

Grid Ref: 112455 : 295350

Applicant: McCarthy & Stone Retirement
Lifestyles Ltd

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

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

Date Valid: 10th November 2014



18TH MARCH 2015

REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Professional Services Manager

Reason for Report:

To consider the above planning application.

RECOMMENDATION

Grant permission with conditions.

Relationship to Corporate Plan:

The Corporate Plan sets out the following long term visions:

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

Financial Implications:

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

Legal Implications:

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

Risk Assessment:

None.

Consultation carried out with:

See relevant section of the report.

UPDATE TO REPORT.

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

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

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

1.0 PROPOSED DEVELOPMENT

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

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

The current proposal seeks to:

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

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

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

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

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

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

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

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

2.0 APPLICANTS SUPPORTING INFORMATION

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

Design and access statement including a sustainability statement.

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

Archaeological and cultural heritage desk based assessment.

Nesting birds check statement prior to site clearance

Tree survey.

Foul and surface water drainage strategy.

Transport statement.

Traffic management statement.

Construction method and waste audit statement.

Ground conditions and contamination assessment.

Flood risk assessment.

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

Building for Life Assessment.

Statement of community involvement.

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

Viability / affordable housing statement.

Archaeology report.

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

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

Surface water drainage.

It was recognised that flood risk would occur when the river levels reach approximately 61.00mAOD as this would leave the flap valves unable to open. If a rainfall event occurs in conjunction with this high water level in the river then the developments' system would be unable to operate. Discussions with the Environment Agency indicated that the river levels could keep the flaps closed for up to 9 hours. A storm generating approximately 4.0mm rain/hour for a 9 hour period would generate the need for 75,600 litres of storage (75.6m³). This provision has been made by placing two storage tanks measuring 20x4x0.55m (83.6m³) adjacent to the building. It has been agreed with the Environment Agency that the probability

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

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

Foul Water.

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

3.0 PLANNING HISTORY

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

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

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

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

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

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

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

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

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

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR6 - Town Centres

COR7 - Previously Developed Land
COR11 - Flooding
COR13 - Tiverton

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

AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space
AL/IN/6 - Carbon Footprint Reduction
AL/TIV/12 - St Andrew Street

Mid Devon Local Plan Part 3 (Development Management Policies)

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

5.0 CONSULTATIONS

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

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

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

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

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

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

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

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

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

NATURAL ENGLAND - 25th November 2014

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

Statutory nature conservation sites - no objection

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

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to

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

Landscape enhancements

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

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

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

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

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

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

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

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

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

DEVON & CORNWALL POLICE AUTHORITY - 1st December 2014

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

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

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

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

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

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

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

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

Air Quality - No objections

Drainage - No objections
Noise & other nuisances - No objections
Housing Standards - No objections
Licensing - N/A
Food Hygiene - N/A
Private Water Supplies - N/A
Health and Safety - No objections

ENGLISH HERITAGE - 3rd February 2015 -

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

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

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

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

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

Recommendation

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

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

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

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

6.0 REPRESENTATIONS

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

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

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

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

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

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

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

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

7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

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

1. History

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

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

2. Policy

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

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

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

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

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

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

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

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

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

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

3. Flood risk

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

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

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

4. Highways and parking

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

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

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

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

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

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

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

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

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

5. Impact upon existing residential properties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

character of the place.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Conservation Officer has also commented on the current application:

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

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

Summary

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

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

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

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

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

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

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

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

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

7. Other design and layout issues

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

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

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

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

noise, drainage

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

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

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

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

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

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

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

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

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

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

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

10. Carbon reduction and waste.

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

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

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

11. Financial considerations

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

12. Rights of way.

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

The planning balance.

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

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

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

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

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

Summary.

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

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

1.0 CONDITIONS

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

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

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

7. Landscaping scheme shall be carried out in accordance with the submitted scheme. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of that phase of the development and shall be retained. Any trees or plants which, within a period of five years from the completion of that phase of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species.

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

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

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

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

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

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

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

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

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

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

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

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

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

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of safeguarding the amenities of the site and surrounding area due to the constrained nature of the site and sensitive location.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of this important riverfront location, the character and appearance of the Conservation Area and setting of nearby Listed Buildings in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

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

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

INFORMATIVE NOTES

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

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

Contact for any more information

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Background Papers

None

File Reference

13/00298/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee