accommodate a 210 place (one form entry) primary school is considered to be sufficient to accommodate the level of development planned within the town. This includes the development identified for Crediton in the Local Plan Proposed Submission as well as the increase in dwellings on this site compared to this. The location of the school site on the submitted masterplan is noted and it is recognised that at this stage, the masterplan is indicative and not fixed. Options to locate the school site towards the southern / eastern edge of the application site should be considered to ensure that it is well located for both the existing and future housing. This would also allow earlier delivery of the school, to ensure that there remain sufficient school places to serve the town. Opportunities to share provision with the rugby club will be explored including car parking and outdoor pitches. It is expected that the school site will be secured through the s.106 process, with appropriate triggers for acquiring the site, its access and servicing.

There is currently capacity at the local secondary school for the number of pupils likely to be generated by this development and therefore a contribution towards secondary education is not sought.

In addition, a contribution towards Early Years education is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost £64,250 (based on the s.106 policy of £250 per dwelling). This will be used to provide additional early years provision for pupils likely to be generated by the proposed development.

Additional comments from Education Authority via email on 10/05/2018 regards the following matters:

1. Is the location of the primary school campus supported in delivery terms.
2. Are the access arrangements to the school as proposed acceptable, ie through the new development area via the new access off the A3072.

In responses to the first issue below, we would like to confirm that we are happy with the broad location of the school campus in delivery terms. We would however need to ensure appropriate vehicular, pedestrian and cycle access points to the site within appropriate time scales.

Waste Planning: The application includes a Waste Management Statement that partly meets the requirements for a waste audit statement on Policy W4 of the Devon Waste Plan. It is recognised that, at this outline stage, limited information will be available on the waste types and quantities that will be produced by the development, but the submitted statement provides a reasonable overview and outlines principles for minimising and managing waste. It is therefore recommended that the outline permission requires submission of a detailed waste audit statement at the reserves matters stage, to include measures for the storage of waste when the development is occupied (to take account of Mid Devon's SPD) and for the waste that will be generated during construction.

Historic Environment: The archaeological work undertaken in support of this application has demonstrated the presence of archaeological deposits associated with late Iron Age and Romano-British activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose archaeological and artefactual deposits associated with the known archaeological activity on the site and will result in the destruction of these heritage assets. These heritage assets are not of such significance that there is a requirement for preservation in situ, and the impact upon these heritage assets can be mitigated by a programme of archaeological works to be undertaken in advance of any construction works commencing. For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) the Devon County Council Historic Environment Team 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.'

The Historic Environment Team would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that may contain archaeological or artefactual deposits associated with the known prehistoric and Romano-British activity to ensure an appropriate record is made of these heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

The Historic Environment Team would be happy to discuss this further with you, the applicant or their agent and can 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.

Surface water flooding (see also comments below submitted 10th November 2017): The applicant should clarify whether the rugby club and school will drain into the surface water drainage system that has been proposed for this planning application. The applicant should also clarify the long term storage discharge rate.

Flood/Coastal Risk Management Team - 10th November 2017 - At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Observations:

Further clarification has been received from the applicant's consulting engineers regarding the proposed contributing areas, therefore a suitable outline surface water management strategy has been put forward within the submitted Flood Risk Assessment (Ref:0029, Rev D, dated February 2016) and we have no further objection to the proposals from a surface water management perspective.

- 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 Flood Risk Assessment (Ref:0029, Rev D, dated February 2016).

Reason: To ensure that surface water runoff from the development 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 full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

-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.

Public Health: It is recommended that the application is accompanied by a Health Impact Assessment to assess the impact of the development on public health.

Healthcare provision: The population growth as a result of this development will place additional pressure on existing GP practices in the area which are already at capacity. Whilst it is considered that the size of this development would not merit a new GP practice, the

NHS would need to create additional physical capacity in one of its existing practices in the area. The funding for such expansion would be sought through developer contributions and would support the provision of appropriate local primary healthcare facilities and services.

The current position in Crediton is that there are two practices:

1. Chiddenbrook Surgery is currently 46% undersized; and
2. New Valley Surgery is currently 43% undersized.

As can be seen there is currently a lack of physical capacity in Crediton and there are discussions being held about the potential development of a health and wellbeing hub. Such a development would be based on the current number of patients registered with the practices so any required expansion, as a result of this development, of such a facility would be required to be funded using the evidence base below.

NHS England applies an evidence based methodology for calculating development impact in terms of GP practices and has been benchmarked against other authorities. They are based on a health provision standard of 500 sq m per 6,000 people. Average household size and the capital cost of £2,000 per sq m have been used to generate a cost per dwelling as set out in the table below. These costs have been calculated from figures provided by the Primary Care Trust, and benchmarked against other authorities. They are based on a health provision standard of 500 sq m per 6,000 people.

At present the detail, including exact mix of dwelling sizes and types, is unknown and will be determined at the detailed reserved matters stage. As a result an average contribution per dwelling of £363 has been calculated using the figures in the table above. Applying this methodology to the dwelling types included in the proposed development in the context of the existing capacity issues at GP practices in the area, the total contribution, across each housing type proposed by this development would equate to £93,291. This sum is requested on behalf of NHS England.

DEVON WILDLIFE TRUST - 4th May 2017 – Objection as follows

We have confined our comments to biodiversity aspects of this proposal as follows.

We object to this planning application on the grounds that the proposal will result in the loss of 3.5 hectares of floodplain grazing marsh, which is listed as a habitat of principal importance for conservation in England, under section 41 of the Natural Environment and Rural Communities Act 2006. National planning policy states that planning policies should -

"promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations..." (NPPF paragraph 117)

"The planning system should contribute to and enhance the natural and local environment by:

minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures." (NPPF paragraph 109)

We were encouraged to see that the Mid Devon Local Plan 2013-2033 publication stage policy map for Crediton has put this policy into action by identifying this area as Priority Habitat and included it as an integral part of the River Creedy floodplain. Furthermore, your Local Plan proposes a green infrastructure buffer area between any proposed new development and this Priority Habitat/ Floodplain corridor. Unfortunately, the planning application now being considered, would seriously compromise this intention.

The planning application, if approved, would take a 3.5 hectare bite out of this Priority habitat/Floodplain. The land use proposed in its place, together with any associated lighting,

would result in an adverse change to the habitat of this area and to its role as part of the Mid Devon ecological network. We further consider that the mitigation measures proposed would not make up for this.

We conclude that the planning application is in direct conflict with your Local Plan and we consider that it goes against the national policy in NPPF paragraph 109 to 'establish coherent ecological networks that are more resilient to current and future pressures'.

ENVIRONMENT AGENCY - 30th March 2017 - Environment Agency Position: No Objection

From the development and flood risk perspective we hold no in principle objections to the proposal and take this opportunity to state the following.

We can report that the layout of the proposal complies with the sequential approach as set out on the National Planning Policy Framework, the principle of providing playing pitches, and other recreational assets, within the floodplain being quite compatible with policy requirements.

However the provision of pitches is subject to there being no loss of floodplain storage or conveyance, especially should any re-profiling be carried out. We are therefore pleased to see this has been highlighted within para 3.9 of the applicant's Flood Risk Assessment including a statement that any loss of floodplain storage must be compensated for on a level for level basis.

Advice - Sequential Test: Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 7th April 2017: No Objection

Currently there is a need for 203 units in Crediton (86 x 1 bed, 79 x 2 bed, 38 x 3 / 4bed)
Currently there is a need for 11 units in Sandford (6 x 1 bed, 1 x 2 bed, 3 x 4bed)
Currently there is a need for 3 units in Shobrooke (1 x1 , 1 x 2 bed, 1x 3 bed).

In terms of size and tenure the following comment applies (09/06/2017)
40% Discounted housing in some form
60% Affordable Housing

With a bedroom split of:

1 bed 10%
2 Bed 50%
3 Bed 35%
4 Bed 5%

MDDc PUBLIC HEALTH - 16th March 2017 : No Objection

Contaminated Land - A Phase 1 assessment will be required with the full application

Air Quality - The Air Quality Assessment is satisfactory

Environmental Permitting - N/A

Drainage - no objections to these proposals

Noise & other nuisances - A Construction Management Plan would be required to help minimise the impact from noise, hours of operation and other nuisances, both for construction on site and the transport arrangements for construction and other servicing.

Housing Standards - No comment

Licensing - No comments with regards to the proposed development. However, should the Rugby Club relocate to a new site a new premises licence would be required and the existing licence would need to be surrendered. For more information please contact the licensing team via email licensing@middevon.gov.uk Food Hygiene - no objection to this proposal. Informative: If Rugby club relocated they would need to reregister as a food business with Environmental Health. School would need to register if they make or serve food. Advice can be given on layout & other requirements.

Private Water Supplies Not applicable

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

SPORT ENGLAND - 23rd March 2017 - The proposal is to construct new playing fields /sports facility as a replacement for Crediton RFC. In addition 300+ new homes and a primary school. With associated infrastructure. The application site is currently agriculture.

The illustrative masterplan shows 4 adult rugby pitches with clubhouse and community facility with parking (8.6ha). This part of the application site, as stated in the application documents from the agent, falls within Flood Zone 3 which is the highest classification of flooding. Adjacent a 1x FE Primary School with playing fields (1.1ha).

Sport England has assessed the application in the light of Sport England's Land Use Planning Policy Statement 'Planning for Sport Aims and Objectives'. A copy of which can be found at:

<http://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives>

The statement details Sport England's three objectives in its involvement in planning matters:

1. Protect existing facilities
2. Enhance the quality, accessibility and management of existing facilities.
3. Provide new facilities to meet demand

In assessing this application, Sport England notes that:

1. These 'replacement' rugby playing pitches are located in Flood Zone 3.
2. We note that the loss of the existing rugby pitches is not considered here in this application. But the applicant/agent should note that any future planning application on the existing rugby playing fields will need to demonstrate meeting paragraph 74 of the NPPF and Sport England Playing Field Policy, and in particular, exception E4 which states: "The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development."
3. Sport England would wish to see compliant rugby size pitches x4 including safety run-offs that meet the Performance Quality Standards (PQS), appropriate access, car parking and ancillary facilities such as changing rooms with storage, social and catering space.
4. There is no current Playing Pitch Strategy (PPS) in place to help identify current and future needs for playing pitches in the area for a range of pitch sports.
5. The occupiers of 300+ new homes will generate demand for sporting provision not just rugby pitches. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.
6. The primary school has potential to help facilitate community sport for indoor and outdoor sport and recreation activities subject to design and management

7. The development - using Active Design - could create the right environment to help people get more active, more often in the interests of health and wellbeing through good urban design.

Construction of Playing Pitches

The new/replacement playing field is located in Flood Zone 3 which is not recommended nor supported by Sport England.

In order to assess the suitability of the site to accommodate pitches, it will be important that the ground conditions and pitch specification to prepare the site as a playing field are given careful consideration. The preparation of 4 x new sports pitches will benefit from specialist consideration by sports turf consultants/agronomists due to the need to understand the implications of topography, soils, drainage, and surface preparation etc. and to ensure the pitches are fit for purpose. Without this there is a risk that playing pitches will not meet needs because they will suffer from problems such as waterlogging and uneven surfaces. Consideration also needs to be given to matters such as soils, seeding, water supply depending on the ground conditions, and the standard of pitch to be provided.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport':

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>

We have consulted the Rugby Football Union (RFU):

Crediton RFC is a RFU Accredited Club with teams throughout all Age Groups from U7-U18's including three girl's teams, and having 3 adult male teams. The current club site is over capacity and the club are reliant on the use of the pitches on land positioned adjacent to the club site. The current ancillary facilities are not adequate for the current demand of players and the changing facilities are not NGB compliant for modern standards. The volume of activity and throughput of users at the site causes considerable operational challenges for the club. The club have a strong and robust management board, including a current club business plan which is continually reviewed. The club engage fully with both Devon RFU and the RFU on all developmental activities and wider club support matters.

In terms of this proposal, the RFU considers that 4 natural turf pitches on this site would support the club in improving its playing operations. The RFU would expect that the pitches are constructed and developed in accordance with SE/RFU technical specification, including full drainage to support all year round use. Technical guidance can be found here:

http://www.englandrugby.com/mm/Document/Governance/ClubSupport/01/30/86/97/Naturalturf pitches_Neutral.pdf

With no technical details on the ancillary facilities being available, the RFU wish to identify the need for the appropriate number of changing rooms for 4 pitches (8 C/R's) to maximise the pitch allocation. The RFU Guidance note on changing rooms and clubhouses is:

http://www.englandrugby.com/mm/Document/Governance/ClubSupport/01/30/36/32/facilities-gn-2009-final-approved-version_Neutral.pdf

Similarly the floodlight technical specification is not included in this outline application, and the RFU wish to identify that the club will need at floodlighting provision at this site to support the clubs current operations.

http://www.englandrugby.com/mm/Document/General/General/01/32/32/22/RFUguidetofloodlighting_Neutral_English.pdf

The club would require replacement prior to lose, to ensure that the clubs operations are not duly affected or disrupted.

In principle the RFU are in support of this proposal.

Primary School

The school site depending upon final design, has the potential to facilitate an improved level of sport and recreation which could include new playing field, tennis court/MUGA and indoor space. We would strongly support a community use agreement as part of any planning application as the site could be widely used for community sport out of core school hours.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:
<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

Appendix 1 contains a checklist that can demonstrate that the proposal has been / will be designed in line with the Active Design principles.

Cycle and walking networks should be extended to linking the existing town with the new development, and access to the surrounding countryside.

Conclusion

The new/replacement playing field is located in Flood Zone 3 which is not recommended nor supported by Sport England.

We recommend that further discussions and amendments are made to the proposal to take on board the comments above before the application is determined. A solution includes reviewing the location of the new x4 rugby playing pitches and moving them out of Flood Zone 3 to another part of the site.

In the event that the Council is minded to approve the application without amendment, the following planning conditions should be imposed:

1. No development shall take place unless and until:
 - a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number..... shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to

and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy **

2. The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application *, Section * and Drawing No. **] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy **.

3. No development shall commence [or such other timescale] until a community use scheme has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall apply to the Rugby Club and Primary School and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development [or other agreed timescale] and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

4. No development shall commence until details of the design and layout of changing facilities [and other sports facilities to be named] have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The changing facilities [and other sports facilities to be named] have shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.

Informative: The applicant is advised that the design and layout of the [sports facility] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

DEVON, CORNWALL & DORSET POLICE – DEVON, CORNWALL & DORSET POLICE
19th April 2018: No objections

Thank you for this amended application. The amended Illustrative Masterplan (9800) is noted, Police have no further comments at this time to add to those submitted 8th March 2017

Original Comments: Having reviewed the illustrative masterplan, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Residential - Building Regulations - Approved Document Q - Security.

The new security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2012 or equivalent.

To assist with this requirement and to ensure compliance with ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires that doors and windows are not only tested to meet PAS 24 2012 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing the provenance of non SBD approved products.

SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

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 follows, in conjunction with appropriate physical security measures:-

- o Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security

- o Structure: Places that are structured so that different uses do not cause conflict

- o Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent creating problem areas which can attract the antisocial to gather, dumping and dog fouling

- o Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

- o Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

- o 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.

- o Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and Anti Social Behaviour.

An early point to consider is vehicular access and egress for the proposed school and rugby club. The volume of traffic at the start and end of a school day and at weekends / match days for the rugby club cannot be underestimated. If adequate space is not provided for

vehicles they will be parked on nearby roads, paths and any available space which can create real upset and angst with local residents. Police can spend a lot of time dealing with issues related to parking or conflict over parking near schools and sports facilities.

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 at this stage.

HISTORIC ENGLAND: No objection

1st May 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.

Original Comments: 28th March 2017 This is an outline planning application for up to three hundred and twenty six dwellings on a prominent sloping greenfield site on the north-eastern approach to Crediton. We understand from the application that the site has been proposed for a mixed use allocation in Mid Devon Council's local plan, but that this application has been brought forward in advance of that process, although with the Council's knowledge.

The application site is significantly larger than the site intended for allocation. It now extends from the north-eastern edge of Crediton down the slope to the Creedy river, taking up a considerable amount of open countryside and the western side of the valley. The lower-lying part of the site is proposed for the relocation of Crediton Rugby Club, but otherwise the proposal is now entirely for housing, although it is also intended to incorporate a school. We have provided pre-application advice on the contents of an environmental impact assessment and the preparation of a heritage statement for the proposed development.

From Historic England's perspective, we think it unlikely that there will be a significant impact on highly graded heritage assets which fall within our remit, due to local topography and their distance from the development site. However, that does not mean that the site is without heritage sensitivities, since it is prominently located and does form part of the setting of a number of grade II listed buildings and a grade II registered park and garden at Shobrooke Park. The Built Heritage Statement, written in support the application, refers to Historic England's guidance on The Setting of Heritage Assets. However, it does not entirely follow the sequence of steps recommended in that document for assessing the impact of a development, since it does not include the fourth step - relating to the maximising of enhancement and minimising of harm arising from a development. Whilst the report concludes that some harm will be caused by the development to the setting of assets such as Shobrooke Park - whose wider landscape context will be "eroded"- it does not address the question of whether that harm could be further reduced, or alternatively, the setting of the park enhanced through other means.

See comments below from the LPA case officer which resulted from completion of the steps outlined above.

We trust that the Council's Conservation Officer will be assessing in greater detail the impact of the development on heritage assets in the vicinity to determine what level of harm might be caused to them, and whether that harm could be further reduced or mitigated. Once the level of harm has been independently verified, it can be afforded the appropriate weight when weighed in the balance against any public benefits afforded by the development.

LPA Conservation Area Officer: No objections are raised – 25th July 2017. The boundary of the edge of the new housing on its eastern side adjacent to Shobrooke Park has been set back to respond to the concerns as initially raised.

NATURAL ENGLAND - 19th April 2018 - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 March 2017 - No objection

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

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

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

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

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

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

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

SOUTH WEST WATER - 16th March 2017 / 12th April 2018 - No objection

REPRESENTATIONS

When the application was first submitted 140 letters were sent out to near neighbours of the site (07.03.2017). Furthermore site notices were posted at various locations around the site on the 09.03.2017 and a press notice was placed in the public notices section of the Tiverton Gazette on 14.03.2017. 126 representations were received, and of these approximately 91 of the representations raised objections to the proposals with 35 comments expressing support.

When the scope of the application was amended on 26th March 2018 (as referred above), notification letters setting out the scope of the changes to the description of development and clarifying the scope of the additional information submitted on 09.04.2108 were sent to the 126 contributors as referred above. 12 further representations of objection have been received.

A brief summary of the comments received in relation to the application as it has been amended is set out below.

1. The scope of the consultation undertaken on the application is considered to be questionable
2. The number of houses proposed exceeds the number in the allocation leading to a high density of development.
3. The application scheme is not considered to be policy compliant.
Concern that a development of three-storey buildings is inappropriate in this location
4. The closure of Pedlerspool Lane.
5. Concerns over the capacity of the proposals for relocation of the Rugby Club regards the provision of two pitches in the flood zone.
6. Concern of the siting of the primary school.
7. Housing need for Crediton is not met.
8. It is noted that Sport England object to the application.
9. The site should not be promoted for development in the development in the local plan.
10. The revised landscape and visual impact assessment is not considered to be accurate.
11. The application scheme is not considered to be adequate in terms of transport infrastructure and the traffic assessment is also considered to deficient.
12. The proposals result in the loss of open countryside / agricultural land. There are other locations in Crediton that should accommodate residential development.
13. The proposal is result in a reduction in air quality in the town.
14. The proposals will result in the loss of ecological habitats.
15. The proposals will adversely affect the setting of the historic gardens at Shobrooke Park
16. The proposals do not include the required infrastructure including GP surgeries, highway capacity and lack of public resources to build the school.
17. Inadequate information regards the architectural designs of the proposed housing.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development, including 5 year land supply - Policy Issues.
2. Highways, Movement & Air Quality Issues.
3. Local context considerations, impact on landscape character, visual amenities, local environment and density of development.
4. Affordable housing provision and Section 106 matters.
5. Contamination, Flood Risk & Drainage issues.

6. Ecological/ Aborigicultural Impacts
7. Other matters.
8. Summary & Planning balance

1. Principle of development, including 5 year land supply - Policy Issues.

In the adopted development plan the site is proposed for development as a contingency site. The adopted policy (AL/CRE/12) as set out below promotes a range of land-uses and criteria that need to be satisfied as set out below. In the adopted plan the criteria for the site's release is clarified under policy AL/DE/1 which confirms that if there is insufficient land being brought forward to deliver new housing (in terms of the site's allocated for housing as set out in the plan) the contingency sites will be released for development.

A site of 21 hectares at Pedlerspool, Exhibition Road is identified as a contingency site for development to be released in accordance with policy AL/DE/1, subject to the following:

- a. 165 dwellings with 35% affordable housing to include at least five pitches for gypsies and travellers;
- b. 21000 square metres of employment floorspace;
- c. A suitable site for the relocation of Crediton rugby club
- d. Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- e. The protection of the setting of the wider area, including the upper slopes to the south and west for Green Infrastructure and landscaping;
- f. Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- g. The provision of serviced employment land in step with the housing at a rate of at least 1 hectare per 30 occupied dwellings unless it can be demonstrated to the Council's satisfaction that such an approach would significantly undermine the viability of the scheme as a whole.
- h. This development shall not be commenced until a Link Road between the A377 and Lords Meadow is in operation unless the Council is satisfied that air quality and traffic impacts as a result of the development would not be material.

Members will be aware that the Link Road between the A377 and Lords Meadow has since been completed.

The Local Plan Review (2013-2033) proposes that the site is allocated for residential development under policy CRE/5 as follows:

A site of 21 hectares at Pedlerspool, Crediton, is allocated for residential development subject to the following:

- a) 200 dwellings with 28% affordable housing including at least five pitches for gypsies and travellers;
- b) A serviced site of 1.1 hectares for a new primary school;
- c) A suitable site for the relocation of Crediton Rugby Club;
- d) A phasing strategy which ensures that sites for the sports pitches, affordable housing and gypsy and traveller pitches are delivered broadly in step with the housing development, and the school is transferred to the local education authority at a timetable agreed with Devon County Council;
- e) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- f) The protection of the setting of Creedy Historic Park and Garden and the wider area, including the upper slopes to south and west for Green Infrastructure and landscaping;

- g) Facilitation of access to local bus routes via sustainable travel modes including possible extension of service;
- h) Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road;
- i) Improved access to the town centre for pedestrians and cyclists;
- j) Protection and enhancement of trees subject to Tree Preservation Orders within and adjoining the site; and
- k) An archaeological investigation and mitigation scheme.

Policy CRE5 was included as a site specific allocation at the 2015 consultation stage of the Local Review Plan process, and was carried through to the 2017 submission document. Comments of objection and support that have been received as summarised in the tables appended to this report, at Appendix A. While the application as proposed includes all of the land uses as set out in Policy CRE5, the Local Plan Review is currently subject to its examination and as such little weight can be given to Policy CRE5 given there are also objections received to it. However, Policy CRE5 is the Council's most recent statement of policy for the development of the site and the range of uses sought, including serviced land for a new primary school.

Members will also be aware of the Cabinet decision taken on 7th August 2015 to bring forward allocations in the emerging local plan for development in order to assist with housing delivery across the district. This includes the local plan allocation Policy CRE5 at Pedlerspool, Crediton and is an approach that is consistent with the principle of policy AL/CRE/12 and AL/DE/1 in terms of timing of delivery. Whilst the scope of the application site area extends beyond the site allocation on the local plan policies map (both adopted and emerging), the focus for built development reflects the site allocation on the policies maps (adopted and emerging) with the additional site area proposed to accommodate two pitches as part of the new facilities for the Rugby Club.

Other policies in the development plan that need to be considered in the assessment of the application scheme are 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 appropriate to local context. The policy establishes a minimum delivery target of 30 dwellings per hectare. 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. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling and to contribute to the provision and maintenance of existing and new open space. Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In summary, the proposed development is broadly consistent with the principle of development through AIDPD Policy AL/CRE/12 (adopted) and the more recent Local Plan review Policy CRE5 (subject to examination). However, permission is sought for a greater number of dwellings (257) than either Policy AL/CRE/12 (165) or Policy CRE5 (200). The following sections of this report consider the impacts of the development when considered against the objective of delivery sustainable development, the extent to which the scheme is

complaint with the range of other development plan policies, and finally weighs in the balance the benefits of the proposal against any identified harm.

As stated above in this report Members will be aware that a new National Planning Policy Framework came into force on 24th July 2018, which is material to the determination of this planning application. Paragraph 11 makes clear 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 the NPPF 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 the NPPF taken as a whole.

For applications involving the provision of housing, development plan policies which are most important for determining the application would be out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer- which is 20%). The Council's most recent statement of housing supply was published in July 2018. This shows Mid Devon's housing supply as 4.45 years. 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 possible.

2. Highway, Transport and Movement Issues

The application scheme is served via a new vehicular access into the site via a new combined roundabout (design type: 28m) at the junction of Old Tiverton Road and the A3072. Entry at this point will then link to a series of principal streets that will circulate around the eastern development area serving the new housing and the rugby club facilities and crossing over Pedlerspool Lane at two specific points to serve the primary school and the housing proposed for the western development area. Access along Pedlerspool Lane for vehicular traffic is to be restricted other than to serve the gypsy and traveller site, and to link back to the bottom of Pounds Hill. Stonewall Lane will remain open to vehicular traffic with improvements to it with the introduction of passing places.

Pedestrian access is proposed in the vicinity of Pounds Hill Cross, with internal circulation routes running down through the western parcel across Pederspool Lane and into the eastern parcel down to the proposed Rugby Club facilities. A further link directly into the eastern development area is proposed adjacent to the existing practise pitches on Exhibition Road. In addition, and as stated above the applicant has agreed to deliver improvements off site to improve connectivity back into Crediton (specifically along Pounds Lane and to the bottom of Jockey Hill).

Finally the applicant has agreed to provide a package of financial contributions to improve an existing public right of way that will link the site back to the Sports Centre and Shobrooke (first phase of), improve public transport facilities serving the site and across Crediton, and to provide assistance for future occupiers to use public transport.

The applicant submitted a Transport Assessment (TA) to set out the scope of the impacts of the development as proposed, which is supported by an Addendum note (dated 14th March

2018) to provide an accurate audit trail following the scope of the amendments to the application scheme that are now proposed from a land-use point of view. In addition a further technical note has been submitted to demonstrate the scope of the design that will be required for the internal road network in order to demonstrate that it would be capable of carrying larger sized vehicles, although this issue would be formally resolved at the reserved matters stage of the process.

In terms of traffic flows arising from the development the applicant has completed a full peak am and pm survey with existing flows passing the site access and travelling onto; Old Tiverton Road, Exhibition Road South and Exhibition Road North. The results of the survey indicate current flows of 416 trips in the AM peak and 410 in the PM peak. Using the TRICS data base the TA then estimates the proposed AM and PM peak trip generations flows that would arise from the proposed development mix predicting 278 and 196 trips respectively. For information this exercise was completed on the basis of the scheme as it was originally submitted (ie with a higher level of development than is now proposed) and excluding the Rugby Club traffic. The applicant's consultant using a traffic modelling system has sought to clarify the impact of this additional traffic on the key junctions around the Town, and these are set out in full in the TA report.

These aspects of the application assessment have been reviewed and checked by officers in the Highway Authority in terms of the existing network having capacity to manage the additional traffic and they are satisfied that the network will be able to carry the additional flows without resulting in detriment to highway safety for other users of the highway. As reported in their comments they note that the junction of Exhibition Road and Commercial Road will function close to capacity with the additional flows as predicted.

In terms of the scope of the proposals off site as highlighted above these aspects of the application scheme have been formulated in close conjunction with officers in the Highway Authority in order to improve connectivity between the site and the key facilities in the town for pedestrians and cyclists.

The indicative site layout shows how the site could be developed for 257 dwellings and ensure compliance with policy DM8 in terms of providing 2 spaces either on site or adjacent to site.

Given that some of the traffic generated by the development is likely to pass through the Crediton Air Quality management area (AQMA), the development has the potential to affect air quality in the Crediton Air Quality management area (AQMA). As stated above the applicant has agreed to provide a financial contribution (total of £955,900.00) to deliver various initiatives off site as described above. The level of contribution has been dictated by the requirements of Policy AL/CRE/8 (257 x £4434.00) and the package of initiatives that will be delivered will not only assist with reducing vehicular trips on the network it is also considered to represent a significant community benefit. Further analysis of the Section 106 package that is proposed is discussed further at 4 below.

Although Sandford Parish Council, Crediton Town Council and the Creedy Valley Protection group have raised concerns about the transport and movement implications of the development (refer to section 7 of this report) the application scheme is considered to be in compliance with policy COR9, subject to conditions as recommended by the Highway Authority and the terms of the Section 106 as outlined above in this report.

3. Local context considerations, heritage impacts, impact on landscape character and visual amenities, overview of development principles and density of residential development

Local Context:

The development would sit as an extension to the urban edge of Crediton on its eastern boundary. The site presents as two separate field areas divided by Pedlerspool Lane, and with sections of highway running parallel to all the site boundaries except the eastern boundary which shares a boundary with a section of the River Creedy and an agricultural field. The roadside boundaries are contained by Devon hedgebanks interspersed with tree planting. The boundaries along Stonewall Lane, Pounds Lane and in particular Pedlerspool Lane are particularly impressive in terms of the contribution that they make towards the landscape character and visual amenities of the area. The boundary to the A3072 is more open and Stonewall lane forms the boundary between the site and the rear of the residential properties along Pounds Hill/ Beech Park (currently the settlement boundary).

The site does not lie within a nationally or locally designated landscape. There are no heritage assets (listed buildings and/or SAMs) within the Site. Creedy Park and the coach house building (referred to as East Lodge) and other associated buildings which are grade II listed sits adjacent to the site on western boundary. The Park is on the Devon Local Register of locally important parks and gardens. To the east of the Site there are several Grade II Listed buildings located in and around the Shobrooke Park Grade II listed Registered Park and Gardens. The Site is identified within the Yeo, Culm and Exe Lowlands Landscape Character Area. Generic qualities for the area relate to the rivers (Yeo and Creedy) meandering through the landscape within wide floodplains. Fields are generally medium to large and semi-regular in shape divided by thick often flower rich hedgerows, hedgerows sometimes hedgerow trees, and these are clearly applicable to the application site. In terms of the Character types as identified in the Mid Devon's Landscape Character Assessment (2011) the majority of the eastern development area falls with the Sparsely Settled Valley Floors character type, and the western area is either not classified or falls within the Lowland Plains character type.

As stated the application site is promoted for development by the Council in the existing and emerging development plan. As part of the plan making process a strategic environmental impact assessment of bringing forward development on the site has been already undertaken. In addition the applicant has commissioned site specific studies to support this application as commented on below.

Heritage Impacts:

In terms of how the development would affect the setting of the Heritage assets, as stated above the scope of the development area on the site was plotted in order to seek to deliver an acceptable relationship in terms of how the development would affect the setting of the various heritage assets within the vicinity of the site and as described above.

Following further analysis at the planning application stage, including consideration of Heritage Statement(s) submitted by the applicant, the scope of the buffer on the eastern boundary (adjacent to the external boundary of the proposed new housing development area) has been increased at the request of the Council's Conservation Officer as now shown on the indicative masterplan. The reasoning for this is to provide an additional buffer on this side of the site to afford an improved relationship and setting with Shobrooke Park. With these changes to the scope of the development area the separation distance between the new areas of built form and the affected assets are considered to be acceptable. Although the degree of harm to the affected heritage assets arising from the delivery of development on this allocated site is considered to be less than substantial it still must be given considerable weight in the the decision making process. Further consideration of this level of impact is taken into account as part of the overall planning balance that is considered at section 8 of this report.

Finally it is noted that Historic England have not raised an objection to the application scheme, and conditions are recommended by the County Archaeologist to cover various matters following on from field work/investigations that have already been undertaken, in order to satisfy archaeological matters.

Landscape Character impacts:

The applicant has commissioned a site specific Landscape and Visual impact assessment as part of this planning application process which was undertaken by Barton Wilmore. The visual impact of the development has been considered from 13 viewpoints including near distance, medium and long distance views, including from the various public rights of way in the vicinity of the site and the town generally. The conclusions arising from the assessment as undertaken are summarised below:

In terms of likely effects on landscape features, whilst the proposed development will result in limited loss of an area of agricultural land, there is potential for a positive contribution to, and enhancement of, a number of features, including trees, woodland and the River Creedy corridor. This is likely to increase with the establishment and ongoing management of proposed planting over the Medium term.

In terms of effects on landscape character, whilst the proposed development would introduce additional influences of built form into the currently undeveloped Site, this would be in the context of a prominent settlement edge and associated infrastructure. These factors limit the sensitivity, remoteness and tranquility of the site. Whilst the fields would be partially replaced by built form, a sensitive and considered approach to the layout and landscape structure is proposed, including retaining an area of publicly accessible open space and enhancing the setting of the River Creedy corridor.

Visual impacts:

In terms of visual impacts the development will be clearly visible, albeit contained behind the perimeter hedgerows, from near distant views and from more distant views the development would present as extension to the existing town boundary. The proposed mitigation arising from the scope of the assessment as undertaken are set out below, which are embedded in the application scheme under the development principles and translated into the indicative masterplan.

1. The incorporation and reinforcement of the principal hedgerows and trees within a network of green infrastructure, providing protection to the existing vegetation structure and creating opportunities for reinforcement and enhancement;
2. The creation of a managed woodland buffer to the north of the site along Stonewall Lane;
3. The alignment of the roads to minimise the impact of access routes on existing vegetation, and the incorporation of substantial landscape buffers along Pedlerspool Lane;
4. The management of existing tree belts to enhance biodiversity and recreational value, maintain its value as a distinctive landscape feature, and as a visual buffer;
5. Building heights – development restricted from the top part of the site and heights of building blocks largely restricted to 2 storeys.
6. The creation of a landscape buffer and areas of open space along River Creedy.

Development Principles:

Given the application is submitted in outline the mitigation as identified above is set out by establishing a series of supporting principles which can then be used as a basis to inform and assess detailed proposals that come forward at the reserved matters stage. These are set out in within the design and access statement submitted to support this application. Furthermore an illustrative masterplan layout has been submitted to set out how the site could be developed in accordance with the key principles, which are explained further below:

- The Rugby Club facilities to form an anchor at the bottom of the site (eastern plot)
- Formation of green infrastructure/movement corridors that provide connecting routes down into the development area managing the topography of the site.
- Retention of greenery along the site edges and formation of a green plateau at the top of the site to function as an amenity/play space. Development will be kept to the Southern area where topography raises no issues.
- New sections of Highway to be designed so they are fit for purposes (capacity to be used by farm traffic).
- Formation of three character areas reflecting the site's topography, the proposed density and the menu of land-uses as proposed as described below:
 - Park View – A low density residential environment (a maximum of two storey buildings) sitting adjacent to the primary school site with the gypsy and traveller pitches adjacent.
 - Central Gardens – A medium density residential area (with occasional 2.5/3 storey buildings).
 - Crediton Gateway - A medium density residential area (a maximum of two storey buildings) set closest to the proposed new entrance to the site

Density of Residential Development:

The application proposes the necessary land uses to comply with the site allocation requirements as set out in the emerging development plan policy framework. Permission is sought for up to 257 houses, and the illustrative masterplan seeks to demonstrate how the required land uses can be accommodated across the site in addition to the quantum of residential development as proposed.

The policy framework allows a gross site area of 21 acres (8.7 hectares) to accommodate the residential development. The masterplan confirms a land budget in area terms of 0.3 of a hectare to accommodate the gypsy and traveller pitches. With a disposition as shown on the masterplan across the remainder of residential land budget (8.4 hectares, including 0.81 hectare of incidental open space) 257 dwellings would equate to 30 units per hectare (gross) which is considered to be in accordance with guidance as set out at policy COR1.

In addition to the illustrative masterplan a proving plan has also been submitted which imposes the masterplan layout at a larger scale so it is possible to undertake a preliminary analysis of the layout in more detail at this outline stage. Although a final decision on the layout matters would be taken at the reserved matters stage of the process, it is considered that the applicant has at this stage demonstrated that a new residential environment with

upto 257 units could be achieved in a satisfactory manner across the site, in addition to the other land uses that are required.

Local stakeholders have raised concern about the delivery of 2.5/3 storey units, and as stated above the masterplan vision includes provision for occasional siting of taller buildings towards the middle of the site area (Central Gardens), and away from the more sensitive edges of the site. Finally on this point it is noted on other estate locations in Credition 2.5/3 storey units have been considered acceptable.

Summary: At this stage of the planning process the applicant is not seeking to provide the level of information in terms of the siting, layout and design matter to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. The scope of the application details (as embedded in the development principles / indicative masterplan) have been informed by the completion of a detailed landscape and visual and historic asset impact assessment(s) which build on the Strategic Environmental Impact assessment already undertaken by the LPA. Taking into account the scope of the information as provided it is considered by officers that it has been satisfactorily demonstrated that if the application was to be supported at this outline stage the level of residential development proposed (up to 257 units) in conjunction with the other land uses could be delivered across this strategically allocated site in a comfortable manner, be respectful to the existing houses adjacent, the amenities of the area generally and not adversely affect the landscape character and/or visual amenities of the wider locality. On this basis the application scheme at this outline stage is considered to be in accordance with policies: COR2, DM1, DM2 and DM27 and reflecting the requirements of emerging policy AL/CRE/5 albeit with an increased level of housing development which would be delivered at a density which complies with policy COR1 and reflects the aspiration of section 123 of the NPPF as revised.

The applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

4. Section 106/Affordable housing issues

In the recommendation section of this report above the heads of terms, as agreed by the applicant, for inclusion within a section 106 agreement are set out if planning permission is to be granted. The section below overviews how the terms relate to the requirements of the following parts of the development plan framework (COR8 - Infrastructure Provision, AL/DE/1-3 – Affordable Housing (general), CRE5 (proposed modifications) replacing AL/CRE/13-site specific requirements, AL/IN/3 - Public Open Space, AL/IN/5 – Education and AL/CRE/8 – Credition Air Quality).

Total contribution agreed towards delivering off site Educational Infrastructure – £965,516.00 (including £864,035 towards primary school facilities) - policy requirement AL/IN/5.

Total contribution agreed towards delivering off site sustainable transport measures - £955,900.00. Please note that the total sum based on a charging rate of £4434.00 per unit would exceed this level of contribution (refer to comment on affordable housing) - policy requirement AL/CRE/8.

Total contribution agreed towards delivery off site healthcare provision - £93,291.00.00 – policy requirement COR8.

In order to address the requirement of policy AL/IN/3, the masterplan identifies a land budget of 0.81 hectares to deliver a range of public open space facilities as integral part of the new residential environment to be created, and this is indicated largely at the top of the site

adjacent to the boundary with Stonewall Lane. Based on a requirement of 60 metres of open space as required by policy a total area of 15,420 square metres would be required to be laid out as public open space. Therefore the layout as shown on the indicative masterplan would deliver a policy compliant scheme without needing to seek an off-site contribution. The specification for the delivery of this space and scope of facilities to be provided, and the future maintenance arrangements are proposed to be secured as part of the Section 106 agreement.

Affordable Housing: It is considered that the requirements of Policy AL/DE/3 in this case should be superseded by the requirements of emerging Policy CRE5 which establishes an affordable housing target of 28%. Furthermore the policy framework at both the local level recognises that although affordable housing is a high priority and if evidence is submitted which proves that the delivery of affordable housing and infrastructure requirements would render the site unachievable a reduced level of provision can be negotiated. At the time when the AIDPD (January 2011) was drafted specific reference was made to the high costs associated with bringing forward development on the site of the Urban Extension to Tiverton given the high infrastructure costs that are likely to be associated with bringing forward that specific development.

As background to this particular case the applicants have sought to defend a reduced quantum of affordable housing referencing viability issues and threshold land value requirements. The application was submitted in March 2017 and the delay in reporting this application to the planning committee has been due to ongoing discussions largely regarding the housing aspects of the scheme (refer to planning history section of this report), including the provision allowed for affordable housing. Following on from these discussions when this revised application was submitted the applicant had indicated that 54 of units would be provided as affordable units. Following further discussion since April 2018 the applicant has agreed to increase the number to 56 to reflect the offset between contribution level agreed for sustainable transport measures and the level that would be required based on the charging rate as confirmed by policy AL/CRE/8. The revised proposals of 56 affordable homes equates to a 22.3% of total amount of housing proposed on the site, which is increased to 24% reflecting on the 5 gypsy and traveller pitches that are now proposed as part of the application scheme.

As stated above the applicant has agreed to make a financial contribution of just over one million nine hundred and ninety six thousand pounds to deliver initiatives off site. In addition off site highway works are also to be undertaken. Given the scope and cost of the infrastructure that the applicant has agreed to deliver, which is pro rata comparable to the infrastructure costs associated with delivering the development at Tiverton as referred above a reduction in the quantum of affordable housing below the policy target of 28% is considered to be justified in policy terms. The tenure and mix as requested by the Housing Options manager will be included with the Section 106 to ensure that the affordable housing responds to local needs. Furthermore the quantum of affordable housing as has been negotiated is considered reasonable by the Housing Options manager given the specific circumstances.

5. Contamination, Flood Risk & Drainage issues

Contaminated Land Issues: There are no concerns regarding the suitability of the site to accommodate the proposals given concerns regarding the site suffering contamination. Conditions are recommended to set out a process of further investigation that must be undertaken in advance of development commencing on site.

Flood Risk Issues: The scope of the built development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding. However part of the

site that accommodates the training pitches as part of the Rugby Club complex fall within floodzone 3. There is an existing drainage ditch which forms the edge of the zone 3 area. The local profile across the extent of the development area would be raised (refer to surface water drainage section below), and it is noted that any loss of flood plain would need to be compensated for in the event that changes in topography are proposed across the section of site that falls within the flood plain (see comments below: Environment Agency and Sports England).

The Environment Agency have confirmed that the layout of the proposals as shown on the supporting Masterplan complies with the sequential approach as set out on the National Planning Policy Framework, the principle of providing playing pitches, and other recreational assets, within the floodplain being quite compatible with policy requirements. However the provision of pitches is subject to there being no loss of floodplain storage or conveyance, especially should any re-profiling be carried out. It is noted, as clarified by the EA, that this matter has been highlighted within para 3.9 of the applicant's Flood Risk Assessment including a statement that any loss of floodplain storage must be compensated for on a level for level basis.

As part of the strategic environmental impact assessment work undertaken as part of the Local Plan Review process a strategic flood risk / sequential test assessment of bringing forward development on the site has been undertaken.

Surface Water Drainage Issues: To reflect the application scheme a surface water drainage strategy is proposed which has been informed following percolation testing undertaken in 2015. The surface water drainage strategy will serve the development area/hardscape (excluding the external facilities for the Rugby Club). The strategy includes the provision of adoptable and non-adoptable underground pipework; swales; detention basins providing storage volumes of 3940 cubic metres (incorporating hydraulic controls) to ensure that the run off rate from with the proposed development in situ is equivalent to green field run off rates. In turn this will ensure that flood risk down- stream of the site should not become an issue in normal circumstances and upto the 100 years critical storm event. The Lead Flood Authority have considered the strategy that has been proposed and have not raised an objection to the scheme subject to a number of conditions in relation to the design details to be built out.

Proposed Foul Water Strategy: A new pumping station is proposed adjacent to the Old Tiverton Road that is proposed to manage flows from the development to the existing South West Water (SWW) network sewer. As noted above SWW have not made any objections to the proposals.

Sport England: The comments from Sport England are set out in full in the Consultation section above, which they have provided in conjunction with discussion with the Rugby Football Union. Their comments focus on operational matters about Crediton RFC moving to the site and on the matter of the pitches that are to be laid out on the part of the site that falls within the flood plain. In the event that planning permission is granted for this aspect of the development condition 14 is recommended to redress the drainage and pitch design issues that would need to be satisfactory resolved before build out commences. The other matters raised would be largely addressed by the reserved matters applications.

6. Ecological/ Aboricultural Impacts

On behalf of the applicants, EAD have completed an Ecological Impact Assessment in support of this application. This study is accompanied by a survey of the existing trees on the site.

At present there are 17 trees across the site, positioned largely on the boundary of Pederspool Lane, with a group of freestanding oaks in the northern eastern end of the site. In addition there are a number of larger stems in the hedgerow along Stonewall Lane. The Oaks are considered to be of individual value whereas the other trees across the site create value on a collective basis. The masterplan which has been submitted to demonstrate that the scope of the application scheme could be delivered across the site identifies that 3 of the trees on the site would need to be removed to accommodate the masterplan layout (2 x unclassified specimens and 1 category C specimen). In addition sections of hedgerow (upto 110 metres) would be required to be removed to accommodate the vehicular access in to the site and then along Pederspool to enable the connections between the site.

The field areas that form the application site are classified as improved or semi improved grasslands boarded by hedgerows and incorporate wet ditches across the site, however they do not form a protected landscape. The assessment undertaken by the applicant is considered to have been comprehensive including an extended Phase 1 habitat survey and phase 2 protected species survey to supplement desk based surveys. The results of the site surveys identified the following on the site;

Plants: Primrose was recorded at the base of the hedgerows and Himalayan balsam was recorded growing along the river bank within the site.

Invertebrates: Numerous notable invertebrate species have been recorded within the study area with hedgerows containing hawthorn providing an appropriate habitat, but following the site survey no evidence of white clawed crayfish was recorded within the River Creedy.

Amphibians: No suitable amphibian breeding habitat was present within the site boundary. The hedgerows, scrub, woodland, grassland and tall ruderal within the site could provide foraging habitat for common amphibians.

Reptiles: A 'low' population of slow worm was recorded within the site. The grassland and margins of arable fields provided suitable basking and foraging habitats for slow worm, and hedgerows, scrub and woodland provided suitable resting and hibernation habitat for these species.

Birds: The site provided suitable nesting and foraging habitat for a variety of common and widespread birds. A total of 26 bird species were recorded on or adjacent to the site. Of these, 12 were considered to be confirmed or near certain breeders, and 9 probable / possible breeders.

Bats: An initial survey 2013 and then re-survey 2016 have been undertaken. Overall, the bat activity surveys recorded moderate levels of common pipistrelle and soprano pipistrelle activity across the site with the highest levels activity were recorded adjacent to the River Creedy in the northeast of the site.

Hazel dormouse: An initial survey 2013 and then re-survey 2016 have been undertaken. A single nest was uncovered in 2013, with two nest uncovered in 2016.

Otter and water vole: The presence of otters along the section of the River Creedy were identified. The wet ditches were also considered movement corridors but are unlikely to form part of a core territory. No evidence of water vole was recorded.

Badger: A single outlier badger sett with one entrance hole was recorded. This sett showed signs of active use, including feeding remains in August 2016. Mammal tracks, and badger feeding signs and latrines were present throughout the southern field, with some signs also present in the south of the central field.

Given the site is allocated for development, this planning application proposal has responded to the ecological presence at the site by incorporating specific design and avoidance measures as follows:

- Retention of the majority of the existing trees, woodland and hedgerows within the public realm.
- Retention and enhancement of grassland adjacent to River Creedy, which forms component of floodplain grazing marsh. Inundation would still occur over proposed rugby pitches within the floodplain.
- Creation of wetland scrapes within the retained floodplain grazing marsh.
- Retention and enhancement of wet ditches, which form the key component of the floodplain grazing marsh.
- Creation of new wildflower-rich grassland, including wet grassland species mixes where appropriate.
- Creation areas of new native woodland belts.
- Creation of SUDS including swales and attenuation ponds.
- Scattered trees throughout development.

In addition the following mitigation /control measures would be put in place to manage the build out phases of the project:

- Measures would be put in place to ensure legal compliance and to protect animal welfare in respect of reptiles, common amphibians, nesting birds, bats, dormouse, badger and hedgehogs; these measures would include timing of works and appropriate ecological supervision.
- Removal of dormouse habitat (hedgerow) would be subject to a Natural England Mitigation Licence; mitigation measures to be implemented in accordance with the method statement, including timing / method of removal and provision of replacement habitat.
- Bat and bird boxes would be installed on retained trees and integrated into new buildings to increase available roosting / nesting habitat.
- Pre-construction checks would be undertaken to ensure no new badger setts had established on the site. Protection measures during construction would prevent injury to badgers in excavations.

Full detail of the scope of mitigation, compensation and enhancements that proposed through the planning application proposals are set out at Section 4 of the Ecological Impact Assessment report, and appropriately worded condition is recommended (Condition 2) to ensure that these requirements, including protective measures to be put in place during construction will also be required as part of the construction management plan, are carried through to the reserved matters and implementation stages.

The Devon Wildlife Trust have objected given the extension of the site to accommodate the Rugby Facilities into the floodplain and closer to the River Creedy. Although the application proposals will increase the extent of the use of this area of the site, the conditions as recommended will ensure that it functions as it currently does, ie as part of the floodplain adjacent to the River Creedy. It is noted that Natural England have not raised an objection to the application.

Overall the application scheme is considered acceptable and in accordance with policy COR2, DM2 and DM28 of the local plan in terms of the ecological impacts that are likely to arise.

7. Other matters

Crediton Rugby Club: The Club have confirmed that the current club house and car park cannot meet the capacity needs and standards expected from its members and the community, and also that the Club continues to expand (500 members currently on roll). They have been involved in discussions with land owner about relocating to the site for a number of years and consider that the Club and community would benefit significantly from relocation to the proposed Creedy Bridge development, in that greater use could be made of new, fit for purpose, future proofed facilities located on a single site. The masterplan layout shows an arrangement with the club house and carpark facilities abutting the proposed new residential area with two pitches set adjacent and then two further pitches within the floodplain.

Although the Club in their letter dated 30th April expressed concerns about the layout as shown on the indicative masterplan they have since confirmed (3rd September) that the Rugby Club is now fully supportive of the application scheme as it has been submitted.

For clarification the application proposals make provision for replacement of the existing facilities comprises with two additional pitches (a junior and practice pitch) also shown. Notwithstanding the application and the proposed masterplan drawing showing how the pitches could be accommodated and laid out (including the required run-off distances) whilst the submitted drainage strategy demonstrates how appropriate drainage can be achieved. The applicant has confirmed that further discussions are being held with the Club to give them comfort as to the type of design which could be incorporated to ensure playability is not prejudiced. As stated above if planning permission is granted the site area will be conveyed to the Rugby Club in accordance with a phasing plan and it would then be a detailed design matter for the Club to determine through the reserved matters stage of the process. However the masterplan layout confirms that the existing facilities can be provided for on the site with the opportunity to further enhance the club's playing infrastructure by designing an appropriate layout for the additional training pitches on land within the flood plain.

Parish / Town Council comments: The comments provided by Sandford and the other neighbouring Parish Council's and Crediton Town Council are set out in full in earlier sections of this report. It is clear that there is little support from the Parishes or the Town Council in terms of bringing the site forward for development, however the principal of development the site was agreed as far back as January 2011, and this outline application responds positively to the policy framework against which it should be assessed. The uplift in housing numbers proposed whilst more than promoted by the policy CRE5 is in accordance with policy COR1.

The issue of primary school and secondary provision continues to be raised. However as set out above based on the County Councils standard formula the 257 houses would generate a need to manage 63 more pupils into the local primary school environment. The applicant has agreed to make a financial contribution towards providing these places and a site is safeguarded as part of the application scheme so that a new single form new primary school can be built as and when required which will be a decision for the Education Authority (LEA) to make. Given that the new development will be completed on a phased basis over a number of years the LEA should be able to make a strategic decision to ensure continuity of the local primary schools so that there are sufficient places to meet existing and future needs. On this basis these concerns are not considered justified.

The major challenge for the applicants design team, which in part reflects its position beyond the edge of Crediton town boundary, is how to ensure a reasonable level connectivity between the site and facilities within the Town and the surrounding Parishes.

As set out above in this report the application is providing a significant financial contribution so that connectivity between the site and the local facilities in the area can be improved for pedestrians and cyclists this in addition to specific localised works which will also assist. Notwithstanding Sandford PC remain concerned that the applicant is not being required to carry out improvements which would assist connections between the application site and Sandford village, and Crediton Town Council have highlighted other infrastructure requirements across the Town which would be desirable to assist pedestrian and cycle travel.

The Community Infrastructure Levy Regulations 2010 provide the framework for the use of planning obligations, clarifying that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The package of works that has been negotiated between officers and the applicants is considered to comply with the regulations. Furthermore other localised improvements will be secured as other development sites which are allocated are brought forward. For instance when site CRE6 (local plan review) is brought forward it will be possible to secure an improved pedestrian and cycle connection back along Stonewall Lane towards the site from the existing off road route for cyclists and pedestrians that already links Higher Road back to Sandford village.

Upton St Hellions Parish Council /Creedy Valley Protection Group (CVPG): In addition to the matters relating to the principal of bringing the site forward for development, as covered above Parish Council have via the Creedy Valley Protection Group undertaken their own assessment of the landscape and visual impact and transport impact.

Transportation Issues: CVCPG consider that the site is unsustainable in transport terms, questions whether a safe and suitable access can be achieved and questions if the application scheme would deliver a severe cumulative impact. A detailed overview as to why the application scheme is considered to be acceptable in terms of highway capacity and roads safety terms is set out above. The proposed works on and off site have been subject to a Stage 1 Road Safety Audit, and will be subject to further safety audits as the projects progresses through to build out. Furthermore all the key facilities within Crediton including education, employment opportunities, local retail, health services, leisure facilities and the town centre would all be accessible by foot within the 2 kilometres.

Landscape & Visual Impact Issues: CVCPG commissioned an alternative review of the site in terms of landscape and visual importance utilising a different methodology to LIVA methodology as carried by the applicant's consultants which is considered a more objective methodology.

Furthermore given that the application scheme brings forward a contingency and proposed allocation the LPA accept there will be some Visual and Landscape impact and therefore the focus as set out above has been how to seek to mitigate the impact as far as possible. In this regards the lighting details proposed will be a key consideration for further assessment at the reserved matters stage.

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 in excess of £1.3 million pounds.

8. Summary & Planning balance

The overall thrust of Government policy as set out in the updated Framework is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The Council is currently unable to demonstrate a 5 year supply of housing. The most recent assessment (July 2018) shows Mid Devon's housing supply as 4.45 years.

This application reflects the emerging local policy framework which covers the period 2013 – 2033, which has been updated to reflect local circumstances, since the site was first identified as contingency development site back in 2011. The proposals offer a scheme which includes all the required land uses with a slightly reduced quantum of affordable housing to reflect the circumstance as outlined above at Section 4 of this report. In addition it has been demonstrated by the applicant in terms of the design work undertaken at this outline planning application stage that up to 257 dwellings could be accommodated on the site in a sympathetic manner and which would achieve a development in density terms which reflects the requirements of policy COR1. Given that the site is a contingency/proposed allocation for development the scope of the design process undertaken by the applicant has been to focus on the scope of mitigation proposed to seek to shape the development going forward and mitigate the impact.

Following on from the changes to the development area as proposed the harm arising from the proposed development to the surrounding heritage assets is considered to be less than substantial. Furthermore given the nature of the impact in that it is limited to how the development would affect setting, the harm is not considered severe and/or overriding. Notwithstanding the impacts are still required to be afforded considerable weight in the decision making process.

Assessment of other matters has not identified any other adverse impacts that would arise from the number of dwellings proposed in conjunction with the other land-uses which cannot be satisfactorily mitigated.

The scope of the community benefits associated with the application scheme are listed as follows: up to 56 affordable homes, a site to accommodate 5 gypsy / traveller pitches, a new home for Crediton Rugby Club and a site to deliver a new primary school in the Town. Therefore it is considered that paragraph 11 of the NPPF also lends support to the application, in terms of the uplift in the number of residential units proposed, given that the scope of community benefits that are to be delivered are considered to outweigh the impacts of bringing forward the development as it is proposed.

On this basis it is therefore it is recommended that planning permission should be granted subject to conditions and the completion of a Section 106 as outlined above.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and

they shall accord with the guiding principles as set out at section 5 of the Design & Access statement (March 2018) to support this outline application.

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

4. The details required to be submitted by condition 1 for each development area shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with adjacent development areas.

5. For each phase of development hereby approved no development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic arrive at and depart from the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
- (f) 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
- (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
- (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.
- (i) Details of the amount and location of construction worker parking.

Works shall take place only in accordance with the approved Construction Management Plan.

6. For each phase of development 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 submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

7. 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.

8. No phase of the development hereby approved shall be commenced until:

- a) The access road and roundabout 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

9. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with details that shall have previously been submitted to and approved in writing by 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.

10. The developments and uses hereby approved shall not be occupied and/or brought into use until the works to the highway off-site and as shown on drawing no. PHL-02 rev F have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

11. No development shall take place on site until the off-site highway works for the provision of the access roundabout and new junction alignment for Old Tiverton road as shown on drawing no PHL03 rev F have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

12. None of the dwellings hereby approved shall be occupied until the off-site highway works for the improvements to footways along Exhibition Road have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

13. The developments and uses hereby approved shall not be occupied and/or brought into use until the off-site highway works for the provision of widening and passing bay provisions on Stonewall lane between Pounds Hill have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

14. No development in relation to the proposed playing pitches and associated playing field area associated with the relocation of Crediton Rugby Club shall take place until a detailed design of the facilities proposed, including the proposed drainage facilities, have been submitted to and approved in writing by the Local Planning Authority beforehand. The design process is required to include an assessment of the ground conditions including a groundwater monitoring programme of the land area affected. The works shall be carried out

in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

15. No phase of 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 Local Planning Authority in relation to that phase. 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 Local Planning Authority.

16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system for each phase has been submitted to, and approved in writing by, the Local Planning Authority. The design of the permanent surface water drainage management system for each phase shall be in accordance with the principles of sustainable drainage systems, and the Flood Risk Assessment (dated 22nd February 2016 and 16th March 2018) documents submitted to support this application.

17. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by the Local Planning Authority.

18. 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 each phase of the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. The agreed temporary surface water drainage management system for each phase must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

19. The development shall take place only in accordance with the recommendations of the Ecological Impact Assessment Report dated November 2016 and March 2018 submitted in support of this application.

20. 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, risk assessment and any recommended remediation works including a timescale for completion shall be submitted to and approved in writing by the Local Planning Authority. Residential occupation of the site, or parts of the site affected by land contamination, shall not take place until the remediation works have been carried out in accordance with the agreed details.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.

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, however the

allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.

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, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.

4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.

5. 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).

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

7. To ensure the proper development of the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

8. 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, in accordance with Policy COR9 and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policy COR9 and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

10. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

11. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

12. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

13. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

14. In accordance with the requirements of policy AL/CRE/12 and emerging policy CRE5 and in order to ensure that the ground conditions in relation to the facilities are satisfactory in term of playing pitch provision.

15. In accordance with paragraph 141 of the National Planning Policy Framework (2012) and Policy DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

16. 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, in accordance with Policies COR11 of the Mid Devon Core

Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

18. 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 in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

19. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

20. To protect future occupiers across the site from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

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

The principal of developing the site for a mixed use scheme including residential development with five pitches for gypsies and travellers, and the safeguarding of land to provide a primary school and facilities for Crediton Rugby are considered to be in accordance with policy AL/CRE/12 (Adopted in 2011) which has been updated to reflect local circumstances as set out at policy CRE5 (2013-2033). Although the number of houses proposed exceeds the emerging policy target it remains at a density which is policy compliant. The means of access is considered acceptable in terms of highway safety and local area capacity concerns. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings and site layout issues, including the design of all open space, landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The applicant has agreed to enter into a section 106 agreement to cover matters relating to the level and nature of affordable housing to be provided on site, contributions towards delivering education facilities off site, improvements to the highway network off site and a contribution to assist with the delivery of infrastructure to encourage sustainable travel, and to safeguard the land to deliver the community uses as required by policy. No issues are raised in terms of this application scheme regards; impact on drainage, flood risk and/or ground contamination, the impact on any neighbouring heritage assets and without resulting in any impacts on protected species/ecology that can not be satisfactorily mitigated against. The impact of the application proposal on heritage assets is considered to be less than substantial and this been carefully considered against the benefits that would be delivered as outlined above. Overall it is not considered that the scope of harm that arises outweighs the benefits that would be delivered.

On this basis the application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/3, AL/DE/3, AL/IN/5/, AL/CRE8 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Given the proposals respond positively to the emerging policy allocation for the site as set out at policy CR5 in the Local Review (2103-2033), the weight in the application assessment given to existing policy AL/CRE/12 has been reflected accordingly. Furthermore given the proposed community benefits that will be delivered in terms of securing on site affordable

housing, the safeguarding of land to deliver a new primary school and a new home for Crediton Rugby Club, which are considered to outweigh any harm arising, the proposals are considered to be in accordance with the National Planning Policy Framework, both paragraph 11 and the guidance as taken as whole, in terms of the number of residential units that are proposed.

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.