

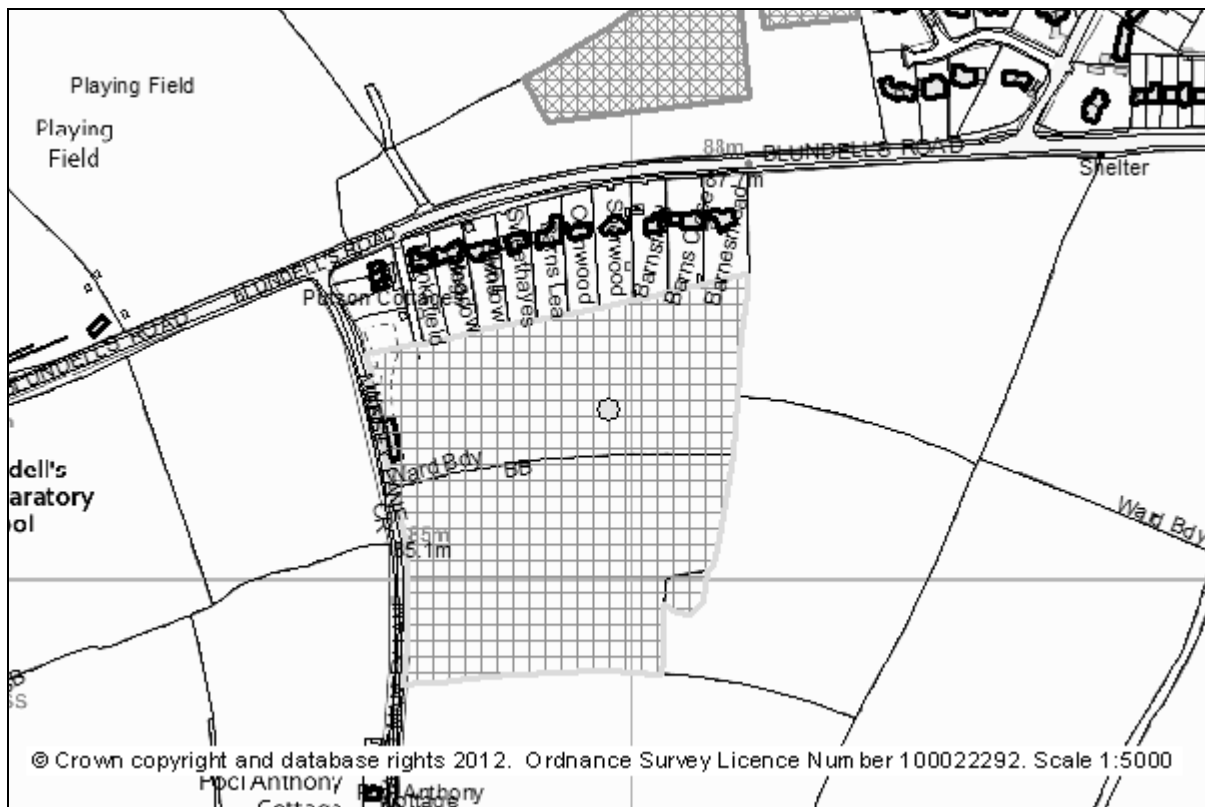
**Grid Ref:** 113549 : 298246

**Applicant:** Cattermole

**Location:** Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon

**Proposal:** Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT

**Date Valid:** 18th March 2021



## AGENDA ITEM

PLANNING COMMITTEE  
28<sup>th</sup> July 2021

### REPORT OF THE HEAD OF PLANNING AND REGENERATION

## **21/00454/MARM - RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR 166 DWELLINGS WITH THE PROVISION OF PUBLIC OPEN SPACE, VEHICULAR AND PEDESTRIAN ACCESS, LANDSCAPING, DRAINAGE AND RELATED INFRASTRUCTURE AND ENGINEERING WORKS FOLLOWING OUTLINE APPROVAL 14/00881/MOUT - LAND EAST OF TIVERTON, SOUTH OF A361, AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD UPLOWMAN ROAD TIVERTON DEVON**

**APPLICATION NO: 21/00454/MARM**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This is a reserved matters application for the appearance, landscaping, layout and scale of 166 dwellings with the provision of open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following outline planning approval (14/00881/MOUT). The application site forms part of the Tiverton Eastern Urban Extension which is allocated for mixed use development in the Adopted Mid Devon Local Plan 2013-2033. The application has been subject to pre-application discussions.

The application site has previously been the subject of an outline planning application (14/00881/MOUT) for the construction of a mixed-use development including 700 dwellings, 22,000msq of B1/B8 employment land, a care home, primary school and neighbourhood centre with associated access and egress onto Blundell's Road. Subsequent to outline planning permission, Reserved Matters application 21/00374/MARM has approved details for the first phase of the arterial road that will serve future residential development parcels south of Blundell's Road; the arterial road hereafter being referred to as the 'spine road'. The spine road will provide the main point of access for this application site to access Blundell's Road.

This application is bound by Condition 2 of the outline planning permission that requires, prior to the submission of any Reserved Matters application, the submission of an illustrated Urban Design & Architectural Principles document, a strategy for the management, maintenance and delivery of all Green Infrastructure and a Low Emissions strategy. An Urban Design & Architectural Principles document was approved by this Council in December 2020. Particular design and architectural principles were agreed – including formal building lines, areas of public open space, key vistas, key nodal development, tree planting on the spine road as a green boulevard (21/00374/MARM), community gathering places, pedestrian/cycle routes, connections to future phases and attenuation for water management.

This application site relates to land north and south of Blundell's Road. The area of land north of Blundell's Road is located within a single pasture field bounded along its northern edge by agricultural land and the new A361 road junction, to the east by existing residential property, and to the south and west by pasture land. The area of land to the south of Blundell's Road comprises 2 pasture fields with hedgerow boundaries. The northern edge of this part of the development site is bounded by existing residential properties, the eastern and southern by pasture land and the western by West Manley Lane. A strong hedge line crosses this part of the application site, from east to west.

The Reserved Matters, spine road, application (21/00374/MARM) forms the eastern boundary of this application site, south of Blundell's Road. Outline planning application (14/00881/MOUT) granted full detailed planning consent for access north of Blundell's Road by means of the 'linking road' to connect the new A361 road junction to Blundell's Road. The spine road will connect, by means of an approved new junction to Blundell's Road, to the linking road north of Blundell's Road and to the new A361 road junction beyond. The spine road provides the principle point of access for this application site, south of Blundell's Road, to access Blundell's Road while the linking road bisects the development proposed through this application, north of Blundell's Road.

To the east of this application site, south of Blundell's Road, is land identified for a future neighbourhood centre.

Surface water drainage is to be managed across this application site by means of a sustainable urban drainage system (SUDs); additional detail to be provided later in this report.

In accordance with the requirements of the Environmental Impact Assessment Regulations 2017 (as amended), this application has been accompanied by a Planning Statement detailing compliance with the Environmental Statement pursuant to Application 14/00881/MOUT.

## **APPLICANT'S SUPPORTING INFORMATION**

Residential Parcels Drainage Statement 1A, 1B & 1C

Adoption Plan

Engineering Strategy

Drainage Strategy

Refuse Tracking

Fire tracking

Detailed Landscape Design

Planting Character Areas

Planning layout

External materials Layout

Boundary Enclosures Layout

Storey Heights Layout

Refuse Collection Layout

Affordable Housing Layout

Meter Box Location Layout

Land Ownership Layout

Parking and EV Charging Layout

Compliance Plot Plan

Site Location Plan

Arboricultural Impact Assessment

Design and Access Statement  
Habitat Assessment and Mitigation Plan  
Heritage Statement relating to Knightshayes Court  
Landscape Management Plan  
Planning Statement and Statement of Community Involvement  
Waste Audit Statement  
House Types Floor Plans and Elevations  
Street Scenes

## **RELEVANT PLANNING HISTORY**

**14/00881/MOUT** - PERCON date 12th June 2017

Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road. Non Material Amendment 20/00804/NMA - Granted 4/11/2020. Non Material Amendment - 20/01787/NMA - GRANTED 13/11/2020

## **OTHER HISTORY**

**13/00056/SCR** - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 3)

**21/00374/MARM** - PERCON date 30th June 2021

Reserved Matters in respect of (appearance, landscaping, layout and scale) for infrastructure associated with initial phases of development, following Outline approval 14/00881/MOUT

**21/00454/MARM** - PCO date

Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT

**13/00054/SCR** - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2b)

**13/00055/SCR** - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2a)

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

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

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

Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping

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

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

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

Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence - Non Material Amendment - 20/00806/NMA GRANTED 4.11.20

**20/00806/NMA** - PERMIT date 4th November 2020

Non-Material Amendment for 16/01759/FULL to allow amendment to condition 7

**81/00829/FULL** - NOBJ date 3rd July 1981

DEEMED CONSENT for the erection of high voltage (11kV) overhead lines

**84/01928/OUT** - REFUSE date 13th February 1985

Outline for the erection of a dwelling

**13/01199/SCR** - CLOSED date 7th October 2013

Request for scoping opinion in respect of half clover leaf junction at A361 Tiverton

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

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

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

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

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

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

**18/00133/MARM** - PERCON date 29th August 2018

Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure - Non Material Amendment 19/00607/NMA - Granted 13/05/2019, Non Material Amendment - granted 26.09.19, 19/01731/NMA - Non Material Amendment Granted 01.11.19, 19/01903/NMA - Granted 18.11.19, 19/02011/NMA - Non-Material Amendment Granted 08/01/20.

20/02024/NMA - Non-Material Amendment - Granted 08/01/2021. 18/00133/MARM - Non-Material Amendment - Granted 27/04/2021

**20/00804/NMA** - PERMIT date 4th November 2020

Non-Material Amendment for 14/00881/MOUT to allow amendment to condition 11

**20/01787/NMA** - PERMIT date 13th November 2020

Non-Material Amendment for 14/00881/MOUT to vary condition 12 re occupation of dwellings before roundabout complete

## **DEVELOPMENT PLAN POLICIES**

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

S1 Sustainable Development Priorities

S2 Amount and Distribution of Development

S3 Meeting Housing Needs

S4 Ensuring Housing delivery

S5 Public Open Space

S8 Infrastructure

S9 Environment

S10 Tiverton

TIV1 Eastern Urban Extension

TIV2 Eastern Urban Extension transport provision

TIV3 Eastern Urban Extension environmental protection and green infrastructure

TIV4 Eastern Urban Extension community facilities

TIV5 Eastern Urban Extension phasing

DM1 High quality design

DM2 renewable and low carbon energy  
DM3 Transport and air quality  
DM4 Pollution  
DM5 Parking  
DM23 Community facilities  
DM25 Development affecting heritage assets  
DM26 Green infrastructure in major development

## **INFORMATIVES**

Site allocation under the Adopted Local Plan 2013-2030  
Masterplanned under the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document (2018)  
Tiverton EUE Design Guide (2016)  
Refuse Storage for New Residential Properties SPD  
Parking SPD  
Meeting Housing Needs SPD  
Open Space SPD  
National Planning Policy Framework 2021

## **CONSULTATIONS**

### **HISTORIC ENVIRONMENT TEAM – 23 MARCH – OBJECTION**

Condition 15 on the consent granted for the outline application 14/00881/MOUT is worded as:

"No development shall take place on the relevant phase until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority."

The supporting information for this reserved matters application does not include the written scheme of investigation required by the above condition for this phase of the development. In the absence of this document I would therefore recommend that this planning application is not determined until a written scheme of investigation setting out the scope of archaeological works required is submitted for approval by the Local Planning Authority.

### **HISTORIC ENVIRONMENT TEAM – 7 MAY – COMMENT**

The programme of archaeological works as described in the Written Scheme of Investigation (WSI) submitted by your organisation - Cotswold Archaeology - (CA Project: CR0627 and dated: 22nd April 2021) is acceptable to the Historic Environment Team.

The acceptance of the WSI by this office does not represent the discharge of the condition that has been applied to the consent granted.

The WSI needs to be formally submitted, either by the applicant or their agent, to the Local Planning Authority (LPA) for their approval and to enable them to discharge the condition for this phase of the development prior to any development commencing on site. The applicant should ensure that the archaeological works are implemented as described in order to avoid breach of the Condition.

### **HISTORIC ENVIRONMENT TEAM – 9<sup>th</sup> JULY – OBJECTION**

To date the Historic Environment Team are unaware that a Written Scheme of Investigation for this phase of the development has been submitted in accordance with Condition 15 of the consent granted for the outline consent 14/00881/MOUT. In the absence of this document I would therefore recommend that this planning application is not determined until a written scheme of investigation setting out the

scope of archaeological works required is submitted for approval by the Local Planning Authority.

**SOUTH WEST WATER – 19 MARCH 2021 – NO OBJECTION**

South West Water have no objection subject to surface water being managed in accordance with the drainage details submitted with the application.

**WASTE PLANNING – 8 APRIL 2021 – OBJECTION**

The submitted Site Waste Management Plan, makes a good attempt to consider the waste issues posed on this development by explaining the targets for reuse, recycling, and recovery of waste.

However, the following points need to be addressed in the statement:

- Explain the method of auditing the waste for the construction, demolition and excavation stage. This should include a monitoring scheme and corrective measures if failure to meet targets occurs;
- Identify the predicted amount of waste that will be generated once the development is occupied (in tonnes);
- Identify the main types of waste generated when development is occupied; and
- Identify measures taken to avoid waste occurring.

In addition details of the waste disposal during the construction stage will be required; to conform to Policy W4 of the Devon Waste Plan.

We would expect the information stated above to be provided at this stage of the application. If the applicant does not wish to provide this information at this stage, we request that a condition is attached to any consent to require the submission of a more detailed statement in advance of the commencement of development.

Furthermore, we note that in paragraph 4.5 of the statement, the applicant states they will provide information on the amount of construction, demolition, and excavation waste (tonnes) and the type of material waste will arise from at a later stage. We request that this is provided prior to commencement, as such it may be appropriate that a condition is attached to any consent.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planningdocument>

**LEAD LOCAL FLOOD AUTHORITY – 6 APRIL 2021 –OBJECTION**

This application does not satisfactorily conform to Policy S9, specifically part(c), of Mid Devon District Council Local Plan 2013-2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

**Observations**

The applicant should submit a Drainage Layout covering the proposed southern parcel of land. The Drainage Layout for the northern parcel has been submitted twice.

The proposal is for the runoff from the parcel to be attenuate within basin N1 however we would need calculations / model outputs at this stage to indicate that the basin has the capacity to take the runoff. We would also need evidence that basin N1 is outside of the fluvial flood zones associated with the River Lowman. The basin should be designed to be sympathetic to the wider landscape of the area, have side slopes no steeper than 1 in 3 and we would encourage use of a sediment forebay to aid treatment of the runoff prior to discharge into the River Lowman.

At the outline stage, the Indicative Surface Water management Strategy C698/13 which formed part of the approved Flood Risk Assessment, proposed that part of Parcel 1c would use infiltrate. This intention to provide infiltration hasn't been taken forward to this current Reserved Matters stage. The applicant should explain why infiltration is not proposed to manage runoff from at least part of Parcel 1c. The applicant should explain where further site investigation has been undertaken.

The applicant should provide details on the proposed swale and filter strip for Parcel 1c mentioned in the Drainage Statement dated March 2021 as they don't appear to be included on the Surface Water Drainage Masterplan R402/06.

The applicant should clarify whether the intention is to discharge from the basin at Qbar, as proposed at outline stage, or at variable rates as per the submitted Micro Drainage outputs. If the intention is to discharge at variable rates, the applicant should incorporate long term storage requirements into the design.

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

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

#### **HIGHWAYS ENGLAND – 30 March 2021 – NO OBJECTION**

#### **NATURAL ENGLAND – 29 MARCH 2021 – NO OBJECT SUBJECT TO MITIGATION**

This application site is within 300m of the Tidcombe Lane Fen SSSI and has triggered Natural England's Impact Risk Zones including discharges to surface water. The SSSI is notified for its fen, marsh and swamp communities.

Given the proximity of the development site to the SSSI, impacts on water quality and water quantity during construction and operation are possible and, without appropriate mitigation, the proposal could damage or destroy the interest features for which Tidcombe Lane Fen SSSI has been notified.

The information provided (Residential Drainage Statement PFA consulting) indicates that the surface water drainage from parcel R1C links in to the development of the wider Tiverton East Urban Extension site allocation SuDS (18/00978/MFUL) ensuring protection of the SSSI in terms of water quality which is in line with Local Plan policy TIV3. The other two parcels of land that form part of this application discharge into the River Lowman which does not affect the SSSI.

Based on the information provided and subject to:

- the SuDS being secured via condition;
- securing best practice measures during construction for pollution prevention control through a construction environment management plan; and
- management of the SuDS being included in any ecological management plan (as maintenance of these features is key to a properly functioning system),

then Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the SSSI has been notified and has no objection.

#### **Biodiversity Net Gain**

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the revised NPPF (2019), the Defra 25 year Environment Plan and Mid Devon's Green Infrastructure Plan (Policy GI/3 biodiversity net gain).

We advise you first to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and consider what existing environmental features on and around a site can be



retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds but the Environment Bill currently sets a 10% threshold.

The use of SuDS to manage surface water run-off can also contribute towards green infrastructure by increasing biodiversity value. Amenity value can also be increased with careful design to manage risk (CIRIA). The RSPB/WWT has produced a guide for developers and planners on designing and managing SuDS features that are also good for wildlife.

Using native plants in landscaping schemes provides better nectar and seed sources for bees and birds.

### **Soils and Land Quality**

Based on previous applications covering the site, the proposed development affects approximately 7.38 ha of Grade 2 agricultural land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). We consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils except to advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

### **Ancient woodland and veteran trees**

Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. The Arboricultural Impact Assessment (February 2021) does not identify any ancient woodland or veteran trees within the site but the survey does identify several mature trees which have the potential to become veteran or ancient trees. The standing advice includes measures to protect ancient and veteran trees which should also be applied to future ancient and veteran trees e.g. root protection zones.

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

We note that a detailed public-realm lighting strategy will be reviewed by an ecologist and agreed with the Mid Devon District Council prior to commencement of works, to ensure that 'dark' wildlife corridors are maintained. This should be for lighting both during construction and operation and be secured via a suitably worded condition.

## **DEVON CORNWALL & DORSET POLICE – 7 July - COMMENT**

The relevant revision (boundary treatments) is noted. No further comments.

## **DEVON CORNWALL & DORSET POLICE – 6 APRIL - COMMENT**

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. Therefore please note the following comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:- Residential - Building Regulations Approved Document Q - Security. The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 (2016) or equivalent.

The back to back gardens are much supported from a security perspective, please ensure that all gates that lead to the rear of dwellings are capable of being locked from both sides, by for example, means of a key, as this will enable rear gardens to be secured regardless of access or egress.

The proposed boundary treatments are noted. I recommend plots with a side or rear boundaries adjacent to an area of open space, for example, plots 71, 72, 111 & 113, have this boundary enhanced with defensive planting.

Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Any formal play area designed with younger children in mind must be enclosed with, as a minimum, 1200mm fencing to discourage casual entry, reduce damage to equipment and help provide a safe and clean play area and to prevent access to the adjacent active highway.

### **Parking**

The need for the parking court for plots 32-44 is understood, however, I do not support the currently proposed pedestrian access points, between plot 44 and cycle store continuing around to link with the east/west foot and cycle path. This leaves the rear of dwellings, cycle store and parked vehicles potentially vulnerable to crime and anti-social behaviour. The 1.8m boundary walls offer limited surveillance opportunities for overlooking residents or pedestrians/cyclists entering and leaving the court, whilst equally offering seclusion and anonymity for anyone intent on criminal or anti-social activity. Whilst it would be preferable for this pedestrian access to be removed from the parking court, I suggest a compromise would be to remove the access between plot 44 and cycle store while opening up the remaining point by removing the wall and widening the path.

Combined with suitable lighting provision, this would provide the desired level of surveillance and provide safe and secure access for pedestrians and cyclists. Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013.

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both sufficient, when balanced against the schedule of accommodation, as even a one bedroom dwelling could attract 2 vehicles, and designed so it is convenient and practical to use, for example, side by side parking as opposed to tandem style parking, as this will encourage its use by residents and reduce the level of unplanned parking elsewhere, introducing a source of conflict amongst residents. With reference to tandem parking above, there is ever increasing evidence from new developments within the county where this design of parking is not being embraced by residents.

It is recommended the communal bin and bicycle stores should be easily accessible, with floor to ceiling dividing walls, no windows and be fitted with a secure doorset that meets the same physical specification as front door, for example PAS24:2016.

A bicycle store must also be provided with stands with secure anchor points or secure cycle stands.

## **HISTORIC ENGLAND – 6 APRIL 2021 – NO COMMENT**

### **PUBLIC HEALTH – 1 APRIL – NO COMMENT / NO CONCERNS**

Contaminated Land: No concerns. (31.03.21)

Air Quality: No concerns. (31.03.21)

Environmental Permitting: No objection to this proposal. (22.03.21)

Drainage: No concerns. (31.03.21)

Noise & other nuisances: No concerns. (31.03.21)

Housing Standards: No comment. (29.3.21)

Licensing: No comments. (22.03.21)

Food Hygiene: No comments. (22.03.21)

Private Water Supplies: Not applicable. (19.03.21)

Health and Safety: No comments. (22.03.21)

### **TIVERTON TOWN COUNCIL – 30 MARCH 2021 - COMMENT**

Tiverton Town Council is concerned about the movement of construction traffic during the construction of this site; and therefore requests that adequate road structures are in place prior to the commencement of work and that the County council agrees a robust management plan for all movements to and from the site

### **HIGHWAY AUTHORITY – 29 MARCH 2021 - NO OBJECTION**

This is a Reserved Matters Application and the Highway Authority has no objection to the proposed development. If it is the applicants intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

### **TIVERTON CIVIC SOCIETY – 5<sup>TH</sup> MAY - OBJECTION**

Although we support the concept of an attractive 'Garden Neighbourhood' in the Tiverton Eastern Urban Extension and we acknowledge that small changes may become necessary between the Outline and Reserved Matters stages, we consider that this application, in its present form, is unacceptable, especially because parts of it represent a blatant attempt by the applicants to contravene the policies in the TEUE Masterplan SPD, the TEUE Design Guide, the National Design Guide, and the Outline Planning Approval 14/00881/MOUT. The proposed new NPPF Paragraph 133 states that: *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes'*, while the Tiverton Eastern Extension Design Guide states, on Page 23, that, for Reserved Matters and full planning applications, content should include:

- Detailed design in accordance with MDDC validation requirements
- Demonstration of compliance with policy, SPD masterplan, and the urban design and architectural principles
- Pre application consultation

### **Compliance with Policy and Pre-Application Consultation.**

Although the applicants, Redrow Homes, have made significant changes to the approved Outline Planning Consent, they have failed to carry out a full public consultation and stakeholder workshop, stating that they consider it to be unnecessary 'because a variety of stakeholders were engaged in these documents!' (Many of the stakeholders were, of course, different when the outline consent was granted in 2014). This lack of consultation is a considerable contrast to the development at Braid Park where Barratt Homes/David Wilson Homes have consulted with, and engaged with, the public and stakeholders at all stages of the application and construction processes, with a dedicated website.

In comparison to the outline planning application the overall layout of the proposed development may be relatively unchanged, but the very important five metre buffer zones between the new development and the existing housing in both Blundell's Road and Pool Antony Drive have been omitted, also because the applicant arbitrarily considers them to be unnecessary. This should surely be justified by the applicants at a public meeting!

- In addition, a large new three storey Neighbourhood Hub, not included in the outline application, has been included and this would overlook, and potentially compromise the privacy of the occupants of the existing properties, being completely out of scale with surrounding housing. Although we welcome the commitment to provide more affordable housing, we consider that, to encourage greater social cohesion, this housing should be dispersed throughout the development in two storey units, thereby preventing the construction of a hub which is completely alien to the context of the surrounding residential area and to current planning best practice. Alternatively, if it is to remain, we consider that the hub should be located at a less sensitive part of the development.
- Also, the number of new properties on the northern edge of the new development to the south of Blundell's Road has been significantly increased from 18 to a 'wall' of 21 properties. thereby exacerbating a highly unsatisfactory and unsympathetic transition between the new high- density housing and the existing low- density properties.
- Additionally, the application follows the Braid Park application in paying scant regard to the key 'Centre to Edge Principle' enshrined in the TEUE Design Guide, the high-density mass of the Neighbourhood Hub being positioned in the centre of the proposed new development south of Blundell's Road and close to the existing low-density housing.

### **Detailed Design**

Paragraph 56 in the National Design Guide states that 'well-designed places contribute to local distinctiveness. This may include:

- Adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns, and colours of an area.
- Drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings
- Using local building, landscape or topographical features, materials, or planting types.
- Introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky.
- Creating a positive and coherent identity that residents and local communities can identify with.'

The Design and Access Statement accompanying this application states that 'Redrow have created a housing range based on quality Arts and Crafts details\*', Based on the evidence previously provided these house types will fit nicely into their surroundings given the design and scale proposed' \*(presumably 'the use of local and natural materials and demonstration of craft skills in wood, stone, brick and tiles'?)

This statement is extremely vague and generalised, as is the whole of Page 16 of the Design and Access Statement ('Appearance'), and we are not convinced that the proposed development contributes sufficient local distinctiveness to make it dissimilar to similar schemes built throughout the country, a situation which the government, through the National Design Guide, is seeking to avoid in the quest for good design. This apparent

uniformity is confirmed when comparisons are made online to similar developments, using their 'housing range', which Redrow Homes have built elsewhere in the United Kingdom. We consider that, to make the development acceptable, the applicants should pay much greater attention to the National Design Guide and TEUE Design Guide, and provide greater specific detail concerning which local vernacular features, not just small 'tweaks', they propose to incorporate in the development. Some typical local features are listed in the TEUE Design Guide.

In conclusion, we consider that Redrow Homes should withdraw the application and that a full consultation with the general public and key stakeholders should be carried out. When this consultation has been carried out, the revised application should then be re-submitted, including any resultant changes, in addition to the restoration of the buffer zones and, if feasible, the removal of the Neighbourhood Hub, or its relocation to a less sensitive location. The complete application should be revised to show full compliance with both the TEUE Masterplan SPD and the TEUE Design Guide.

We also contend that it is likely that any major concessions granted to the present applicants would also be demanded by future planning applicants and that this could compromise the original vision for this major housing development. They should therefore be strongly resisted.

## **REPRESENTATIONS**

Fourteen (14) objectors and one (1) general comment summarised as follows:

1. The applicant has failed to comply with the public consultation process as prescribed in the Tiverton EUE Masterplan, Section 7.1. prior to submitting the Urban Design and Architectural Principles document and Reserved Matters application so preventing the public and others from raising their concerns.
2. The applicant failed to comply with the requirement that the Reserved Matters application be presented to the Design Review Panel ahead of submission of the application as prescribed by Tiverton EUE Masterplan, Section 7.1.
3. There is no evidence to suggest that the Local Planning Authority encouraged the applicant to enter any local community (public) consultation process.
4. The application does not show any off-plot buffer strip (including landscape planting) between existing properties, south of Blundell's Road or those along Poole Anthony Drive in disregard to the Tiverton EUE Masterplan, Tiverton EUE Design Guide and Condition 6(ii), Application 14/00881/MOUT.
5. Seek to relocate the neighbourhood hub towards the centre of Phase 1c. Currently it is located immediately against the boundary of existing properties and includes the tallest building in the whole of Area 1c.
6. No provision of a suitably sized communal amenity area or adjacent recreational space for use by apartment residents.
7. No provision of a neighbourhood hub in the northern land parcel (1a).
8. No reference is provided in the application to meet the target of zero carbon dwellings by 2035. Based on evidence the owners would be expected to upgrade their properties to meet Government targets within 13 years.

9. There is no evidence to suggest that gas boilers will not be used (the Government confirming that they will be withdrawn from all new housing developments by 2026 with a preference for Heat Pump electrical heating).
10. New housing should be carbon neutral (or Code level 6+) to ensure the government target of a 78% reduction in carbon dioxide by 2035 is met. A condition, should planning consent be given, to require Code Level 5 or above, should be a minimum requirement.
11. Vehicular re-charging should be indicated on plans with provision also where parking is off-plot.
12. The Arboricultural Impact Assessment (dated 21<sup>st</sup> march 2021) is out of date with TPO trees not being identified.
13. The Arboricultural Impact Assessment contains incorrect measurement data including tree heights and root protection area spread – relevant due to the proximity of trees to the proposed construction.
14. The Arboricultural Impact Assessment does not identify trees to be felled or pruned.
15. Indications are that the applicant intends works on the TPO trees (T3, T4 & T6). This must not be allowed to happen.
16. No information is provided as to how the boundaries to the existing properties will be addressed.
17. Proposals for the 'northern gateway' are visually unattractive as an arrival to Tiverton.
18. There is no evidence of how and where the construction traffic will cross Blundell's Road.
19. The proposal is not in compliance with the Tiverton EUE Masterplan or Design Guide. More specifically, at the applicant's admission, without maximising the land available the design 'would not fit'. A deficiency in the amount of land available does not justify noncompliance with the Adopted Masterplan or Design Guide.
20. The proposal is not in compliance with Condition 6(i) that relates to boundary treatments, existing site levels, finished floor levels, long and cross sections or 6(ii) that relates to the provision of a landscaped buffer with existing properties on Poole Anthony Drive of the outline application 14/00881/MOUT.
21. The proposal has failed to minimise its visual impact on Blundell's School which is a key visual receptor as established in the Tiverton EUE masterplan – including inappropriate location of the 3 storey apartment block. Seek to relocate the apartment block.
22. Inappropriate design, layout and massing of properties to the rear of existing properties south of Blundell's Road offering no visual gaps between proposed properties with a significant increase in the number of units proposed between adoption of the Urban Design and Architectural Principles document and Reserved Matters application.

23. Disregard for the centre-to-edge objective as set out in the Tiverton EUE Design Guide.
24. Why can't the landscape buffer be managed by a specialist contractor through the Landscape Maintenance Plan?
25. The block of apartments east of the linking road and adjacent to Poole Anthony Drive is not in keeping with existing (bungalow) development, will over shadow and block views.
26. No landscape buffer is provided between the proposed development and Poole Anthony Drive as defined in the Adopted Masterplan SPD.
27. A hydro pool and garden (specifically adapted to the needs of an existing resident) in properties south of Blundell's Road will be subject to a lack of privacy and overlooking through the proposed scheme.
28. Department of Transport Guidance (LTN 1/20) requires the physical segregation of cycles for motor vehicles and discourages shared use cycle and pedestrian provision.
29. There is no indication of safe crossing across Blundell's Road – particularly from development north of Blundell's Road to the proposed new school.
30. There is no indication of segregated cycle infrastructure on Blundell's Road itself. The existing west bound cycle path (1m wide) being inadequate, no east bound cycle path being available and the existing footpath being too narrow
31. The proposal and lack of associated infrastructure is lacking co-ordination.
32. Construction of the roundabout would in the first instance be unsafe and inappropriate in a rural setting.
33. A three storey apartment block is proposed towards the rear of existing dwellings. The land rises and this with an adverse impact on existing properties.
34. Existing trees and their roots will be impacted by the proposal. The proposal represents a disregard to wildlife and the landscape.
35. Housing neighbouring Blundell's School and the associated increase in traffic will have a detrimental impact on the school.
36. There is a lack of capacity at the sewage works within the town.
37. All proposed dwellings should have electric charging points and ground source heat pumps or photo voltaic cells.

#### **OTHER REPRESENTATIONS:**

##### **RSPB – 7 APRIL - OBJECTION**

It is pleasing to see that bat/bird nesting and roosting provision has been included in EAD's Habitat Assessment and Mitigation Plan. However, it is extremely disappointing to see that only twenty five percent of the new dwellings will have swift bricks incorporated in the fabric.

Good practice is widely considered to be an average of one per residential unit\* (see attached paper to the CIEEM 2019), monitoring results confirm that at least 50% of these may be used by a number of different species during the course of the year and they are all likely to be used during the lifetime of the building.

We have consulted the Bat Conservation Trust regarding their recommendations and are advised that that they are still researching the effectiveness of bat tubes and are reluctant to make any recommendations until this work has been completed.

The hedgehog highways are welcomed and we recommend the inclusion of "bee bricks" for solitary species. We strongly recommend that the Habitat Assessment and Mitigation Plan is reviewed and upgraded to meet the criteria of good practice set out above.

#### **OTHER COMMENTS RECEIVED:**

1. A request is made for access to be maintained to allow the rear boundary to properties south of Blundell's Road, to be maintained

#### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

1. **Policy Background and Principle of Development**
2. **Transport Infrastructure**
3. **Design and Layout**
4. **Public open space and green infrastructure**
5. **Drainage and Flood Risk**
6. **Air Quality**
7. **Ecology, Landscape and Visual Impact**
8. **Heritage**
9. **Other matters**
10. **Planning balance**

##### **1.0 Policy Background and Principle of Development**

1.1 The high level policy considerations relevant to this application site were considered at outline application stage (Application No. 14/00881/MOUT). The Officer's Report for the 2014 application provides detailed consideration.

1.2 The Adopted Mid Devon Local Plan 2013-2033 (July 2020) sets out the sustainable strategy for growth across the District, to achieve positive social, environmental and economic objectives. Accordingly, Policy S2 of the Adopted Mid Devon Local Plan 2013-2033 focuses development in and around the main settlements including Tiverton with Policy S10 seeking to maintain Tiverton as the largest urban area.



1.3 Policy S1 seeks sustainable communities in which people want to live and work whilst reducing the need to travel by car and conserving and enhancing the natural environment to meet the challenge of climate change.

1.4 Policy S3 sets a target provision for housing; Tiverton providing a minimum of 2,358 dwellings over the 2013-2033 plan period. This application supports the housing numbers identified within the Adopted Mid Devon Local Plan 2013-2033.

1.5 Policies S5 and S8 seek to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Whilst Policy S9 expects development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change.

1.6 Policies TIV1 –TIV 5 set out the site allocation for the Tiverton EUE, of which this application site forms part of. Policies TIV1-TIV5 include provisions for transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning to meet strategic growth requirements.

1.7 The Adopted Mid Devon Local Plan 2013-2033 also sets out a number of sustainable development principles through policies DM1 high quality design; DM2 renewable and low carbon energy; DM3 Transport and air quality; DM4 Pollution; DM5 Parking; DM23 community facilities; DM25 development affecting heritage assets and DM26 green Infrastructure in Major Development. Each of these policies are relevant in the determination of this planning application.

1.8 Following the allocation of the site under the former adopted AIDPD, the Tiverton EUE Masterplan was adopted as a Supplementary Planning Document in 2014 and again in 2018 with revisions. The Adopted Masterplan SPD is a material consideration in determining planning applications on the site.

1.9 The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site, to provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies. It is supported by the Tiverton EUE Design Guide, June 2016 ensuring an understanding of locally distinct characteristics to produce well designed streets, open spaces, work places and affordable homes.

1.10 This application site forms part of the larger Tiverton EUE meaning the principle of development on the site has been established. The application must therefore be assessed against the detailed policies in the Adopted Mid Devon Local Plan 2013-2033 and the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

## **2.0 Transport Infrastructure**

2.1 The NPPF (para 102) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF, para 109).

2.2 Policies S8 Infrastructure, TIV2, TIV5 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 seek to ensure new development is served by necessary infrastructure in a predictable, timely and effective fashion to create safe and accessible places without reliance on the private car. Such measures are reflected in the Adopted Masterplan SPD with a view to the strategic delivery of infrastructure.

2.3 Outline application 14/00881/MOUT granted planning permission for ingress and egress for development south of Blundell's Road. The capacity of the highway network was established at outline planning application stage including provision for construction traffic to cross Blundell's Road. Similarly, mitigation in the form of financial contributions towards a new grade separated junction on to the A361, traffic calming measures and environmental enhancement between Heathcott Way and Putson Lane as required by Policy TIV2 were also established through application 14/00881/MOUT. This application will connect to the approved spine road (21/00374/MARM) thereby complying with the principles of the Adopted Masterplan SPD to ensure that infrastructure and phases of development are co-ordinated and served by the necessary infrastructure in a predictable, timely and effective fashion. The Highway Authority have no objection the proposed scheme, confirming that the highway layout is satisfactory.

#### **Safe and accessible places**

2.4 The NPPF (para 102) requires transport issues to be considered at the outset so that opportunities to promote walking, cycling and public transport use are identified and pursued. This can be achieved by ensuring a genuine choice of transport alternatives.

2.5 Policy S8 Infrastructure of the Adopted Mid Devon Local Plan 2013-2033 seeks to ensure that new development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 High Quality Design requires the creation of safe and accessible places that encourage and enable sustainable modes of transport such as walking and cycling.

2.6 Policy TIV 2 allocates the urban extension subject to the provision of appropriate transport infrastructure including suitable accessibility for all modes of transport; creating an attractive, permeable network for non-car modes travelling within, into and out of the area.

2.7 The Adopted Masterplan SPD requires transport infrastructure to link development south of Blundell's Road to Blundell's Road and the A361 road junction. This application north and south of Blundell's Road seeks to achieve that comprehensive approach to development, offering a genuine choice of transport modes by way of footways adjacent to streets, cycle provision on-street or segregated from traffic through the clearly defined nature corridor. The proposal seeks to encourage walking and cycling ahead of car use; reinforcing the principles of the Adopted Masterplan SPD of a walkable neighbourhood. Housing is designed to front streets and provide informal surveillance over segregated foot and cycle ways. Provision is made with the intention of connecting into the wider network of strategic pedestrian and cycle routes including the linking road north of Blundell's Road, the spine road south of Blundell's Road, West Manley Lane, the railway walk, Grand Western Canal and nearby public rights of way as means to create a safe and accessible development. The detailed landscape design supports the principle of creating pleasant, safe and accessible routes. Details of proposed cycle and pedestrian routes are shown on the submitted plans and are acceptable to the Highway Authority.

2.8 A representation makes specific reference to the lack of suitable pedestrian and cycle provision along Blundell's Road. Whilst this application seeks to offer a genuine choice of transport modes including integration with existing and future phases of development including to the neighbourhood centre, proposed community centre and primary school, it is

the outline application (14/00881/MOUT) that establishes the contributions towards traffic calming which will include enhanced pedestrian and cycle provision on Blundell's Road. This application is unable to deliver those enhancements in advance; these enhancements being dependent on later phases of development.

2.9 It is for these reasons that it is considered that the development can be accommodated without an unacceptable impact on the highway network whilst making provision for safe and accessible alternatives to the private car. It establishes the principle of a network of streets, pedestrian and cycle routes, linking to the public highway. It makes provision for future phases of development to be served by the necessary infrastructure in a predictable and effective manner to improve accessibility whilst promoting the use of sustainable modes of transport. The proposed development is considered to comply with policies S8, TIV2, TIV5 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 and the Adopted Masterplan SPD and Tiverton EUE Design Guide

### **3.0 Design and Layout**

3.1 The NPPF states that the creation of high quality places is fundamental to what the planning and development process should achieve (NPPF, Para 124). Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. New places should be visually attractive, sympathetic to local character and landscape setting and establish a strong sense of place using the arrangement of streets, spaces, building types and materials to create distinctive, inclusive and accessible places.

3.2 The NPPF (Para 129) encourages local planning authorities to make use of tools and processes for assessing and improving the design of development, and to have regard to the outcome from these processes, including any recommendations made by Design Review Panels and assessment frameworks such as Building for Life. This application was taken to the independent Creating Excellence Design Review Panel (9 June 2021).

3.3 This application is bound by Condition 2 of the outline application that requires the submission of an illustrated Urban Design and Architectural Principles document. The Urban Design and Architectural Principles document was approved in December 2020 and has influenced the overall mix of housing types, detailed landscape plan, active travel routes, character areas, densities, frontages, key open space and views. The Design Review Panel made a number of comments relating to:

- The landscape buffer to the rear of properties south of Blundell's Road and associated security;
- The provision of connected streets (fewer cul-de-sacs) or variation in materials to create a stronger focus on 'shared streets';
- Street trees – ensuring that those trees serving a function as a community asset are not in private (homeowner) ownership;
- The street to the rear of properties south of Blundell's Road being too linear in nature and the need for trees to be located outside private ownership;
- The introduction of subtle forms of variation in the street to the rear of properties south of Blundell's Road including gaps between buildings, adding

semi-detached homes, organising the treatment of building and surfacing materials in acknowledgment to the character areas and street types;

- The introduction of children's play spaces, seating and informal play areas;
- The framing of views within a palette of building, hard and soft landscape materials;
- Appropriate treatment of bin and bike storage; and
- Electric car charging on front drives.

Each element will be dealt with in more detail in the following report.

3.4 Policy S9 of the Adopted Mid Devon Local Plan 2013-2033 seeks high quality sustainable design that reinforces the character and distinctiveness of Mid Devon's built environment, mitigates and adapts to climate change and creates attractive places. Policy DM1 of the same plan requires the design of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area and making efficient and effective use of the site. Development proposals should make a positive contribution to local character including any heritage or biodiversity assets, and create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes without adverse impact on privacy or amenity for proposed or existing properties. Policy DM1 also requires suitably sized rooms and overall floorspace to Nationally Described Space Standards, which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage as well as adequate levels of daylight to amenity spaces and principal windows.

3.5 The Adopted Masterplan SPD sets out a number of guiding principles in relation to design and are relevant to this application. Guiding Principle:

- A relates to character;
- B to urban design;
- C to movement and transport;
- D to landscape, open space and recreation;
- E to social equality; and
- G energy and resource efficiency.

A guiding principle to the Adopted Masterplan SPD is the establishment of a garden neighbourhood with landscape integrated into development as a defining feature.

3.6 The Tiverton EUE Design Guide supports the Adopted Masterplan SPD to ensure a seamless, coherent delivery of well-connected routes and buildings across land ownerships and land parcels regardless if they are built over a phased period of time. It develops the concept of the garden neighbourhood and of character areas based on a 'centre-to-edge' concept linked through a hierarchy of green routes and open spaces. The Tiverton EUE Design Guide supports and supplements the guiding principles as set out in the Tiverton EUE Adopted Masterplan SPD.

3.7 A key landscape feature of the proposed development is the east west nature corridor incorporating new tree planting, wildlife rich meadow planting, informal 'play-on-the-way' space, pedestrian and cycle ways and wildlife corridors as a means to support the

principle of a garden neighbourhood. This will integrate with the open space associated with the spine road (21/00374/MARM) that as a green boulevard incorporating species-rich native hedge banks and hedgerows, species rich meadow grassland, native scrub and tree planting forms a key landscape feature. Similarly, the cycle and pedestrian links, community spaces including gathering spaces and trim trial associated with the spine road will integrate with this application as a means to provide a comprehensive form of development.

3.8 The proposed dwellings are organised into a pattern of streets and perimeter blocks defined by buildings and public spaces. The internal road layout has been designed to allow emergency and refuse vehicles to access the site with adequate turning facilities provided in appropriate locations. The nature corridor and its integration into the spine road application is pivotal to the continuity of this development. This proposal seeks to ensure a strong built frontage on to the nature corridor and on to the layout of streets within the development. The Design Review Panel raised concerns relating to the frontage of development on to the spine road – that there should be a clear sense of this also being a ‘street’ rather than simply a ‘vehicular corridor’. Whilst Officers acknowledge these concerns, the retention (and extension where proposed through the spine road application) of the north south hedgebank and TPO trees on the eastern boundary of this application site provides some limit to the achievement of this. As such, properties on the eastern boundary of the application site have been designed to either front on to the spine road (Plot No.s 53-56) or provide a clear sense of surveillance through building design without loss to the established hedgebank and TPO trees. Through negotiation Officers have ensured the introduction of the north south green space fronting the apartment block at the centre of the development. This offering a focal point on the street located to the rear of properties south of Blundell’s Road, to provide enhanced setting to the apartment block and as a means to develop this part of the development as a specific character area.

3.9 South of Blundell’s Road a single 2.5 storey apartment block of eighteen units is proposed. Proposed for construction in an L shape, the nearest 2.5 storey elevation (Plots 32-41) will be 18m in length, located 83m from the nearest rear elevation of existing dwellings, with intervening road, private front garden, proposed dwellings (Plot No.s 13-15), private rear garden (9m in length), buffer landscape strip (1.5m in length) and private garden (47m). The scale and massing of the 2.5 storey apartment block is considered acceptable without loss of light or privacy to existing properties while its location supports established urban design principles including the integration of affordable housing with open market housing. The remainder of units south of Blundell’s Road are two storey in height. The total site area covers 7.38 hectares. The net density of this development equating to 22.5 dwellings per hectare. This accords with the Adopted Masterplan SPD. Further, in the achievement of sustainable development, it accords with the NPPF requirement (para 8) for the ‘effective use’ of land.

3.10 The Adopted Masterplan SPD promotes a hierarchy of streets with the Design Guide developing the concept in in the form of character areas to provide a richer and more legible townscape. The proposal establishes six character areas:

- Northern Gateway Hub
- Green Boulevard
- Western Green Edge
- Nature Corridor
- Neighbourhood Hub
- Neighbourhood Core

The net density of each character area is as follows:

- Northern Gateway Hub: 46 dwellings per hectare
- Green Boulevard: 16 dwellings per hectare
- Western Green Edge: 24 dwellings per hectare
- Nature Corridor: 18 dwellings per hectare
- Neighbourhood Hub: 46 dwellings per hectare
- Neighbourhood Core: 28 dwellings per hectare

The Adopted Masterplan SPD (Chapter 4.1) identifies a net density at the neighbourhood centre of 40-50 dwellings per hectare reducing outwards to densities of 15-20 dwellings per hectare. Many of the intermediate housing areas comprising residential streets to have densities of 25-40 dwellings per hectare. Representations received make reference to the density of housing being excessive; particularly the density of development on the street proposed to the rear of properties south of Blundell's Road. This street falls within two character areas – the neighbourhood hub and the neighbourhood core. This application area is identified as 'residential core' within the Tiverton EUE Design Guide (Chapter 3c1) for highest density residential development. The net densities accord with the Tiverton EUE Design Guide. More generally, the proposed density of development varies across the development site responding to the centre-to-edge concept with detailed landscaping proposals supporting the establishment of character areas. It is for these reasons that Officers advise that the proposed density of development is acceptable and accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide.

3.11 The application scheme proposes a dwelling mix of 3 bed dwellings (x No. 31), 4 bed dwellings (x No. 95), 1 bed affordable dwellings (x No. 2), 1 bed affordable flats (x No. 9), 2 bed affordable dwellings (x No. 8), 2 bed affordable flats (x No. 9) 3 bed affordable dwellings (x No. 10) and 4 bed dwellings (x No. 2). As a Reserved Matters application, the S106 agreement to application 14/00881/MOUT (Schedule 1, Part 1, para 1.1 – 1.6.6) establishes the requirement for 22.5% affordable units. This translates to 37 units; the applicant offering 40 units. The proposed tenure mix is 60% affordable rent and 40% intermediate and is compliant with the requirements of the S106 agreement. All house types meet Nationally Designed Space Standards with private gardens. The two apartment blocks north and south of Blundell's Road whilst not providing dedicated communal amenity space are set within managed areas of green space with close access to other areas of planted public open space with associated outdoor play and health facilities. There are nineteen (x No. 19) house types proposed across the scheme. Supporting documents indicate that the range of housing has been based on arts and crafts details on an understanding that they will reflect the local vernacular. The building types remain standard designs rather than house types that distinctly reflect the character or qualities of those within Post Hill or the wider area; a concern raised by those submitting representations. However, the materials (brown / red brick, natural coloured mortar, white rough cast render, occasional use of timber with grey / brown roof tiles) will not be out of keeping. Brick details found throughout the wider area are to be reflected in the proposed dwellings including voussoir headers, soldier courses, arrow slots and diamond features. Also to a lesser extent finials, red hung clay tiles and timber larch cladding at gables and bay windows. Windows will be multi paned and side opening in uPVC. Projecting bay windows form part of the design of some house types. Hipped roof lines are introduced to add definition, features that are evident both in immediate area and

elsewhere around the town. On balance, the design of the proposed dwellings is considered acceptable.

3.12 Parking standards across the proposed development meet those required by Policy DM5 and the Provision of Parking in New Development SPD. All properties are provided with on-plot parking (259 spaces in total). In addition to spaces within parking courts this represents an excess of provision (Policy DM5, Adopted Mid Devon Local Plan). Whilst representations relating to tandem style parking are acknowledged, it is generally accepted as a suitable parking solution. Electric vehicle charging points are provided (8 north of Blundell's Road and 18 south of Blundell's Road) representing an excess in provision in Policy terms (Policy DM5 of the Adopted Mid Devon Local Plan). An additional 32 detached garages are provided on-plot in addition to 69 integral garages. Twelve visitor parking spaces are provided. The introduction of greenery (being a mixture of tree planting, ornamental planting or amenity grass) to separate parking is beneficial to the detailed design and layout.

3.13 Boundary treatments in the public domain will be a screen wall. Durable high quality boundary treatments ensure the long term design integrity of the scheme whilst supporting the principle of a garden neighbourhood. The topography is such that there is a minimal need for retaining walls and where required are designed such that there will not be a loss of amenity value to existing or proposed residents and are acceptable.

#### **Buffer Strip**

3.14 The Adopted Masterplan SPD Illustrative Framework Plan (2018) identifies a buffer to the rear properties south of Blundell's Road and additionally in the Adopted Masterplan SPD (2014) to the rear of properties west of Pool Anthony Drive. Neither Masterplan of 2014 or 2018 specify the design or depth of the buffer area. Accordingly they do not require it to be 5m wide. Similarly, the Design Guide does not make any specific reference to the depth of the buffer. With the recent provision of revised plans, a 3m off-plot landscaped buffer has been identified to the rear of properties south of Blundell's Road. However, due to the nature of the site boundary, three existing properties (Long Meadow, Barns Hollow and Sweethayes) have a reduced depth of buffer to their rear; this being associated with the greater length of garden attached to these properties. Nonetheless, a new hedgeline is proposed along the length of the 3m buffer strip to the rear of properties south of Blundell's Road with additional tree planting to supplement existing.

3.15 Chain link fencing is proposed as the means to enclose the rear gardens of Plot No.s 1-21 as adjoining the proposed buffer. This has been a considered decision and reflects the approach taken to new development adjoining Fairway, Post Hill. A visual connection to it will ensure garden debris is not discarded into the space or used for anti-social activities. Whilst officers are mindful of the Design Review Panel querying the requirement for the buffer zone due to the risk of this leftover space being used in an anti-social manner, Officers are also mindful of the expectation for the provision of this buffer and have made efforts to ensure a solution is provided to its management. This is to be part of the area covered by a management company as a managed landscaped area. The intent is to ensure that it is remained, managed and that it is not absorbed into private gardens over time.

3.16 Properties south of Blundells Road benefit from long rear gardens; gardens vary from 31-50m in length, which are separated from new dwellings by an existing hedge and in parts mature TPO trees. The new dwellings (Plot No.s 1-21) will be set back from the rear boundary of the existing properties by the 1.5-3m buffer and minimum garden lengths of 8.5m. It is considered that these combinations of garden length, existing and proposed planting and landscaped buffer will ensure an acceptable relationship between the existing and new properties in planning terms, with particular regard to privacy and amenity.

3.17 The Adopted Masterplan SPD (2014) similarly identified a buffer to the west of properties on Pool Anthony Drive. A drainage easement along the length of this boundary to Pool Anthony Drive restricts new planting to those with shallow growth roots. This is reflected in the revised detailed landscape design drawings that identify a new hedgebank (to supplement the existing) and grass. Officers have ensured that proposals are in place for its ongoing management (via a management company) and it is to be retained as a landscape buffer as set out on the Adopted Masterplan (2014). A chain link fence is again identified along the boundary of Plot No.s 162 and 163. It is acknowledged that the parking court to apartment block (Plot No.s 150-158) does not benefit from such a clearly defined landscape buffer adjacent to the existing property in Poole Anthony Drive. However, the detailed landscape drawings identify the retention of the existing hedgebank, hedgebank trees and understorey vegetation, supplemented by additional tree planting. Management of this area will fall within the management of the apartment block. Nearest properties (Plot No.s 162 & 163) are separated from Poole Anthony drive by a mature hedgeline boundary. The side elevation to Plots 162 and 163 will be sited some 13m from the nearest existing property on Poole Anthony drive. The 2.5 storey apartment block (Plots 150-158) are some 55m from the nearest existing elevation on Poole Anthony Drive, separated by a car park, proposed and existing planting. The combination of private garden, existing and proposed planting and retention of mature hedgerow are considered to ensure an acceptable level of amenity, privacy and outlook is retained for existing residents.

#### **Urban Form – streetscape and character areas**

3.18 The Adopted Masterplan SPD represents the quantitative framework within which the Tiverton EUE will be developed. The Tiverton EUE Design Guide sits within this framework providing a range of solutions which will ensure the quality with which these objectives are met. Together the documents establish the principle of a Garden Neighbourhood. This goes beyond an aesthetic plot-by-plot and house scale quality to a strategic and structural approach to the layout of the whole of the urban extension. Representations raise concerns that the proposal does not reflect the Adopted Masterplan concept of a garden neighbourhood or the Tiverton EUE Design Guide 'centre-to-edge' concept.

3.19 The Tiverton EUE Design Guide establishes the 'centre-to-edge' principle with the centre attributed to higher density development and green boulevards to the outer edges attributed to low density residential development feathering into the rural landscape. The centre-to-edge concept requires clear connections throughout; connecting residential development to the neighbourhood centre and vice-versa (Chapter 3a, Tiverton EUE Design Guide). A hierarchy of streets derived from this structure will inform 'character areas' that will aid legibility, navigation and a sense of place.

3.20 This application site is referenced within Chapter 3b5 and acknowledges the sites' visibility from the eastbound carriageway of Blundell's Road and its important relationship with Blundell's School and the setting of the conservation area. The site is also identified as residential core for the highest density residential development (Chapter 3c1, Tiverton EUE Design Guide).

3.21 The character areas plan that supports this application identifies 6 character areas across the application site. Set within the strategic landscape features of the Green Boulevard and Nature Corridor are the northern gateway hub, the neighbourhood core, the neighbourhood hub and western edge. The concept of character areas has been consistently developed and reviewed throughout the emerging scheme following Officer and Design Review Panel contributions. In establishing character areas the form of development, use of materials (buildings and streetscape) and planting regime have been refined; subtly aiding legibility, navigation and sense of place within the proposed scheme. This has included, adjacent to West Manley Lane, the retention of the existing hedgerow, without breaches, to maintain the ambience of a country lane with a single point of pedestrian and



cycle access. Proposed development is also set back approximately 10m behind a planted landscape buffer as acknowledgement of the setting to Blundell's School and the conservation area. Representations question the location of the neighbourhood hub south of Blundell's Road, more specifically the 2.5 storey apartment block. Its location on the junction of an east-west and north-south axis, supplemented by a north-south corridor of public open space with tree planting supports the principles of a legible townscape whilst providing a socially inclusive and comprehensive form of development. Representations also question the 'northern gateway' as a visually unattractive arrival to Tiverton. Officers have negotiated amendments throughout the application process seeking enhanced tree planting and green space (as an extension to the green boulevard south of Blundell's Road) and amendments to the building types, scale, massing and positioning to ensure strong urban form is achieved on the frontage of this principle route into Tiverton; whilst acknowledging it is a short transition from the A361 to a residential area with neighbourhood centre.

3.22 Other more specific amendments introduced into the emerging scheme have been to the form and building line of the street (Plots 1-21 to the rear of properties south of Blundell's Road). Whilst the number of units proposed has remained unchanged, the mix of house types has been amended as a means to introduce a more staggered building line to soften and introduce more informality to the layout. This has also been supported by amends to the Land Ownership Plan to ensure the street trees are within the adoption of a private management company ensuring their retention as features within the public realm. Shared private drives are demarcated by a change in material (block paving).

3.23 A representation makes reference to the introduction of a neighbourhood hub character area north of Blundell's Road. Whilst a dedicated character area has not been introduced into this part of the scheme Officers have secured amendments to the scheme including a change in street surface materials and enhanced street planting in proximity to Plots 117, 118, 137 & 149 as a means to enhance the character of the street and sense of place.

3.24 The proposed location of the principal point of access from this application site on to the spine road (21/00374/MARM) has not changed throughout the emerging scheme. The proposed scheme seeks to deliver 'perimeter blocks' (Tiverton EUE, Design Guide, p.32) with adequately sized private gardens (Adopted Mid Devon Local Plan, Policy DM1); this to ensure legible streets, with active frontages and informal surveillance. Relocation of the principal point of access would compromise the area of land available as a nature corridor and key landscape feature. Further, the TPO Trees within the hedgeline boundary on the eastern boundary of the application site would likely be compromised. A buffer zone to the rear of properties south of Blundell's Road has been facilitated with the principal point of access as identified. On balance, the retention of the principal point of access on to the spine road, in the location identified, secures a satisfactory scheme in planning terms.

### **Energy Consumption and Co2 Emissions**

3.25 The government has set a commitment (June 2021) to cut emissions by 78% by 2035 as a means to meet net zero by 2050. Achieving sustainable development is a commitment enshrined in the NPPF.

3.26 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). Achieving this means the planning system has three overarching objectives:

- An economic objective – building a strong, responsive and competitive economy;
- A social objective – supporting vibrant and healthy communities by ensuring a sufficient number and range of homes; and

- An environmental objective – protecting and enhancing the natural, built and historic environment including making effective use of land.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions and in decision-taking. This means approving development proposals that accord with an up-to-date development plan (NPPF, para 11); or more specifically policies S1, TIV1, TIV5, DM1 and DM2 of the Adopted Mid Devon Local Plan 2013-2033. The outline planning permission with signed S106 was granted in June 2017. This Reserved Matters application responds to the timing and contents set out in the outline planning permission.

3.27 In 2015, the Secretary of State for Communities and Local Government confirmed that changes to the 2008 Climate Change Act would mean local authorities in England could no longer require code level 3, 4, 5 or 6 as part of the conditions imposed on planning permissions. Energy requirements for dwellings would instead be set by the Building Regulations which would be changed to the equivalent code Level 4. The dwellings proposed for construction through this reserved matters application will comply with Building Regulations Part L. Part L requires 10% of the energy to be used in the development to come from onsite renewable / low carbon sources. This application seeks to achieve more than the minimum requirements as set out in Part L1A of the Building Regulations, as detailed in the Low Emissions Strategy submitted in support of this application. Accordingly, the development proposes the following measures;

- Achieving the target emission rate - as calculated in accordance with the Standard Assessment Procedure (SAP) that is accounted for and measured at the design stage;
- Limits on design flexibility – adopting a ‘fabric first’ approach; well insulated and air tight building fabric, inclusion of energy efficient heating and lighting;
- Limiting the effects of solar gain in summer – giving consideration to elements such as orientation, cross-ventilation;
- Building performance – giving consideration to thermal bridging and air leakage;
- Energy efficient operation
- Design out energy demand – designing out the need for energy use

The Low Emission Strategy confirms that the calculated performance of the dwellings will exceed the requirements of Part L without requiring low carbon or renewable energy systems to offset unnecessary emissions (Low Emission Strategy, para 4.3).

3.28 In addition to the Low Emission Strategy, the Site Waste Management Plan set out other aspects in the Site Waste Management Plan including targets for reuse, recycling, and recovery of waste arising through the development. Conditions are recommended in consultation with DCC Waste Planning, to ensure compliance and with these conditions, the proposed development is considered to meet policy

requirements as endorsed in the recently Adopted Mid Devon Local Plan and national regulations.

- 3.29 Overall, the general scale, massing and layout of the development proposal is considered acceptable. Key landscape features form the basis for the proposed scheme, with associated public open space and equipped play that is well fronted by development providing informal surveillance. This ensures the green landscape features form a real asset to the development providing opportunities for health, fitness and play. Whilst the scheme uses standard house types the proposal has sought to respond to the concerns raised at the Design Review Panel introducing informality to the streetscape. The proposal introduces a landscaped buffer to existing properties north and south of Blundell's Road. The density of development accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide. Properties will be built to current Building Regulation requirements and up-to-date local plan policy.
- 3.30 For these reasons, the application is considered to comply with policies S1, S9, DM1, DM2, DM5, DM26, TIV1, TIV3 and TIV5 of the Adopted Mid Devon Local Plan 2013-2033 and with the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

#### **4.0 Public open space and green infrastructure**

4.1 The NPPF (Para 127) states that planning decisions should take maximum opportunity to accommodate and sustain an appropriate amount and mix of development including green and other public space and create places that are safe, inclusive, accessible and which promote health and well-being. Paragraph 91 of the NPPF confirms that planning decisions should achieve high quality public space that encourages active and continual use.

4.2 Policy S5 requires new housing developments to provide at least 23.5 square metres of amenity green space per dwelling along with children's play areas, parks, sport and recreation grounds, allotments and teenager youth space with safe and convenient access on foot or cycle. Policy TIV3 of the Adopted Local Plan 2013 – 2033 relates to environmental protection and green infrastructure. It requires areas of equipped and laid out public open space including children's play, sports pitches and allotments. It requires design solutions to respect the character and setting of heritage assets within and adjoining the site. This application site is within the defined setting of Knighthayes Court which is on the national register of historic parks and gardens. The development proposed will be required to have appropriate regard to the character and setting of all heritage assets affected. Policies S9 and DM26 seek to provide a network of green corridors with recreational, visual and biodiversity value, including sustainable drainage. The requirements for open space and green infrastructure are set out more fully in the Adopted Masterplan SPD.

4.3 Within this application a nature corridor integrating pedestrian, cycle and 'play on the way' informal equipped play space is provided. This is integrated with areas of proposed green space along the eastern boundary of the application site that in turn supplements and integrates with the spine road green boulevard (21/00374/MARM).

Also proposed is the West Manley Lane buffer, retaining the existing hedgerow and setting development back from the country lane. Full details regarding the management and future maintenance of the open space areas are provided in the Landscape Management

Plan (March 2021) with other matters being conditional on planning consent. The proposal presented provides 2.2 hectares of public open space (or 133sqm per dwelling) in accordance with Local Plan requirements. This provision is also to be considered in conjunction with the spine road permission (21/00374/MARM) which provides an additional 0.5 hectares of public open space with trim trial, seating and other gathering spaces directly adjacent to this application site.

4.4 An Arboricultural Impact Assessment (March 2021), prepared by Arboricultural Consultants, has been submitted in support of the application. It identifies key arboricultural features including those trees most recently awarded TPO status south of Blundell's Road. Two trees north of Blundell's Road (an oak, T35 and an ash, T38) are proposed for removal due to limited life expectancy. Tree groups G1 (Ash) and G5 (Ash) in the southern land parcel are also proposed for removal to facilitate the construction of access roads and footways. Some hedgerow will be lost to facilitate the construction of roads, footways, drainage and/or the occasional dwelling (see Tree Retention & Removal Plan, BHA\_651\_03 Rev D). Their removal is not considered to have a significant adverse impact, with new mitigation planting being proposed through the Detailed Landscape Design to substitute their loss. No trees or hedgerow directly adjoining existing properties north or south of Blundell's Road are proposed for removal. Root protection areas are identified on Drawing No. BHA\_651\_03 Rev D within the Arboricultural Report. Representations received make reference to incorrect measurement data associated with tree heights and root protection spread within the Arboricultural Impact Assessment. Officers understand that this relates specifically to the TPO trees on the rear boundary of properties south of Blundell's Road. Amendments have been introduced to the proposed planning layout including a greater depth to the landscape buffer, changes to the house types and building line and removal of detached garages. These amendments enhance the space awarded to the trees. The Arboricultural Report identifies those trees for crown lifting and pruning.

4.5 For the reasons outlined above, it is considered that the proposal complies with policies S5, S9, TIV3, DM1 and DM26 of the Adopted Mid Devon Local Plan 2013 – 2033 ensuring an appropriate delivery of public open space and green infrastructure.

## **5.0 Drainage and Flood Risk**

5.1 The NPPF requires the planning system (para 148) to support the transition to a low carbon future in a changing climate, taking full account of flood risk. Proposals should take into account the long term implications for flood risk and provide appropriate mitigating measures. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para 163). Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the Lead Local Flood Authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

5.2 Policy S9 the Adopted Mid Devon Local Plan 2013-2033 seeks mitigation measures to ensure development does not increase the risk of flooding elsewhere. Provision for a sustainable urban drainage system to deal with all surface water from the development including provision for future maintenance, is required. The Environmental Statement submitted with Application 14/00881/MOUT contained an assessment of the likely significant effects of flooding for the outline application area and identified mitigation measures to include a sustainable urban drainage system (SUDs) and surface water balancing ponds. The Residential Parcels 1a, 1b & 1C Proposed Drainage Statement submitted with this

application has been further amended to address observations raised by the Local Lead Flood Authority.

5.3 Policy DM1 of the Adopted Mid Devon Local Plan 2013-2033 LP3 DMP requires appropriate drainage including sustainable drainage systems and arrangements for future maintenance. Policy DM26 of the same plan requires major development proposals to incorporate flood and water resource management.

5.4 Within the Adopted Masterplan SPD, Guiding Principle G(5) requires a water management strategy to be put in place to ensure that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site. Principle G(7) promotes opportunities to maximise landscape as a means to provide permeable surfacing.

5.5 A Residential Parcels Drainage Statement (June 2021) and drainage strategy has been submitted in support of this application making provision to reduce the risk of onsite and downstream flooding and safeguards the quality of water discharged into the Tidcombe Fen SSSI. It proposes the implementation of a surface water drainage system for managing the disposal of surface water runoff. In areas where infiltration is appropriate it is proposed to discharge surface water to ground via infiltration devices using a combination of pervious paving, soakaways, and infiltration basins. For the remainder of the site where the use of infiltration devices is not appropriate, flow balancing methods are proposed, comprising a system of swales and on-line ponds / detention basins, and geocellular storage in order to attenuate surface water runoff to greenfield runoff rates with discharges to the local watercourse and ditch system. These latest details are currently being considered by the Local Lead Flood Authority and Planning Committee will be provided with an update at the meeting, together with any required conditions. Your officers advise that in approving the Residential Parcels Drainage Statement and securing a Construction Management Plan by condition, Natural England's concerns relating to the SUDs will be addressed.

5.6 Subject to the update from the Lead Local Flood Authority, it is considered that the proposal accords with Policies S9 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 and to the Adopted Masterplan SPD.

## **6.0 Air quality**

6.1 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans.

6.2 Policy DM3 of the Adopted Mid Devon Local Plan 2013 – 2033 requires development proposals that would give rise to significant levels of vehicular movement to be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment, including mitigation measures to reduce negative impacts on local air quality. Environmental Health Officers are satisfied that in combination with the Low Emission Strategy measures can be satisfactorily addressed within a Construction Management Plan. Similarly, DCC Highway Authority has not raised any concerns.

6.3 Subject to securing the mitigation measures through condition, it is considered that the proposal complies with policies S8, TIV2 and DM3 of the Adopted Mid Devon Local Plan 2013-2033.

## **7.0 Ecology, Landscape and Visual Impact**

7.1 The NPPF (Para 170) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should provide net gains for biodiversity, including establishing coherent ecological networks (NPPF, para 174).

7.2 Policy S1 of the Adopted Mid Devon Local Plan 2013-2033 requires net gain in biodiversity. Policy S9 of the same plan seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape to create attractive places. Policy TIV3 requires measures to protect and enhance trees, hedgerows and other environmental features which contribute to character and biodiversity and measures to maintain a wildlife network within the site, linking to the surrounding countryside.

7.3 The Adopted Masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. Guiding Principle D relates to landscape. It requires that the structure of the development should be shaped around the existing character and features of the landscape, reinforcing those qualities and protecting and enhancing important fauna and flora.

7.4 Outline application 14/00881/MOUT Condition 2ii required the submission of a strategy for the management, maintenance, access and use arrangements of all green infrastructure across the development site. A Land Management Strategy (December 2020) was accordingly submitted and approved as a discharge of condition. This application in adhering to the principles of the Land Management Strategy is supported by a Detailed Landscape Design, Landscape Management Plan (March 2021) and a Habitat Assessment and Mitigation Plan (March 2021) including a full suite of surveys for each protected species. Together they seek to establish the principles of bio-diversity net gain associated with the introduction of mixed native tree and shrub planting and species rich meadow grassland and hedging. This is supported by specific mitigation and enhancement measures including the retention and protection of existing hedgerows and trees.

7.5 Whilst the RSPB express disappointment at the number of swift boxes to be provided (42), the Detailed Landscape Design and Planting Character Areas provide a diversity of plant species to enhance visual interest and provide a variety of wildlife habitats. The Design Review Panel recognised the central east / west green nature corridor as an asset for open space and biodiversity that will invigorate the character of the development; whilst also integrating with the landscape proposals and green boulevard associated with application 21/00374/MARM for the spine road south of Blundell's Road.

7.6 The former outline application (14/00881/MOUT) was supported by an Environmental Statement and provided a landscape and visual assessment of the impact of the mixed use development. This application for 166 dwellings and associated open space, designated within the outline application, mitigates the landscape and visual impacts concluded in the Environmental Statement.

7.7 For the reasons outlined above, it is considered that the proposal complies with policies S1, S9 and TIV3 of the Adopted Mid Devon Local Plan 2013 – 2033 ensuring the protection and enhancement of valued landscapes, sites of biodiversity and biodiversity net gain.

## **8.0 Heritage**

8.1 Policy DM25 of the Adopted Mid Devon Local Plan 2013 - 2033 states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

8.2 The NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits (NPPF, para 196). A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

8.3 Condition 15 of the outline application 14/00881/MOUT does not permit any development until an archaeological investigation has been carried out on the site in accordance with a written scheme of investigation. The Historic Environment team have no in principle objection to the proposed scheme. Whilst they confirm that the programme of archaeological works described in the Written Scheme of Investigation are acceptable this does not represent a discharge of condition. Condition 15 of outline application requiring a Written Scheme of Investigation remains relevant. Historic England have no objection to the application on heritage grounds.

8.4 The application is considered to be acceptable and in accordance with policies TIV3 and DM25 of the Adopted Mid Devon Local Plan 2013-2033 and the NPPF.

## **9.0 Other Matters**

9.1 A representation has been received relating to lack of public consultation by the applicant prior to this application and references the Urban Design and Architectural Principles document as well as lack of consultation in advance of the submission of this application. Whilst this application is bound by Condition 2 of the outline planning permission that requires the submission of an illustrated Urban Design & Architectural Principles document, it is to be considered on its own merits. Upon receipt of the application, the Council has undertaken a period of public consultation in line with statutory requirements, as well as an additional 14 day period of public consultation following revised information. It is understood that Officers the applicant wrote to each adjoining property to this application site (and the spine road application site (21/00374/MARM) on the 27<sup>th</sup> April 2021; totalling 13 properties south of Blundell's Road, 3 adjoining Pool Anthony Drive and to Tiverton Town Council. One household responded resulting in changes to Application 21/00374/MARM.

9.2 South West Water and other utility companies have not raised an objection to the proposed scheme indicating that there is sufficient capacity to accommodate the proposed number of dwellings and as an allocated Local Plan site with outline planning permission, the principle of development has previously been established.

## **10.0 Planning balance**

10.1 This is a Reserved Matters planning application for the construction of 166 dwellings to include public open space, pedestrian, cycle and vehicular links and associated infrastructure. The application area has previously been the subject of an outline planning application (Application No. 14/00881/MOUT).

10.2 The development can be accommodated without an unacceptable impact on the highway network. The proposed development can be served by the necessary infrastructure in a predictable, timely and effective fashion whilst promoting sustainable modes of transport.

10.3 The proposed development provides a net density of 22.5 dwellings per hectare and accords with the Adopted Masterplan SPD and NPPF that requires the effective use of land. Whilst building types remain standard designs rather than house types that distinctly reflect the character or qualities of those within Post Hill or the wider area, the proposal introduces materials and features that are evident both in the immediate area and elsewhere around the town. The proposal meets Nationally Described Space Standards and Parking Standards. The public open space and associated landscape details form a key feature of the development. Drainage and flood risk have been fully considered. Affordable housing and other financial contributions are secured through a Section 106 agreement (Application 14/00881/MOUT). The proposed scheme, on balance, is considered to accord with relevant local plan policies as set out in this report and the Adopted Tiverton EUE Masterplan SPD and Design Guide and for these reasons is recommended for approval.

### **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
  
2. Prior to the commencement of any part of the site hereby approved, the Local Planning Authority shall have received and approved in writing a report giving detail on:
  - a) The predicted amount and type of waste generated during the construction, demolition, excavation and occupational stages of the development;
  - b) The method of auditing the waste for the construction, demolition and excavation stage including a monitoring scheme and corrective measures if failure to meet the targets occurs;
  - c) Measures taken to avoid waste occurring during the construction, demolition, excavation and occupational phase of the development; and
  - d) Details of waste disposal during the construction stage.

The recommendations in the report shall be adhered to and the development shall be operated thereafter in accordance with those recommendations.



3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
4. No external lighting shall be installed on any part of the site unless as part of an external lighting plan that has been previously approved in writing by the Local Planning Authority. The external lighting plan should include all details of external lighting and light levels falling on wildlife habitats and demonstrate how dark corridors will be provided for wildlife.
5. First occupation of any dwelling shall not take place until details of street furniture to be provided within the public areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include benches or other seating, dog waste and litter bins and handrails where required, together with a timescale for their delivery. Following their provision, such facilities shall be permanently retained and maintained for their purpose at all times.
6. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development (or phase thereof) which ever is the sooner; and any trees or plants which within a period of 5 years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
  - A. The access road and cul-de-sac carriageways including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B. The access road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
  - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
  - D. The street lighting for the access road and cul-de-sac and footpaths has been erected and is operational;
  - E. The car parking and any other vehicular access facility required for the dwellings by this permission has/have been completed;
  - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G. The street nameplates for the access road and cul-de-sacs have been provided and erected; and

- H. A site compound and car park have been constructed in accordance with a Construction Management Plan to be approved under Condition 4.
8. First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with drawing number POST-21-04-04 Rev B. Only such approved boundary treatments shall be installed.
  9. Prior to the occupation of any part of the development hereby permitted, detailed drawings of all play equipment including the form and number shall be submitted to and agreed in writing by the Local Planning Authority.
  10. 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 must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of remediation 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.

11. No development shall take place on the site except in accordance with the details set out within the submitted Landscape Management Plan (March 2021) and Habitat Assessment and Mitigation Plan (March 2021). The recommendations in the Landscape Management Plan (March 2021) and Habitat Assessment and Mitigation Plan (March 2021) shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within them.

## **REASONS FOR CONDITIONS**

1. To ensure the timely delivery of an early phase of development in the complex delivery of the Tiverton EUE.
2. In the interest of waste management and proper planning.
3. To ensure the proper development of the site.
4. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework.
5. To provide certainty in the interests of good planning.
6. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1, S9, TIV3 and DM1 of the Adopted Mid Devon Local Plan 2013 – 2033.

7. To ensure that adequate access and associated facilities are available for the traffic attracted to the site
8. To ensure a good standard of residential amenity and security for residents.
9. In the interests of good planning and residential amenity.
10. In the interest of public health and safety.
11. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the National Planning Policy Framework and the guiding principles in the Tiverton Eastern Urban Extension Masterplan SPD.

## **INFORMATIVES**

1. An archaeology Written Scheme of Investigation needs to be formally submitted to the Local Planning Authority as part of a submission to discharge the planning condition. Prior written approval to enable the condition associated with archaeology works for this phase of the development to be discharged prior to any development commencing on site is yet to be issued. The applicant should ensure that the archaeological works are implemented as described.

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

Comprehensive consideration has been given to the overall design, scale and layout of the proposal. The scheme provides well integrated landscaping and public open space providing biodiversity net gain. The development can be accommodated without an unacceptable impact on the highway network with necessary infrastructure able to be delivered in a predictable, timely and effective manner. The design and layout including house types are acceptable meeting Nationally Described Space Standards. For these reasons the proposal is considered to comply with the Adopted Mid Devon Local Plan 2013 – 2033, Policies S1, S3, S5, S8, S9, DM1, DM2, DM3, DM4, DM5, DM25, DM26, TIV1, TIV2, TIV3, TIV5 of the Adopted Mid Devon Local Plan 2013-2033 and with the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

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

### **Contact for any more information**

Christie McCombe

### **File Reference**

21/00454/MARM

### **Circulation of the Report**

Cllrs Richard Chesterton  
Members of the Planning Committee