

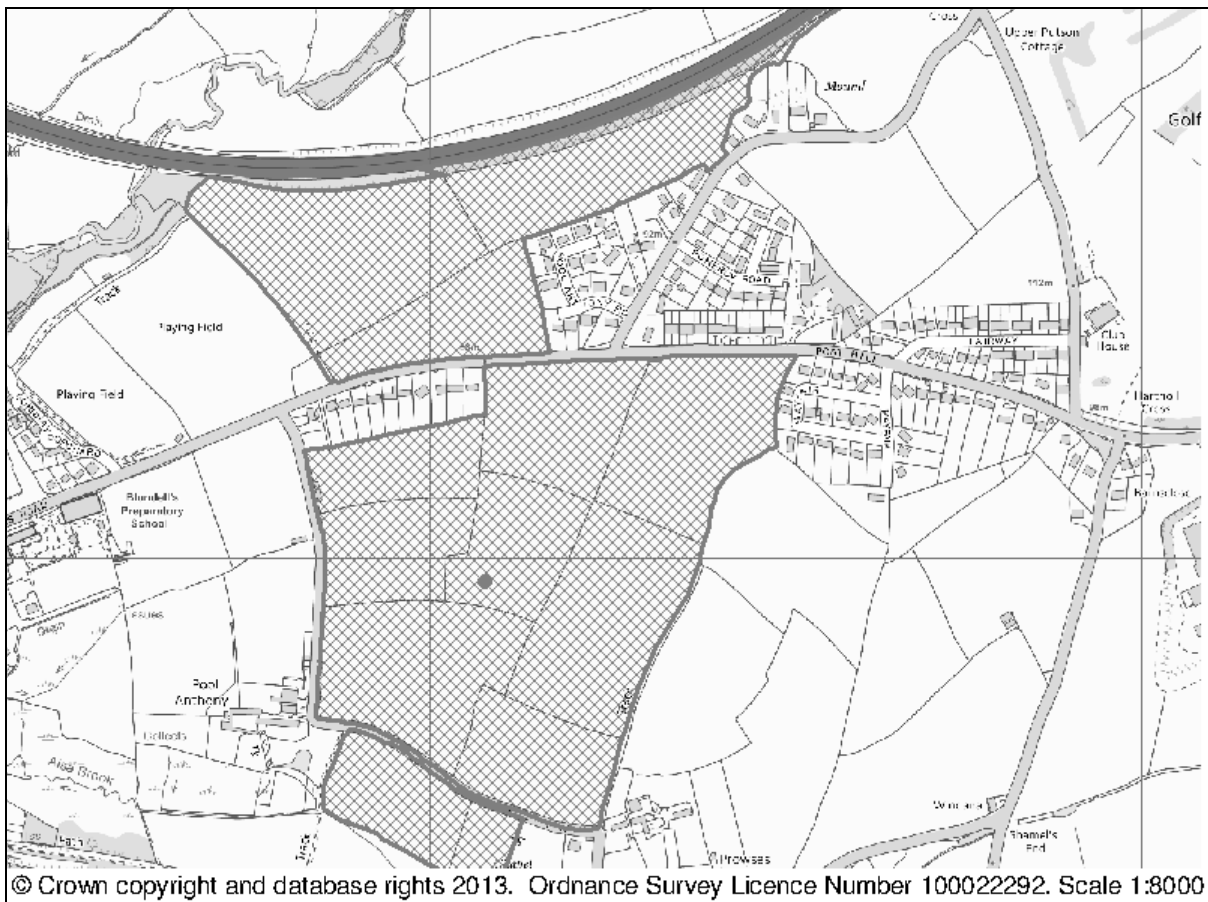
**Grid Ref:** 113549 : 298246

**Applicant:** Sir Ian Amory

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

**Proposal:** 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

**Date Valid:** 4th June 2014



**AGENDA ITEM**

**PLANNING COMMITTEE  
18<sup>th</sup> March 2015**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**14/00881/MOUT - 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 -  
LAND EAST OF TIVERTON, SOUTH OF A361, AND BOTH NORTH  
AND SOUTH OF BLUNDELLS ROAD UPLOWMAN ROAD TIVERTON  
DEVON**

**Reason for Report:**

To determine this application.

**RECOMMENDATION(S)**

Grant planning permission subject to the signing of a Section 106 Agreement and the conditions as set out in this report.

S106 to provide:

- (i) 22.5% affordable housing on site to be provided for occupation on an affordable rent basis.
- (ii) A financial contribution of £921,053 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Payment prior to commencement of development.
- (iii) A financial contribution of £253,289 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Payment prior to the first occupation of the 200th dwelling on site
- (iv) A contribution towards the provision of a full grade separated junction to and from the A361, the contribution includes an element of funding towards the southern section of the junction (LILO) and link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme, including development traffic. The total contribution towards this from this development has been fairly calculated as £3,684,211 – Trigger date to be agreed as part of the Section 106 agreement.
- (vi) A financial contribution of £851,974 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: 50% to be paid prior to first occupation of the 200th dwelling and 50% to be paid prior to the first occupation of the 300th dwelling on site.

(vii) A financial contribution to a maximum of £3,678,991 (minus the proportionate cost of the new primary school site- see clause viii below attributable to the application scheme) towards improving facilities at existing primary school sites where necessary until the need for new primary has been triggered by development across the Masterplan area for the funding of the new primary school, and towards improving facilities at existing secondary school site in Tiverton - Trigger date: Prior to first occupation of the 200th dwelling.

(viii) Agreement to provide a site of 1.93 hectares for a new primary school and to transfer to Devon County Council prior to the commencement of development for an agreed value based on the following calculation (700/1550) of the value of the site (based on a residential valuation factoring in 22.5 % affordable housing).

(x) A financial contribution of £1,381,579 towards the provision of the following community based facilities within the Masterplan area and outside of the Masterplan area to include, a community centre and associated hard court play and sports pitch, an all-weather pitch, changing room facilities and 5 x sports pitches - Trigger date: One third of the total sum to be paid before the completion of the 230th, 460th and 690th dwellings.

(xi) The provision of 3 Gypsy and Traveller pitches to be provided prior to the occupation of 460 dwellings - specification to include concrete base and connections to mains drainage, electricity and water supplies.

(xiii) Renewable Energy centre/District Heating clause to provide district heating network infrastructure to serve the development in the event that an energy centre or district heating centre is provided for within the urban extension.

(xiv) Contribution of £500 payable to Devon County Council to cover costs of legal fees in relation to Section 106 Agreement - Trigger to be confirmed.

(xv) Agreement to the provision of travel vouchers of equivalent £300 per dwelling to be used for cycle provision for up to 10 years or bus travel payable upon occupation of each dwelling.

(xvi) Agree to fund in full the time of a travel planning professional to cover the site in order to promote sustainable travel and provide information to residents of the site.

(xvii) Agreement to transfer the land (blue land on application site plan plus an area for works compound) on the north side of the A361 to Devon County Council – Trigger date: to be agreed.

(xviii) The Local Planning Authority will secure a proportionate contribution towards the investment required towards providing water, gas and electricity across Area B of the masterplan by imposing a levy of approximately £2,500.00 per dwelling towards such services only.

Note: this is not a requirement of this application but binds the LPA to secure the provisions when development of the Area B land identified in the Masterplan is brought forward for development.

**Relationship to Corporate Plan:**

Managing the environment.

**Financial Implications:**

The application would be subject to a Section 106, the details of which are set out in the above recommendation.

Should the application be refused and an appealed to the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably.

**Legal Implications:**

The application would be subject to a Section 106 agreement.

**Risk Assessment:**

This application represents a large proportion of housing masterplanned for within the Tiverton Eastern Urban Extension. Delay in bringing this land forward could impact upon the ability of the authority to demonstrate a five year land supply.

**Consultation carried out with:**

1. Tiverton Town Council
2. Highways Agency
3. Environment Agency
4. Environmental Health
5. Highway Authority
6. English Heritage
7. Natural England
8. Historic Environment Service
9. Devon County Council Strategic Planning Authority
10. Devon and Cornwall Police
11. South West Water
12. Devon Countryside Access Forum

## 1.0 PROPOSED DEVELOPMENT

The proposed uses for the application site include up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school, neighbourhood centre with associated access together with highway infrastructure.

The scope of the application site (red line) includes land to deliver the section of highway infrastructure that includes the roundabout which links the proposed new junction to and from the A361 and a distributor road that links back to Blundells Road, which in conjunction with the proposed junction already has the benefit of planning permission (LPA ref: 1400647/MFUL). The applicant owns the land to deliver the proposed junction (north and south of the A361) which is shown as blue land on the site plan.

In addition to the scope of land-uses as set out above, the only matter not reserved for consideration in the future is the means of access into the site. The means of access proposed for consideration are:

- Into the northern part of the site from the new highway infrastructure as described above.
- Into the northern part of the site from Blundells Road to the south.
- Into the southern part of the site from Blundells Road to the north (2 points of access).
- Into the very southern parts of the site from West Manley Lane.

Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The application as submitted is supported by an Illustrative Masterplan layout on an A1 sheet and presents an illustrative layout with access into the site from the points as described above. This layout shows 655 individual dwelling plots and 4 larger accommodation buildings to accommodate up to 45 apartments.

In accordance with the requirements of the Environmental Impact Assessment Regulations, the application has been accompanied by an Environmental Statement.

The A1 sheet Masterplan submitted with the application is illustrative only and has been submitted by the applicant to seek to demonstrate potential layouts for the site and to demonstrate that the site could be developed out in accordance with the terms of the permission as applied for (i.e. up to 700 dwellings, employment floor space, primary school, neighbourhood centre) in a manner which would be acceptable. However for the avoidance of doubt this application is not seeking approval for the indicative layout as it has been presented, and all of the issues below will be considered as reserved matters in the event that this outline application is approved:

- Architecture and design of all buildings

- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area
- Design and layout of open space areas and green infrastructure
- Design of landscaped areas
- Drainage infrastructure
- Parking provision

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

Site Plan.

Illustrative Masterplan prepared by Clifton Emery 131206 L02 02

Masterplan SPD and land at Blundell's Road overlay prepared by Clifton Emery 131206 k 140920 01

Street Hierarchy prepared by Clifton Emery 131206 SK 140920

West Manley Lane Access Layouts prepared by PFA Consulting C698/26

Access Junctions Roundabouts arrangements prepared by PFA Consulting C698/25

Simple T junction access from Blundell's Road prepared by PFA Consulting C698/21

Ghost Island junction south of grade separated junction prepared by PFA Consulting C698/20

Access junction's drainage arrangements prepared by PFA Consulting C698/24

Design & Access Statement prepared by Clifton Emery dated May 2014.

Planning Statement prepared by PCL Planning dated May 2014.

An Environmental Statement prepared under the EIA Regulations 2011 has been submitted and covers the following topics:

1. Socio-Economic impacts
3. Arboricultural Impacts
4. Biodiversity
5. Archaeology/Heritage Assets
6. Transport and Accessibility
7. Flood Risk & Drainage
8. Air Quality
9. Ground Conditions and Contamination
10. Landscape & Visual Impact
11. Noise

## **3.0 TIVERTON EASTERN URBAN EXTENSION/MASTERPLANNING PROCESS**

The application sits as part of a larger area promoted for development and referred to as the Tiverton Eastern Area Extension. Spatially, and also in terms of the quantum of residential development proposed, the application site occupies approximately just under 50% of the total area covered by the urban extension area.

The following section of this report provides an overview of the background to the Masterplanning process for the Tiverton Eastern Urban Extension, and as included in the other reports regarding planning application proposals for the Tiverton EUE .

The role and purpose of a Masterplan is a comprehensive plan that acts as a blueprint for the development of an area: setting out principles for the way in which it will come forward, coordinating policy and infrastructure requirements. It is common to utilise this approach for larger scale developments where there are multiple landowners/developers and there is a need to ensure development takes place in a comprehensive way to deliver common

infrastructure, coordinate phasing and to resolve often complex planning issues. Masterplans bridge the gap between planning policy aspiration and the implementation in order to achieve a high quality design and create a successful place. They also set out key principles that planning applications will need to have regard to in order to be considered acceptable. It is important to understand that whilst a Masterplan sets out guidelines and principles for the development, it does not contain the same level of detail and supporting documentation that would be expected at a planning application stage. Additionally as Masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.

Further details about the process of consultation on the Masterplan process and the scope of change from the Masterplan as initially drafted to the approved document are set out in the report that was presented to the Cabinet on the 17 April 2014, and subsequently to Council on the 30th April 2014 when it was voted to endorse the Masterplan and approve it as a material consideration for the determination of planning applications for new development, including this application. As a working document, the Masterplan is structured and set out as follows sections: 1. Introduction - this section includes a clear design process for applicants and land owners to follow through. 2. About the site. 3. Development, Vision and Concept - this section includes a set of Guiding Principles. 4. Creating the Structure. 5. Creating the Place. 6. Delivering the Place.

The Local Planning Authority are intending to produce a Design Guide for the Urban Extension that will complement and expand upon the Adopted Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document. The Design Process section of the adopted Masterplan Supplementary Planning Document describes the requirement for urban design and architectural principles to be illustrated in guidelines to ensure continuity of approach across the masterplan area. The Design guide will build on the content of the Masterplan Supplementary Planning Document and act as an intervening step between it and the degree of design detail and resolution that will be required at later reserved matters stage.

#### **4.0 RELEVANT PLANNING HISTORY**

13/01616/MOUT - 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 – Resolution to grant planning permission subject to S106 agreement.

14/00667/MFUL - Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier – APPROVED

14/01168/MFUL - 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 - APPROVED

#### **5.0 DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision  
COR9 - Access  
COR11 - Flooding  
COR13 - Tiverton

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

AL/DE/1 - Housing Plan, Monitor and Manage  
AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/3 - Affordable Housing Site Target  
AL/DE/4 - Occupation of Affordable Housing  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space  
AL/TIV/1 - Eastern Urban Extension  
AL/TIV/2 - Eastern urban Extension Transport Provision  
AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure  
AL/TIV/4 - Eastern Urban Extension Community Facilities  
AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality  
AL/TIV/6 - Eastern Urban Extension Phasing  
AL/TIV/7 - Eastern Urban Extension Masterplanning

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM7 - Pollution  
DM27 - Development affecting heritage assets  
DM28 - Green infrastructure in major development

## **6.0 CONSULTATIONS**

### **Highway Authority - Further comments and observations received - 26th February 2015**

The Local Planning Authority will be aware of the Highway Authority comments dated 7/7/2014 which are still relevant to the application and the Highway Authority has received additional information with regard to the access arrangements and their capacities which are acceptable to the Highway Authority and overcome our previous concerns (as set out above).

The Highway Authority are in receipt of the following drawings which the applicant has submitted to the Local planning Authority, these drawings are acceptable to the Highway Authority, Drawing C698/20 revision A; C698/21; C698/24; C698/25 and C698/26.

The above drawings should be conditional of any consent and drawing C698/24 for the provision of the drainage should be constructed with the Link road and prior to any development of the Dwellings and employment use. It should be noted that the delivery of the drainage on land to the south of Blundells road may need to be excluded from a recognition of commencement on that part of the site when considering triggers for the delivery of any of the off-site works and should form part of the negotiations of the section 106. The phasing and programming of the works should be agreed in writing by the Local Planning Authority.



There are a number of requirements which should be dealt with at the reserved matters stage. The treatment of West Manley Lane and the additional traffic generated from the new developments should be assessed and incorporated into the overall strategy, but will be influenced by the reserved matters application, and details of which will need to be agreed.

Therefore the Highway Authority would recommend a suitable Grampian style condition requiring the submission of detail for approval prior to commencement on site.

I can also confirm the comments made by Mr Graham Eves in response to the Hydrock observations are correct and that the details of the roundabout and the final design of the traffic calming will be subject to the reserved matters application and section 278 agreement with the urban design of the reserved matters application informing the design, materials and further design of the Phase 2 traffic calming proposals.

In addition to the above a suitable condition requiring the distributor road from the new roundabout on Blundells road running south through to Phase B of the Tiverton EUE should be imposed to ensure its connectivity and delivery to support the wider Allocated area. In addition to which the early delivery of the land for the school which will need to be fully serviced in terms of access needs to be secured by either Grampian style condition or through the section 106 agreement.

Therefore subject to the drawings being accepted by the Local Planning Authority and conditional of any consent the Highway Authority would withdraw its recommendation of refusal. The Highway Authority would seek the following contributions and works as part of the section 106 agreement.

- Provision of a travel plan to include the provision of Bus vouchers £250.00 per house hold
- and Cycle Vouchers at £50.00 per household
- Contribution of £3,684,211.00 to the A361 Grade separated junction.
- Contribution of £921,053.00 to the traffic calming of Blundells road and post hill
- Contribution of £253,289.00 to the improvement of Heathcoat way roundabout and Lowman way Roundabout.
- Bus provision and service improvements £506,579.00
- Cycle provision and improvements £345,395.00
- The provision of land for the construction of the A361 grade separated junction.

In addition to which the following conditions should also be imposed and /or in the case of the Grampian style conditions incorporated into a section 106 agreement.

Recommendation:

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION**

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

REASON: To protect water quality and minimise flood risk in accordance with Flood Management Act

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

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

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.

REASON: To ensure the proper development of the site.

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

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

5. No development shall take place on site until the Left in Left out junction onto the A361 previously consented has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy framework

6. No development of more than 600 dwellings and /or 10,000 m<sup>2</sup> of employment shall take place on site until the off-site highway works for the provision of the full grade separated junction onto the A361 has been constructed in accordance with the consent design and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework

7. No development shall take place on land to the south of Blundells Road and/or the employment land until the roundabout at the junction of Blundells Road and the link road has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework

8. The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundells road to the boundary of the site adjoining Phase B of the allocated site shall be constructed and made available for use in and the programmed delivery of the distributor road will be agreed in writing with the Local Planning Authority prior to commencement of any development

REASON: To ensure that adequate facilities are available for construction traffic and the delivery of the Allocated site in its entirety to satisfy the Masterplan.

9. No development shall take place on site until the off-site highway works for the provision of Passing places, highway mitigation measures, transport strategies on West Manley Road have been agreed in writing with Local planning Authority and made available for use according to an approved Program of works.

REASON: To minimise the impact of the development on the highway network in accordance with National Planning Policy Network

Further comments from the Highway Authority regarding received on 17<sup>th</sup> March, specific comments to address comments made by Blundells School:

Taking the points in order the designs of the junctions are such that they cater for the capacity, these may have changes to them through the reserve matter applications which will inform the design and by the street scene and frontage treatment sought by the planning Authority and the planning committee. The conditions imposed by the Highway Authority require full details to be approved in writing, therefore the DWGC698/21 does not prejudice our design for the traffic calming which has recently been consulted upon and the influence of the street design has been emphasised and will influence the scheme that comes forward.

Traffic modelling has been undertaken on the junctions and the Highway Authority are happy with the outcomes and the modelling has influenced the design of the roundabout and has allowed a reduction in size to a 28 ICD. It should also be noted that sufficient land is to be made available to increase this diameter should future development to the East come forward. Again the pallet of materials and indeed the type of roundabout will be influenced by the estates design through the reserved matter application. While a standard roundabout is shown a "Poynton style roundabout "can be constructed subject to additional traffic calming necessary for this type of design to work. The initial safety audit for the design has been carried out by the highway Authority as part of the process of assessing the planning application. Its further design and construction will be subject to stage 2, 3, and 4 safety audits secured through the highway legal agreements necessary for the construction. Further construction design and material choices are all conditioned and subject to LPA approval.

**DEVON COUNTY Council - 17th July 2014. The comments below include the original comments submitted by the Highway Authority that have subsequently been amended as set out above.**

1. Thank you for providing the opportunity to comment upon planning application 14/00881/MOUT, which is an outline application (with full consent for access) for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, a care home, a primary school and a neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundell's Road, Tiverton.

2. It should be noted that the county council objects to the proposed application on transport and historic environment grounds, and raises a number of other recommended requirements, such as financial contributions, which will be needed to overcome other potential objections to the application.

3. In preparing this response, the county council has had regard to the wider planning context within which this application has come forward. The site is located within an area which is allocated for mixed use development in the Mid Devon Local Plan (specifically part 2 - Allocations and Infrastructure DPD - adopted January 2011). In accordance with policy AL/TIV/1 of this document, a Masterplan has been produced and adopted by Mid Devon District Council. The county council has contributed towards the development of this Masterplanning exercise. The comments below therefore relate to the provisions of both the adopted Masterplan and relevant policy.

4. This response provides the formal views of Devon County Council in relation to:

- Local transport provision
- Potential historic environment impacts
- Local education provision
- Library services

5. These topics are discussed under separate headings, below.  
Local transport provision

6. The Highway Authority has no objection in principle to the application. Indeed, the county council considers that this site should be developed in conjunction with the principles of the adopted Masterplan and should not hinder or prevent the delivery of the remainder of the allocated site. This will require any distributor roads within the site being taken to the very edge of the eastern site boundary, to provide access into what is termed 'Area B' in the Masterplan.

7. The applicant should be advised of the following comments about the application, transport assessment, and amended plans. Numbers referred to are those in the Transport Analysis (TA).

8. 4.6 Appendix G is not very clear but it appears the applicant is proposing a priority, raised table junction where the link road from the A361 junction connects onto Blundell's Road. Given that this is proposed to be the main access to the whole Tiverton eastern urban extension (EUE), this is not considered to be a suitable option. Instead, it is considered that a roundabout would be most appropriate here (see further comments below).

9. 4.11 The adopted Masterplan requires the full 'cloverleaf' grade separated A361 junction to be constructed before 600 dwellings or 10,000m<sup>2</sup> employment is constructed within the EUE and this development on its own will exceed that. Yet there is no mention of the full junction in the transport analysis, only a left in - left out junction on the A361. The Masterplan also states that contributions towards bus service enhancements are required after 600 dwellings and that cycle and pedestrian contributions are required upon first occupation. There is no mention of these within the TA.

10. 4.12 states that this development will make a proportionate contribution towards the highway improvements set out within the Masterplan. Such a contribution should be the outstanding amount to fully fund the works so the Highway Authority can build the infrastructure at the required trigger points, given that 'Phase B' of the Masterplan area does not appear to be forthcoming.

11. 5.9. Given that the Waddeton Park application has a committee resolution to grant permission, this should be considered in conjunction with this application to assess the cumulative impacts.

12. 5.24 The HA Pinch Point scheme at J27 has been changed and signals will now be operating full time, not just in the peak periods.

13. 5.26 says that the HA Pinch Point scheme at J27 is sufficient to accommodate the EUE development but the modelling results show this will be over capacity in the weekday peaks. Current analysis shows that traffic flows can double on a summer Friday and there is no assessment of this. There are no LINSIG outputs of just this development, only the full EUE.

14. 6.6 Sets out the intention that the left in - left out junction onto the A361 will be open to traffic before construction of the proposed development commences. The Masterplan states that this must happen and this is fundamental to reducing the impact of construction traffic on Blundell's Road.

15. 7.5 identifies that the whole EUE development can be accommodated by just a left in - left out junction on the A361. This is not accepted by the highway authority due to the detrimental effect of development traffic upon the pupils outside Blundell's School wishing to cross the road. The full junction is required to reduce through traffic on Blundell's Road. Also, without the full junction, there is going to be an increase of traffic through Halberton which hasn't been assessed.

16. 7.6 No assessments of the access junctions onto Blundell's Road have been carried out. The applicant should calculate their own figures for the amount of traffic coming out of the side roads given that they have now identified a proposed internal layout of the development which was not available when building the SATURN model used to inform the preparation of the Masterplan.

17. In consideration of the above comments, the junction of the south and north parcels of this site (including the link from the A361 junction) with Blundell's road need to be designed to cater for the capacity of the full EUE and the use by commercial vehicles. It is considered that a simple cross roads / shared surface area is not sufficient and the preferred junction should be a 32 metre inscribed circle diameter (ICD) roundabout sited with particular attention to the existing residential access off Blundell's Road.

18. The secondary junctions from the site onto Blundell's Road and the above junction will need to be assessed and shown that the type and style are appropriate to cater for the full allocation and the existing traffic generation.

19. The traffic calming measures over the frontage of the site on Blundell's road should be designed to complement the overall street scene and provide additional crossings for pedestrians and therefore changes to the current design proposals may need to be included.

20. Any junctions onto the existing highway network or the proposed new link to the A361 should be designed and assessed and submitted to the Highway Authority for approval, this may include changes to West Manley road.

21. The internal layout should include pedestrian and cycle linkages to Blundell's road and to the canal / sustrans cycle route and these can take the form of on road cycle provision and off road but should be signposted appropriately.

22. The application will be subject to a section 106 agreement which will need to provide a travel plan, this should be a full travel plan for the residential element and will include welcome pack, bus pass provision and cycle voucher provision and a framework travel plan for the commercial which should include for car sharing and incentives, e.g. priority parking, lockers and showers to promote cycling, and incentives such as transport for vulnerable workers at night.

23. Contributions towards providing a suitable bus route to serve the application site, off-site highways works and off-site cycle improvements will also be required.

24. The roads through the site to serve the remaining allocation in Phase B should be 6.0m wide with footway cycleways and active frontages. These should be built right up to the boundary of the land ownership of the developer. It is recommended that this would be required by condition if the planning authority considers that this application should be granted.

25. The access roads for both residential and commercial estates served by the link road to the A361 should have a junction analysis to satisfy the Highway Authority that a simple junction can be accommodated and should show the implications of the junctions on the roundabouts and the slips to the A361.

26. Drainage details will need to be approved in writing before any development commences and should include such survey investigation to show that SUD's proposals are acceptable or that alternatives have sufficient capacity such investigations should include 12 months of ground water level surveys.

27. Taking into account the above comments, the Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that permission be refused for the following reasons:

#### 28. Highways Reasons for Refusal

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- A) access,
- B) visibility splays,
- C) road layout,
- D) surface water drainage,

Contrary to the National Planning Policy Framework.

29. The county council reserves its right to alter its position should further information be forthcoming from the applicant which would materially change the current proposals.

30. Notwithstanding the objection to this application made on transport grounds, the county council also has responsibilities for other public services. The comments below relate to these other services, and whilst no specific objection to the application is raised for education and library services, the objection for transport reasons still stands until such time as it may be resolved by further information from the applicant.

Historic environment

31. Devon County Council Historic Environment Service has previously provided comments on this application. For wholeness, I have included these comments within this strategic response, as follows.

32. The proposed development lies in an area of demonstrated archaeological potential. Previously undertaken archaeological work, geophysical survey and some field evaluation, within the application area has demonstrated the widespread presence of prehistoric activity across the development site. While some limited intrusive field evaluation has been undertaken there has been no field evaluation of the bulk of the archaeological features identified by the geophysical survey. The anomalies identified by the geophysical survey appear to show an extensive prehistoric or Romano-British field system extending across a large proportion of the site, as well as possible enclosures that may be indicative of settlement, agricultural or funerary activity. The proposed development site also lies to the west and adjacent to a site where hundreds of flint tools have been recovered from the topsoil - indicating a concentration of prehistoric activity in the vicinity. This site is recorded on the Mid Devon Register of Heritage Assets: Local List - Central.

33. While the supporting information for this planning application does contain the results of a desk-based research and geophysical survey, it is not possible to understand the significance or quality of survival of the heritage assets with archaeological interest within the site without undertaking intrusive archaeological field evaluation. As such, I do not regard the information submitted in support of this application as adequate to enable an understanding of the significance of the heritage assets affected or allow an adequate consideration of the impact of the proposed development upon the archaeological resource.

34. Given the potential for survival and significance of below ground archaeological deposits associated with the known prehistoric or Romano-British activity within the development site and the absence of sufficient archaeological information, Devon County Council objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application.

#### 35. Historic Environment Reason for Refusal

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of historic environment impacts.

Contrary to guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraph 128 of the National Planning Policy Framework (2012).

36. The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological investigation, comprising of the excavation of a series of evaluative trenches to investigate the anomalies identified by the geophysical survey as well as any apparently 'blank' areas across the development site. The results of this programme of archaeological work would allow the significance of any heritage assets to be understood as well as the requirement and scope of any mitigation, either by design to allow 'preservation in situ' or through further archaeological work to ensure 'preservation by record' of any heritage assets destroyed by the development. The results of any fieldwork and post-excavation assessment/analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

37. I would recommend that the applicant or their agent contact the County Council's Historic Environment Team to discuss the scope of works required, we would expect to provide the applicant with a brief setting out the scope of the works required.

38. Notwithstanding the objection to this application made on historic environment grounds, the county council also has responsibilities for other public services. The comments below

relate to these other services, and whilst no specific objection to the application is raised for these, the objection for historic environment reasons still stands until such time as it may be resolved by further information from the applicant.

#### Local Education Provision

39. Devon County Council calculates school pupil numbers based upon its s106 policy. This assesses the number of pupils generated per household and, after taking account of spare capacity in suitably accessible schools, sets out how many school places will need to be provided to accommodate the development. The cost of this provision can then be calculated.

40. A development of 700 dwellings will generate 175 primary school age pupils and 105 secondary school age pupils. Taking into account 'spare capacity' in existing Tiverton schools, accounting for forecast numbers on roll and impact of previously agreed but unimplemented developments there is very limited capacity available to serve this area of development - including schools within reasonable walking distance and the town itself. In total, there is projected to be surplus of 6.7 primary places and 62.6 secondary places to support the proposed urban extension, including this proposal for 700 dwellings. The implications of this with regard to developer contributions are set out below.

#### Primary School Provision

41. In accordance with the above capacity assessment and the adopted Masterplan, a new primary school within the overall Masterplan area will be necessary to accommodate pupils generated by the development - in a central location that provides an acceptable walking distance to school from the new houses. As per the application details, the proposed school site lies within this application site.

42. It is envisaged that the primary school would provide for 420 pupil places and would require 1.93Ha of land. The facilities and land provision will need to be funded from the development in the eastern urban extension, including from this site. The county council has previously highlighted the need to deliver the education facilities (specifically primary age) within an early phase of the development of the Tiverton eastern urban extension, which is reflected in the phasing schedule within the Masterplan document.

43. As set out above, this development proposal of 700 dwellings is expected to produce 175 primary pupils. 1 place is the equivalent of 4 dwellings of two or more bedrooms in size. Due to existing capacity at primary schools in the area, 3 spare primary pupil places have been allocated to this development, which the developer will not need to contribute towards. This is calculated as the development of 700 dwellings constitutes 47% of the overall EUE (assuming 1500 total). Therefore this development will need to fund 172 primary pupil places.

44. The county council's education S106 policy states that the 'new build' rate for the provision of primary school facilities is equivalent to £13,329.50 per pupil. It is therefore requested that a contribution towards facilities from this application is sought under s106 of the Town and Country Planning Act 1990 for 172 pupils, a total contribution of £2,292,674.00. As the application is outline and the dwelling sizes are unknown, the calculations in this letter assume that all dwellings will be of two or more bedrooms in size and therefore generate the number of pupils above.

45. This price will be index linked to the BCIS All in Tender price index to calculate uplift for inflation to the point that the S106 payment is made, from 3rd quarter 2012.



46. The county council will require the land to be transferred and serviced in accordance with the phasing schedule set out in the Masterplan. This states that the 1.93Ha of land for primary school site should be transferred to DCC prior to the commencement of construction of any residential development within the site that is south of Blundell's Road. The land should be transferred served by an appropriate road access and should be cleared and appropriately levelled. Prior to the occupation of any residential development to the south of Blundell's Road, working utilities connections to the site should be provided by the developer.

47. In order to ensure this occurs, it is considered appropriate to condition (subject to approval of the application) a construction / phasing plan for the development site which is then adhered to by the developer.

#### Secondary School Provision

48. As set out above, the development is anticipated to generate 105 secondary aged pupils, and there are 62.6 'spare pupil places' at Tiverton High. Factoring in anticipated developments, a share of this capacity of 29 spaces has been allocated to this development. The county council is therefore requesting that this development provides for 76 pupil spaces, at a rate of £18,241.00 per place, or £2736.15 per dwelling of two or more bedrooms in size. This is a total contribution of £1,386,316.00. Again, as the application is outline and the dwelling sizes are unknown, the calculations in this letter assume that all dwellings will be of two or more bedrooms in size and therefore generate the number of pupils above.

49. This price will be index linked to the BCIS All in Tender price index to calculate uplift for inflation to the point that the S106 payment is made, from 3rd quarter 2012.

#### Legal costs

50. In addition to the contribution figures quoted above, the county council would wish to recover legal costs incurred as a result of the preparation and completion of a s106 agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

51. To summarise therefore, the county council requests the following in order to provide the education facilities necessary to serve the proposed development:

Number of pupil places to be funded by development	4 / Land take	Cost per pupil	Total
Primary school facilities	172	£13,329.50	£2,292,674.00
Primary school land	1.93Ha	Direct provision by developer	Direct provision by developer
Secondary school facilities	76	£18,241.00	£1,386,316.00
Legal costs (£500 total)		£500.00	£500.00
<b>Total</b>			<b>£3,679,490.00</b>

Plus land (Index linked from 3rd quarter 2012)

52. These contributions should be secured through the s106 agreement process. Should alternative methods of delivery of the education facilities be promoted by the developer then the county council will consider these.

53. If the above contributions cannot be secured from the application, then the county council would be minded to object to the planning application.

4 Assumes 700 dwellings of two bedrooms or more come forward on this site (taking into spare capacity) Library services

54. The development proposed contains a substantial amount of development and will increase demand on Tiverton Library. Devon County Council's Libraries strategy proposes to create a 'Devon Centre' at Tiverton, this will be a multi-facility building which offers shared facilities for libraries, flexible working spaces, potentially children and youth services and other services. Library services in Tiverton are therefore a key focus for the county council

and it is considered that development should contribute fairly to increasing the facilities at these libraries to accommodate the need that it will create.

55. The Museum, Library and Archive Council (MLA) Standard Charge approach recommends for libraries a minimum standard space of 25m<sup>2</sup> per 1000 population (MLA council report "Public Libraries, Archives and New Development: a Standard Charge approach" 20105). This document also sets out that there is a standard cost of 3,154.00 per m<sup>2</sup>.

56. The Department for Communities and Local Government publishes data about household size and occupancy. In Mid Devon in 2011 it can be seen that the average housing occupancy is 2.35 persons per dwelling<sup>6</sup>. It is assumed that the occupancy will be the same across the proposed development.

57. In accordance with this, it is anticipated that the development will result in 1,645 persons, resulting in a need for 41.13m<sup>2</sup> of new library floor space.

58. In accordance with the Museum, Library and Archive Council (MLA) Standard Charge approach, a contribution of £129,724.00 will be required in order to support this development. This should be secured through the s106 process. The county council would be minded to object to this proposal if this contribution is not agreed.

59. I hope the above comments are useful in determining the above application. If you have any questions please do not hesitate in contacting the planning officers of the county council, with Stuart Langer being the first contact point.

60. If the authority is minded to approve the application despite our objection, we would be grateful if you could please contact the county council to discuss prior to taking this application to planning committee.

#### **ENVIRONMENT AGENCY - 24th November 2014 – NO objections raised**

(Further comments to those originally submitted)

We are able to withdraw our objection to the proposal providing development proceeds in accordance with the revised Flood Risk Assessment (FRA) and wish to make the following comments.

It is pleasing to see that the strategy has been revised to take into account earlier flood risk concerns, including re-defining the sub-catchments.

We note the comments regarding the existing flooding problems in Manley Lane we raised. No doubt the proposed drainage scheme, once completed, may help address existing problems. Works to reduce existing problems of waters ponding on the highway need only take the form of minor improvements to existing ditches which could be carried out as part of the proposed development. We will continue to advise such be investigated/instigated. Given that the development will be phased we do advise that measures be put in place during the construction phases to reduce offsite problems. The provision of minor improvements and temporary works measures could be dealt with by condition.

The description of the drainage strategy for the 'Northern Development Parcel', including clarification of physical constraints, is reasonable.

In overall terms it is clear that the proposed strategy aligns with sustainable urban drainage techniques something the NPPF endorses. Issues regarding aesthetics, safety and maintenance lie somewhat outside the Environment Agency's remit. This is not to say that we won't provide advice with a view to help ensure the sustainability of the Suds systems. Given it is looking very probable that Schedule 3 of the Floods and Water Management Act may not be enacted it is probable that Mid Devon District Council (MDDC) may want the design and construction of the Suds features vetted in this instance. MDDC could commission a third party to review detailed design, when this becomes available. The Environment Agency will certainly strongly advise that MDDC gains written assurances regarding ongoing maintenance of the features prior to determination of the application, and that the Suds features be designed in accordance with best practice as contained within the Suds Manual 2007.

In summary, and from the flood risk management perspective, we feel that the issue of surface water management could be covered by condition(s).

**28th November 2014** - Thank you for consulting us on this proposal, our last letter confirms we have received the revised FRA and we can withdraw our objection. I also note Natural England have advised they can withdraw their objection subject to our comments.

**HISTORIC ENVIRONMENT SERVICE – 12<sup>th</sup> December 2014 - NO objections raised**  
(Further comments to those originally submitted)

I refer to the above application. The archaeological evaluation of the above site has largely been completed. Seventeen of the twenty trenches requested by the Historic Environment Team have been excavated, and the extent and character of archaeological features identified by the geophysical survey have largely been quantified. I understand that Cotswold Archaeology are at present preparing a report on the results of these investigations (as well as a site archive). I am therefore making these comments on the basis of information gained during my monitoring visits to these investigations and discussions with the site staff.

The archaeological evaluation has demonstrated the widespread, but truncated, presence of prehistoric and possibly Romano-British activity across the proposed development site. The significance of these heritage assets are not sufficient to require preservation in situ. However, groundworks associated with the construction of this development will expose and destroy these heritage assets with archaeological interest.

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

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

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

Reason

*'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'*

I would envisage the archaeological works as taking the form of a staged programme of archaeological investigation, consisting of:

1. The excavation of further investigative trenches to refine the areas of archaeological sensitivity across the application area;
2. A programme of archaeological investigation of areas identified by (i) where the development will have an impact upon archaeological deposits and where further more detailed archaeological investigation and recording is required. This will take the form of area excavation, as well as strip, map and recording of areas of archaeological activity across the site;
3. The production of an appropriately illustrated and detailed publication report detailing all of the stages of archaeological fieldwork as well as any post-excavation assessment and analysis undertaken;
4. The production and deposition of a digital site archive.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

**NATURAL ENGLAND - 11th December 2014 – NO objections raised**  
(Further comments to those originally submitted)

We have considered the additional information and have the following comments.

Designated sites - withdraw objection

The development is adjacent to Tidcombe Lane Fen SSSI (notified for its M22 Fen meadow) and, without mitigation, has the potential to adversely affect the special interest of the SSSI by virtue of impacts on water quality and quantity. However, based on the additional information provided and prior discussions with PFA consulting, Natural England is satisfied that the revised surface water drainage strategy and SUDs will adequately maintain the existing hydrological regime of the SSSI in terms of water quality and quantity.

To ensure that the water quality entering the SSSI is adequate, a SUDs planting and maintenance regime and a water quality monitoring programme, linked to further mitigation where necessary, is required to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features. This needs to be secured through planning conditions. We understand that the revised surface water drainage strategy and FRA is also acceptable to the Environment Agency. Given this, and on the basis of the conditions above, Natural England removes its current objection.

This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Natural England will also need to be consulted at the reserved matters and discharge of conditions/S106 phases to ensure the detailed mitigation is right. SUDs is key in preventing

harm to the SSSI and maintenance in perpetuity is vital. In the event of a maintenance company folding, we would suggest that a backup plan, such as the LPA adopting the SUDs, must be identified.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### Suggested Condition

No development should take place until a long-term monitoring and maintenance plan in respect of the SUDs, both during and post construction (water quality and management regime), including a timetable of monitoring, is submitted to and approved in writing by the Local Planning Authority. This should also include details of the options for contingency action should the monitoring indicate inadequate quality of the water leaving the SUDs system and entering the SSSI. Any necessary contingency measures shall be carried out in accordance with the details in the approved plan. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority. This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Through the Master Plan process, we acknowledge that changes have been made to the proposal to reduce the amount and area of low density housing to the south of West Manley Lane and removing the playing fields (part relocated to share school facilities) to increase the buffer between the development and the SSSI.

Whilst this is welcome, Natural England considers the application could be made more sustainable with the removal of the low density housing to the south of West Manley Lane to maintain a more extensive buffer to the SSSI and leave this area of the river/fen catchment undeveloped to further protect the SSSI and associated species assemblage from disturbance, lighting, pollution, for example, associated with the development. This would be in line with policy COR13 contained in the Core Strategy which says the Council will guide development to 'Protect the importance of Tidcombe Fen, other areas of biodiversity value and green infrastructure, supporting opportunities for enhancement of river corridors'.

#### Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

### **ENGLISH HERITAGE – 12<sup>th</sup> November 2014 – NO objections raised**

I think your proposals are fine, my only concern being that there is no explicit requirement to implement any mitigation (in the form of detail, extent), should any issues be identified. Is there any way to make this clear? Other than that, your proposed conditions would be acceptable to EH. Thanks for coming back to us with a pragmatic solution.

### **11<sup>th</sup> November 2014**

Thank you for your correspondence in the last few months regarding the above outline application. The new full, grade separated (raised) road junction over the A361 (referred to as the Cloverleaf) has recently been granted planning permission by the Planning Committee. This road junction also forms part of the outline application 14/00881/MOUT in terms of access to the development land. I have discussed the English Heritage response with the consultant team representing the application. As the application is outline with all matters reserved except access, at this stage we do not know what form of development would be proposed on the northern part of the site and therefore have no idea how high it would be or what it would look like. The site Masterplan that was submitted is illustrative only and a future reserved matters application may or may not use it as a base plan for the actual development of the site. In addition to this, between the outline planning process and the reserved matters process it will be necessary for any developer to go through an additional process of establishing through illustration urban design and architectural principles. As a result it is difficult to have a single image photomontage of the site and possible development prepared at this time. Any photomontage would not be meaningful as the layout of potential development is subject to change and considerable further discussions and design work. I do not think a single image photomontage at this time would illustrate the potential impact/visibility of the potential development on views from Knightshayes House and RPG. I consider that the more suitable time to prepare a photomontage of the proposed development would be at the reserved matters stage when a layout, type, height, scale and design of development would be known. Please could you consider the above points and let me know if English Heritage are able to agree that the single image photomontage would be better provided at reserved matters stage.

### **HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 2nd December 2014 – NO objections raised**

(Further comments to those originally submitted)

Further to the Agency's letter dated 30 June 2014, additional information has now been provided by the applicant. As you are aware, there is an approved pinch point improvement for J27 which provides part signalisation of the junction. Improvements at the junction are due to commence in the near future.

The submitted modelling shows that the part signalisation of the junctions will provide adequate capacity to protect the operation of the SRN slip roads. However, the same model shows queues on the circulatory carriageway from the M5 southbound off-slip node, extending beyond the available stacking space for vehicles which would, in reality, mean extensive queues along the A361. It is not however considered that correcting the model would alter the findings of the assessment work in relation to the M5 off-slips.

The Agency is therefore content that the impact of the development on the SRN would not be severe provided that the Pinch Point scheme was in place. However, it should be noted that the results demonstrate that in the future year tests including full development of the Tiverton Urban Expansion development, there is limited capacity remaining in the junction. It is likely that any other substantial applications around J27 will require additional improvements to the junction to protect the operation of the SRN.

In view of the above, please therefore find an Article 25 TR110 which directs no objections to the development.

**ENVIRONMENTAL HEALTH - 21st October 2014**

Contaminated Land - no objections to this outline proposal

Air Quality - no objections to this outline proposal

Waste & Sustainability

Drainage - no objections to this outline proposal

Noise & other nuisances - no objections to this outline proposal

Housing Standards - no objections to this outline proposal

Licensing - Not applicable

Food Hygiene - N/A

Private Water Supplies - Not applicable

Health and Safety - no fundamental objection on health and safety grounds

In addition your officers are recommended a condition requiring the submission of a low emissions strategy to be submitted as part of the further information to be submitted at the Reserved Matters stages.

**DEVELOPMENT SERVICES MANAGER (PROPERTY SERVICES) - 16th July 2014**

Housing Services have recommended the following mix in terms of affordable housing:

20% 1 bed units

40% 2 bed units

35% 3 bed units

5% 4 bed units

**HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 22 October 2014** - This development of up to 700 dwellings will require a provision of 35% Affordable Homes in order to meet our current Affordable Housing Policy.

**SOUTH WEST WATER - 5th July 2014** - I refer to the above application which South West Water has to consider in conjunction with planning application 13/0616 for a 300 house development adjacent to this site and would advise that the public foul sewer network has sufficient capacity to serve the proposals beyond a maximum of 650 dwellings in total without causing the public sewer network to surcharge, with resultant flooding.

This has been made known to the applicant/their consultants previously, together with the fact that the sewer network will require detailed investigations to establish the level and cost of improvements which may be necessary to accommodate the foul flows generated by their particular development.

Such investigations as are required will not be funded by South West Water and will need to be at the applicant/developer's full cost.

Should your Council be minded to approve the planning application, I would emphasise that suitable planning conditions/s106 planning obligation terms will need to be imposed (e.g. requiring no development to proceed on site until such time as a detailed sewerage

evaluation, as noted above, has been carried out and funding put in place for the improvements identified as necessary. It will be crucial that no building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to your Local Planning Authority's satisfaction).

Please see section (xi) of point 5: Other issues below for your officers response to this comment.

**DEVON & CORNWALL POLICE AUTHORITY - 17th June 2014**

I contacted the agent Mr David Seaton to ascertain what if any consideration had been given to crime and disorder at this early stage. It is widely recognised that the sooner the principles of Crime prevention through Environmental Design (CPTED) are adopted the easier it is to incorporate those principles.

The seven attributes being:

Access: Safe movement, permeability serving the development, limit casual access.

Surveillance and sightlines: culpable observers

Layout: Clear and logical orientation, aware of desire lines, awareness of conflict with POS

Activity mix: Designing out opportunities for community conflict

Sense of ownership: Showing a space is cared for, and allows authority as an owner.

Quality environments: Defensible space,

Physical protection: Using active security measures

It is appreciated that much of the design is detailed and requires in depth consultation at reserved matters, however it is important that these principles are acknowledged sooner than later. Design changes to the school for example could have a knock of effect on dwellings, and delay the planning process. With this in mind can I request consultation with both the architect and the planners at an appropriate time in the future, but before a detailed design is submitted.

22 October 2014 - I responded to this application on 16th June 2014 - the request for early consultation remains.

**DEVON COUNTRYSIDE ACCESS FORUM – 16<sup>th</sup> July 2014**

The Devon Countryside Access Forum is statutory forum under the Countryside and Rights of Way Act 2000. Its remit is to provide independent advice on the "improvement of public access to land for the purposes of open-air recreation and enjoyment." The Forum has thirteen volunteers, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other fields of expertise such as tourism and conservation. In addition, two County Councillors sit on the Forum.

The Forum prepared a position statement on Local development Frameworks and Planning, updated earlier this year, which sets out what the Forum would hope to see considered in any development proposal and Mid Devon District Council is advised to cross-check the development against this document.



Plans to incorporate green infrastructure, cycling/walking routes to the town centre and in particular links to the national Cycle Network and Grand Western Canal to the south of the development are welcomed.

**TIVERTON TOWN COUNCIL - 9th July 2014** - Council is unable to support this application as it feels it is over development and will be out of keeping with the area. There are great concerns regarding the ability of the highway network being able to sustain such an increase in traffic. There will be significant loss of green space and there will be significant increase in air and light pollution. There are great concerns for the neighbouring villages of Halberton and Sampford Peverell. Concerns regarding the loss of historic hedges and trees and the impact on the drovers track and the Tidcombe Fen. Further concerns relating to the ability of the sewage system to cope with this increased capacity and also possible flooding caused by rain water fallout.

22 October 2014 - Previous comments remain with concerns regarding the Drovers Lane and the density of the proposal

## **7.0 REPRESENTATIONS**

Letters of notification were sent out to 243 addresses in close proximity to the site when the application was first received, and publicity was given to the application via a press notice and an advert in the Mid Devon Star. Following receipt of the additional information and or revised illustrative layouts and access details further letters of notification were sent out publishing the receipt of this additional information. In total 61 letters have been received with all raising concerns/objections regarding the application scheme. Two of the letters offer support for the principle of providing the additional residential development. A summary of the comments made is included below:

- Scale of development out of keeping with semi-rural area
- Tiv EUE Masterplan was railroaded through and public not made aware of implications
- Road accidents will increase due to increased traffic along Post Hill, Blundells Road and through Halberton
- Sewage system is inadequate
- increased rain fall runoff due to area being concreted
- Flood risk assessments are inadequate
- Tidcombe Fen SSSI will be permanently and irreversibly harmed from increased flooding and air pollution
- flooding local housing market with new homes will reduce value of other properties in the area
- loss of prime agricultural land
- no public exhibition or statement of community involvement included with the application
- traffic flows through Blundells School complex has been under estimated and will harm the school environment
- concerns regarding noise impacts, air pollution impacts and surface water impacts of the left in left out junction on to the A361
- hedgerows should be retained
- ecology needs to be protected
- no development south of West Manley Lane

- no access from new residential areas onto existing lanes
- high proportion of affordable housing must be provided
- archaeology needs more investigation
- development will make Tiverton even more of a dormitory town
- provision of jobs is a myth
- more work required to establish the design criteria to ensure design in keeping with area as well as innovative and appealing
- unacceptable impact on character of rural lanes
- concern about impact on vitality and viability of Tiverton town centre - retail provision could have added impact on the town centre - retail impact assessment should be provided
- no buffer zone indicated with Mayfair to the north east of the site
- access to Tiverton Parkway will be adversely affected
- development at Tiverton should be linked to a holistic view toward development in the wider area including at Exeter
- provision should be made for self- build opportunities within this development
- suitable buffer zones to existing properties required
- concerns over quality of the EIA
- concern over road design of the link onto the A361
- number of dwellings is too high
- infrastructure currently not able to cope with extent of new development proposed
- residents will not form a community and the existing community will be broken up
- no evidence that a second care home is required
- no details of cyclist/pedestrian link to the SUStans route from the development
- no public footpath should be provided near residential development south of the SUStans route (Glebelands)
- green infrastructure area close to Glebelands should be left alone

#### 2 x letters of support

- expansion will be good for the town as long as the town environment is protected and good transport infrastructure is provided

#### West Manley Lane Conservation Group x4

- concern over some of the labelling and identification of areas around West Manley Lane;
- no statement of how many dwellings will be affordable housing
- Flood risk information does not appear to be based on site specific records
- concerns regarding capacity of sewage network
- new sewage system could have significant effects of the SSSI
- the application does not accurately identify the current use of West Manley Lane by walkers, runners, horse riders, school groups, cyclists who use it as part of circular route with grand western canal and sustrans railway walk
- application is not supported by any survey data regarding peak use of West Manley Lane and Manley Lane for recreational purposes
- West Manley Lane and Manley Lane will become congested and hazardous as no formal passing places and only existing residential gateways to pass in etc.
- concerned about impacts on the landscape and visual impact from the existing lanes
- lack of tree preservation orders within the application site

- mitigating measures regarding impact on landscape and visual amenity will take many years to become established
- loss of hedgerow as a result of the proposed accesses - increased traffic use of the lanes, affect the character of the rural lanes, pedestrian accessibility to the countryside will be effected
- concern about location of roundabout on Blundells Road at end of new link onto A361
- concern about materials proposed for new roundabout in order to reduce noise from roundabout in nearby residential properties

Tiverton Civic Society – 1<sup>st</sup> July 2014 (summarised)

- Will comment fully on details such as design and layout when full apps submitted;
- Emphasize adverse impacts kept to minimal as ancient landscape, continuously farmed since Neolithic period;
- No Statement Community Involvement submitted – public not informed and no exhibitions;
- Thorough Environmental Statement with regards to Archaeology and Heritage Assets – confirms area of archaeological importance, desk based report not adequate, intrusive archaeological investigation required, impact on Long barrows and Round barrows more information required;
- Report carried out by Devon Wildlife Consultants 2009 on behalf of West Manley Lane Conservation Group suggested some hedgerows in the area ancient with high species diversity. Access roads should be away from hedgerows;
- Vital that low cost housing (affordable housing) forms significant percentage of any new residential development;
- Adverse cumulative impact at Blundell's School from traffic, concern about traffic projections;
- No housing should be provided on south side of West Manley Lane

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This application site comprises two parcels of agricultural grazing land either side Blundells Road.

The larger land parcel falls due south of Blundells Road with West Manley Lane defining the western boundary. The southern boundary of the application site is defined partially by a mid-point through a field south of West Manley Lane at a point close to Pool Anthony Farm and partially by West Manley Lane itself. The site is currently structured as 12 separate agricultural fields. The topography of this part of the site varies and slopes to the south towards the former railway walk/SUstrans route.

The smaller part of the application comprises three gently sloping fields to the north of Blundells Road with mature hedgerows on all sides, bounded on the northern side by the A361. The topography of this part of the site is relatively flat and is currently structured as 2 separate large scale agricultural fields. In total the site measures approximately 47 hectares.

There are some free standing trees within the site and the Mid Devon Tree Officer is currently considering which trees are worthy of protection via a Tree Preservation Order. There are no Scheduled Ancient Monuments within the application site, however, there are archaeological remains within the site and off-site Scheduled Monuments (Long and Round Barrows) to the east of the site.

Currently access to both areas of the application site is via agricultural type accesses farm type accesses, with Blundells Road and West Manley Lane providing access for through traffic.

As stated above planning permission has already been granted for the provision of a Left In Left Out (LILO) connection with the A361 (for use by traffic travelling westwards only) under LPA ref: 14/00667/MFUL and also for a full grade separated junction under LPA ref: 14/01168/MFUL (also includes LILO connection as the southern half of the full junction). The land to deliver this junction is in the ownership of this applicant. The adopted Masterplan establishes that this junction is required to serve the development of the Tiverton EUE area when the trigger of 600 dwellings across the Masterplan area has been reached. The applicant also owns some of the land the due south of the application site and which is proposed to function as Green Infrastructure

The main issues to be considered at this stage are:

- 1. Policy/Masterplanning process/Land Use Issues**
- 2. Highway and Transport Issues, including phased provision of infrastructure**
- 3. Implications of delivering 700 dwellings, 22,000 square metres employment land, primary school, neighbourhood centre, care home on the site.**
- 4. Section 106 issues**
- 5. Other Issues (including: air quality impacts, noise impacts, drainage and utility provisions)**
- 6. New Homes Bonus**
- 7. Conclusions/Planning Balance**

#### **1. Policy/Masterplanning/Land-use Issues**

The high level policy considerations relevant to the site are covered in the Mid Devon Core Strategy (Local Plan Part 1) and the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The Mid Devon Core Strategy (Local Plan Part 1) was adopted in 2007 and sets out a growth strategy that seeks to balance social, environmental and economic objectives and concentrates development within the main settlements of the district; including Tiverton, Cullompton and to a lesser extent Crediton and Bampton. The Mid Devon Core Strategy (Local Plan Part 1) sets out an overall need for 340 dwellings per year across the District, amounting to 6,800 dwellings over the 20 year plan period up to 2026. Important to achieving the level of development (both housing and employment) identified and adopted within the Mid Devon Core Strategy (Local Plan Part 1) is the urban extension to Tiverton.

The Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) was adopted in January 2010 following extensive public consultation and examination by a Planning Inspector. It allocates sites for development in order to meet the Core Strategy's growth requirements, and a considerable quantum of this new development is to be accommodated within the urban extension to Tiverton. This part of the plan making process lead to the adoption of Policies AL/TIV/1-7. Policy AL/TIV/1 sets out the following:

#### Eastern Urban Extension

A site of 153 hectares east of Tiverton is allocated for mixed-use development, as follows:

- a. From 1550 to 2000 dwellings;
- b. A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;

- c. From 95,000 to 130,000 square metres employment floorspace;
- d. Transport provision to ensure appropriate accessibility for all modes;
- e. Environmental protection and enhancement;
- f. Community facilities to meet local needs arising;
- g. Carbon reduction and air quality improvements;
- h. An agreed phasing strategy to bring forward development and infrastructure in step and retain the overall viability of development;
- i. A public Masterplanning exercise to be undertaken before any planning application is made.

Policies AL/TIV/2-7 then establish provisions to deal with specific issues as follows;

AL/TIV/2 Eastern Urban Extension Transport Provision

AL/TIV/3 Eastern Urban Extension Environmental Protection & Green Infrastructure

AL/TIV/4 Eastern Urban Extension Community Facilities

AL/TIV/5 Eastern Urban Extension Carbon Reduction & Air Quality

AL/TIV/6 Eastern Urban Extension Phasing

AL/TIV/7 Eastern Urban Extension Masterplanning

Since the adoption of these strategic policies, further analysis and evaluation of the development objectives for the site has been completed as part of the Masterplanning process. This process has resulted in a number of refinements to the development aspirations for the Masterplan area as follows:

The approach advocated in the Masterplan is to create a new neighbourhood for Tiverton, reflecting characteristics of the local area, rather than a separate place with a new identity in its own right. The guiding principles are set out at section 3.3 of the Masterplan are drafted to provide a framework to guide the design process and assessment of individual applications submitted. The process outlined at 1.7 sets out the various steps in design process which will need to be followed for each development area.

Other key revisions include:

The location of the grade separated junction from A361 and link road has been adjusted to present a better relationship with neighbouring properties. This has led to a reduction in quantum of employment floorspace proposed in the North West corner of the Masterplan Area. Introduction of traffic calming measures to Tidcombe Lane. A review of the triggers for the delivery of the key highway infrastructure elements which retain a balanced approach to ensuring deliverability. Rationalisation of the number, position and future expected character of some of the land parcels that are promoted for residential development (away from Tidcombe Fen and West Manley Lane). The strategy to provide sports pitches to include an element of off-site provision. Finally a reduction in the overall density proposed to be equal to 36 dwellings per hectare.

In summary the principles of the strategic level policies as set out in the Mid Devon Core Strategy (Local Plan Part 1) and the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as set out above are now embedded within the adopted Masterplan. Given the nature of the application proposal as stated - outline approval for means of access to serve the site and with a residential density proposed equal to 36 dwellings per hectare, it is considered that the application scheme is in accordance with the high level land-use principals established by the relevant policies as referred above and the adopted Masterplan except where the Policy Framework in the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) has been updated by the

Masterplan as identified above.

The next stages of the planning assessment of this application scheme is to assess the means of access into the site as proposed and highway capacity issues, consider if the application scheme and the documentation submitted to support it satisfactorily demonstrates that the site could accommodate up to 700 dwellings, 22,000 Square metres employment floor space, primary school, care home and neighbourhood centre and the extent to which the application scheme delivers the necessary infrastructure. These matters are considered below.

## **2. Highway and Transport Issues, including phased provision of infrastructure**

The application scheme raises five broad highway and movement issues

- The acceptability of the proposed points of access into the site and capacity issues;
- The proposed new junction on the A361;
- The impact on highway safety and the general amenities of the area during construction and post occupation;
- The impact of the development on the capacity of Junction 27 of the M5;
- Other contributions to highways infrastructure.

### **Acceptability of the proposed points of access into the site, and capacity issues**

There proposed points of access into the site which are proposed for consideration:

- From the new junction on the A361. As stated above detailed planning permissions have been granted for a new junction arrangement to provide access onto and from both carriageways.
- From a new roundabout on Blundells Rd. The roundabout is intended to be a 'Poynton' style roundabout with a diameter of 28m, and will provide the primary link for traffic to access the development proposed both north and south of Blundells Rd and to the new A361 junction;
- A new T junction on Blundells Rd east of main roundabout access to provide a secondary access to the development proposed south of Blundells Rd, and would potentially be to the east of the neighbourhood centre
- Seven smaller accesses into and out of the site from the southern) part of West Manley lane. These seven access points are on the east/west stretch of West Manley Lane toward the southern boundary of the application site. They are intended to serve lower density housing areas, with a different character to the development to the north. Three of these accesses are to single dwellings and one of the accesses would enable traffic from the development in the more northerly parts of the site to access West Manley Lane.

The plans submitted with the application include scaled drawings of the accesses onto/from Blundells Road as well as scaled drawings of the access points onto/from West Manley. The illustrative layout Masterplan also indicates the location of these accesses. In addition

to the illustrative Masterplan layout there is a street hierarchy plan which also shows proposed access points. The Masterplan layout and the street hierarchy plan while showing a combination of these access points are indicative only.

While the access points have been submitted for consideration as part of this application, conditions are also required to ensure that additional public pedestrian/cycle access is provided throughout the development in appropriate phases and in particular to the areas of Green Infrastructure.

The Highways Authority have no objections to the proposed points of access indicated as part of this application although conditions are required to ensure appropriate further detailing is provided and to control the timing of proposed means of access as proposed.

Letters of objection have been received regarding the traffic implications of the proposed development. These relate to impacts on residents of Uplowman Road and Pool Anthony Drive from the LILO junction, increased traffic through Post Hill and Halberton, and increased use of West Manley lane.

With regard to the concerns about the impact of increased traffic levels on the neighbouring residential streets and passing through Halberton. Given the proposed new junction arrangements onto and off the A361 (both westwards and eastwards) have been approved – see section below, it is not considered the application proposals should have a significant impact on capacity and safety issues on this part of the highway.

With regards to the potentially changing nature of the use of West Manley Lane this issue has been the subject of many letters of objection. It is claimed that the lane is used recreationally as well as by vehicles for access to properties. Objections have stated that walkers, joggers and horse riders all use the lane as well as school groups from Blundells School. Concerns have been raised that the proposed development will prevent this recreational use of the lane and increase danger to all users. While there will inevitably be an impact on West Manley Lane as some additional development is proposed, the Highways Authority have not indicated that the proposed development will have an unacceptable impact in terms of capacity or on the safety of road users, subject to ensuring that adequate provision is made within the application site for stopping and passing sections along West Manley Lane, (please see condition 9 of the recommendation). Finally given the structure of the application scheme, West Manley Lane would not be used as a primary route rather it would be used to access a lower density housing area toward the southern boundary of the site and the details of these smaller access points from West Manley Lane have been demonstrated on submitted plans.

The Highway Authority are aware of the concerns expressed by local stakeholders and have not raised any concerns on this basis.

In terms of future capacity the southern parcel of land included in this application will also need to make provision for access to Area B of the Tiverton EUE Masterplan area to the east of the site. The illustrative street hierarchy suggests that a primary route through the site would lead up to the boundary with Area B. It is important that this primary route is provided at a fairly early phase of development to encourage the development of Area B. It is also important that the road links toward Area B are provided up to and including the boundary between areas to ensure a comprehensive form of development

### **Planning permission for the new junction on the A361**

Planning permission has already been granted for a Left in Left junction (LILO) on the westbound carriageway, and also for a full grade separated junction (Cloverleaf) to provide a

link to the east bound carriageway access to and egress from the eastern he north of the application site (which also includes LILO details). The land to accommodate both these aspects of the Masterplan is owned by the applicant, and the provision of the land and a financial contribution proportionate to the scale of development proposed to ensure deliver of these critical infrastructure package is a requirement of the terms of the section 106 agreement as recommended.

Since the planning application for these infrastructure projects were considered by the Planning Committee towards the end of last year, an application to receive up to £7.5 million pounds of Central Government funding has been confirmed, by the Heart of the South West LEP, which will match fund the developer contributions (secured across the Masterplan area).

### **The impact on highway safety during construction and operation**

Permission and now funding is in place for the connections to and from the A361 and for improvements to Blundells Rd and Tidcombe Lane, and as stated this application proposes a distributor road to link Blundells Rd to the new junction on the A361.

The triggers set out in the adopted Masterplan require the delivery of the LILO section of the new junction to form a construction access prior to any development commencing, and the delivery of the LILO section and distributor road back to Blundells Rd to adoptable standards for public use prior to the commencement of occupation of any development. The completion of the full junction is required prior to the occupation of the 600<sup>th</sup> dwelling and or 10,000 square metres of employment floorspace.

Planning application 13/01616/MOUT for up to 330 houses has been approved on the basis that the development cannot be commenced until either the Blundells Road traffic calming and/or the southern section of the new junction for use by construction traffic has been delivered to ensure the impact of construction traffic is minimised (included as part of the Section 106 agreement). The reason why the southern section of the slip road was not required prior to commencement of development was given that the applicant did not own all the land necessary to build it out. Whereas in this case the applicant controls the land to deliver this infrastructure, in addition to the part of the junction on the north side.

Furthermore taking into account the developer contributions already negotiated and the contribution agreed from this application, the funding is available to deliver the southern section of the new junction and the link back to Blundells Rd, and also the northern section on the basis of Government infrastructure funding via the LEP.

Although DCC as Highway Authority are undertaking preliminary investigation regards construction and delivery of the northern section of the junction, and also potentially the southern section, there will need to be a control mechanism to ensure the delivery of the each aspect of the infrastructure.

The Masterplan triggers as set out above were set given the need to protect the general amenities of the area as well as highway capacity concerns. If the same approach to the negotiated triggers was to be the same as the decision on application 13/01616/MOUT, then the delivery of the LILO would not be guaranteed.

To conclude, this application is able to provide the land to deliver the strategic connections to the A361 (northern and southern sections), and a proportionate contribution toward the cost of the infrastructure as well as to the other traffic requirements set out in the adopted Masterplan (improvements to Heathcoat Way/Blundells Road roundabout and Heathcoat Way/Lowman Way roundabout).



Conditions 10- 12 are recommended to ensure the delivery of proposed the key infrastructure needed to make this development acceptable within the application site and/or on land which forms part of the Masterplan Area and it is controlled by the applicant. These contributions are as recommended by the Highway Authority.

In addition the terms of the Section 106 agreement will require the applicant to transfer the necessary land on the northern side of the A361 to enable DCC to deliver the northern section of the junction.

### **The impact of the development on the capacity of Junction 27 M5 motorway**

The Highway Agency does not object to the current application. Junction 27 of the M5 motorway is to be fully signalised. The funding for the signalisation of this junction has been secured through a Section 106 Agreement for the development of land at Farleigh Meadows and through Pinch Point funding provided by the Heart of the South West LEP.

Junction 27 is considered to be the gateway to Mid Devon, North Devon and Torridge. The scheme at Junction 27 aims to increase the capacity at the junction, reduce delay to users of the trunk road network and improve safety by widening and adding part time signals, thereby removing queuing from the motorway mainline. The M5 Junction 27 improvement scheme has been identified by the Heart of the South West LEP as being a priority area required to improve access for the new Tiverton Urban Extension (TEUE) and Tiverton Parkway Station. Works on this scheme have now begun, with no further requirements arising from proposals within the Masterplan Area.

### **Developer contributions to highways infrastructure**

A summary of the contributions towards to highway infrastructure are set out below:

- A financial contribution of £921,053 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Prior to commencement of development.
- A financial contribution of £253,289 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Prior to the first occupation of the 200th dwellings on site.
- A contribution towards the provision of a full grade separated junction to and from the A361, including the LILLO section and the link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme. The total contribution towards this infrastructure from this development has been fairly calculated as £3,684,211. This is the total contribution sought on the basis the application does not deliver the southern slip, referred to as the LILLO above.
- A financial contribution of £851,974 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: 50% to be paid prior to first occupation of the 200th dwelling and 50% to be paid prior to the first occupation of the 300th dwelling on site.

In addition the terms of a travel plan will be required to be submitted as part of the section 106 agreement. This includes providing bus and cycle vouchers per dwelling and a contribution to enhanced bus service provision.

In summary taking into account the matters as considered above, the scope of the mitigation package as outline and the terms of the conditions as recommended the proposals are considered to be in accordance with policy COR9 Mid Devon Core Strategy, policy DM2 Local Plan Part 3 (Development Management Policies.

### **3. Implications of delivering the application scheme.**

An illustrative layout has been submitted as part of the supporting information to seek to demonstrate how the development could be achieved across the site. This is in addition to the design and access statement document.

The illustrative layout has been designed to demonstrate how all the land uses proposed could be accommodated. The layout illustrative includes:

- A site for a care home of 0.78 hectares.
- A site for a development comprising a neighbourhood centre to include shops and other community uses of 0.72 hectares.
- A site for a two form entry primary school and associated playing fields of 1.68 hectares.
- An area for an industrial estate comprising 22, 738 square metres of employment floor space.
- An area for residential development north of Blundells Road providing up to 88 units.
- An area for residential development south of Blundells Road providing up to 612 units.

This level of development can be achieved in building blocks generally accommodating 2 storeys of accommodation with 2.5 storeys employed at key nodal points such as the grouping of buildings around the new junction with Blundells Rd.

The residential development is proposed to include a variety of housing types, including 45 apartments split over four blocks, and a range of 2, 3 and 4 bedroom houses with predominantly on plot and on street parking. Provision is made for some courtyard parking which would clearly only be acceptable if it complied with the guidance in the LPA's adopted SPD on parking.

The layout for the northern development area has been shown to be compatible with the strategic highway infrastructure with low density development on the boundary with the existing housing on Poole Anthony Drive.

The layout for the southern development area, incorporates a network of informal and formal green spaces that further strengthen the links between the streets and development areas. The size and disposition of these spaces is reflective of the development densities proposed and the site characteristics. The layout shows denser housing towards the new junction with pockets of open space, including school playing fields and leading to a landscaped hub north of West Manley Lane, to include community allotments where the housing is at a lower density.

The one aspect of the layout of this area of the Masterplan that does require control at this stage is the suggested development of the area immediately to the east of Mayfair which is shown on the adopted Masterplan as part of the green network. Instead the indicative layout shows that it will accommodate 2 storey houses that would be positioned close to the boundary with the properties on Mayfair. Given the likely relationship it is not considered sensible to promote development in a location that in the adopted Masterplan is protected from accommodating development and this will be controlled by condition.

The indicative layout shows a landscape and community hub just north of West Manley Lane which would as stated above could include an area for allotments. Condition 2 as recommended requires the applicant to submit a strategy for the management and maintenance of all green infrastructure across the application site and the other relevant land owned by the applicant that falls within the boundaries of the adopted Masterplan Area. The strategy would need to include land adjacent to Glebelands and demonstrate its proposed use and function which could include use as allotments if the local community support such a use.

It is considered that the application satisfactorily demonstrates that the quantum of development proposed can be achieved at a scale and density which will be acceptable with the exception of the area directly adjacent to Mayfair. Although the supporting information provides some thumb nail visualisations to demonstrate the relationship between residential buildings, the surrounding spaces and highway provision which will provide guidance at the reserved matters stages, the scope of what is demonstrated is basic and is not considered to be sufficient to impose the level of control at the reserved matters stages that is required. Therefore prior to the submission of reserved matters further guiding principles will be required as set out at conditions 2 and 3 to ensure compliance with the Masterplan process as members have adopted, in addition to any guidance the LPA produce.

In summary the application scheme proposes a level of development that is compliant with the density parameters set out in the adopted Masterplan. At this stage of the process and on the basis of the information submitted and the conditions as recommended, your Officers consider that there is no justification to consider refusing the application on the basis that the application scheme would deliver an inappropriate, un-neighbourly and over dense form of development. The quantum of development set out within this application also reflects that envisaged within Policy AL/TIV/1 and the Adopted Masterplan SPD.

#### **4. Section 106 issues**

The scope of mitigation to be provided off site, and the scope of financial contributions that have been agreed to enable the delivery of new infrastructure to be provided off site is set out on the first page of this report. In terms of the triggers to deliver the key infrastructure packages, the triggers are to be set out which accord with the terms of the planning approval for application 13/01616/MOUT.

In terms of affordable housing provision, if the recommendation as set out is approved, on the basis of delivering 700 homes across the application site, 157 affordable of the dwellings would be occupied on an affordable rent basis (22.5% compared with a target of 35%), and in addition 3 serviced gypsy and traveller pitches are to be provided on the application site – exact location unspecified and would be established at reserved matters stage.

Given this is an outline application the applicant will be required to submit phasing proposals which will establish a delivery plan to ensure that the overall quantum of affordable housing is delivered in cluster groups of no more than 10 in any one phase of development and on the basis of the following mix in terms of unit size (BH = bedroom house) as a percentage of the overall number provided: 35% x 1BH, 40% x 2BH, 20% x 3BH and 5% x 4 BH. The phasing plan should also address the delivery of the serviced gypsy and traveller pitches.

Given the magnitude of the additional costs associated with bringing this site forward for development, (in excess of £8 million pounds) your Officers consider that this is an acceptable response to the relevant Development Plan Policies: Policy COR8 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/DE/3 of the Mid Devon Allocations and

Infrastructure Development Plan Document (Local Plan Part 2) and Policy AL/TIV/1-7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## 5. Other Issues

### i) Arboriculture

A tree survey has been undertaken on the application site with reference to BS5837 and this survey has established the significance of the trees and root protection areas found on the site. It has also derived RPAs (Root Protection Areas) for the trees. The survey indicates that most of the trees within the site are within hedge banks and consist of oak and Ash with some Beech, Sycamore, Birch, Elm and Willow.

The older Oak and Ash have been recorded as receptors that will potentially be affected by development. The careful laying out of development and allocating enough space to the Root Protection Areas should help to reduce any development/tree conflict post completion of construction.

The main impact of the proposed development is the loss of three mature trees for highway access into the employment land (to the north of Blundells Road), although the trees have been identified as of moderate quality, the loss of which is acceptable. The tree survey and impact assessment concludes that development of the site could have a negligible impact on surveyed trees subject to further information and mitigation submitted with detailed/reserved matters applications.

Since the submission of the application the MDDC Tree Officer has been to the site and reviewed the trees and hedgerows. A number of the Oaks and Ash have subsequently been protected by a Tree Preservation Order. This TPO will need to be taken into account when reserved matters for the development of the land are being considered.

On this basis this outline application is therefore in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

### ii) Biodiversity

Protected species and habitat surveys have been carried out on the application site. The surveys conclude that as long as mitigation and implementation of construction stage and long term ecological management plans are agreed with the Local Planning Authority and adhered to then the development will not have any significant adverse effects on biodiversity. The biodiversity report also concludes that the development will not have any residual effects on Culm Grasslands, Tidcombe Fen Site of Special Scientific Interest (SSSI), Grand Western Canal County Wildlife Site, dormice, hedgerows or badgers.

The MDDC Tree Officer has identified the potential importance of the hedgerows and the retention and improvement of these would have a positive impact on the habitats available within the site. Natural England were consulted on the application and an objection was initially submitted. Following their receipt of additional information including a revised Flood Risk Assessment and drainage Strategy Drawing C698/13 Rev D they withdrew their objection as they were satisfied that the revised surface water drainage strategy and SUDs will adequately maintain the existing hydrological regime of the Tidcombe Fen SSSI in terms of water quality and quantity and the potential impact on Tidcombe Fen SSSI.

In order to ensure that the water quality entering the SSSI is adequate conditions have been imposed to ensure the submission of a SUDs planting and maintenance regime as well as a water monitoring programme which needs to be linked to further mitigation where necessary. This information is required to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features.

Subject to the imposition of necessary conditions, with regard to impact on Biodiversity the application is in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

iii) Cultural heritage (archaeology/heritage assets)

Heritage survey works of the application site initially comprised of desk-based assessment, assessment of heritage asset settings and a geophysical survey in order to address below-ground archaeological resources, visible archaeological resource and historic buildings and landscape. The Devon County Council Historic Environment Service (DCC HES) indicated that the work carried out was not sufficient to determine what below-ground archaeological remains may be present and required a series of trenches to be dug in order to test the results of the geophysical survey. Trenches were dug on the relevant areas of the site as agreed with DCC HES and the County Archaeologist reviewed the trenches and the archaeological remains found within them. Prehistoric ditches were found as well as pits containing Neolithic or early Bronze Age flint and decorated pottery. A prehistoric pot with cremated human remains was also identified.

The archaeological evaluation demonstrated the widespread, but truncated, presence of prehistoric and possibly Romano-British activity across the proposed development site and ground works associated with the construction of this development will expose and destroy these heritage assets with archaeological interest. However, the HES have concluded that the significance of these heritage assets are not sufficient to require preservation in situ. On this basis the County archaeologist is able to support a positive decision on the application subject to further works which can be controlled by condition.

It is necessary for further archaeological work to be carried out on the site before any development takes place. The works would form a staged programme of archaeological investigation consisting of: excavation of further investigative trenches to refine the areas of archaeological sensitivity across the application area; a programme of archaeological investigation of areas identified by (i) where the development will have an impact upon archaeological deposits and where further more detailed archaeological investigation and recording is required. This will take the form of area excavation, as well as strip, map and recording of areas of archaeological activity across the site; production of an appropriately illustrated and detailed publication report detailing all of the stages of archaeological fieldwork as well as any post-excavation assessment and analysis undertaken; production and deposition of a digital site archive.

In addition to the additional archaeological work carried out the cultural heritage report submitted with the application also reviewed impacts on other types of heritage assets. The report concludes that the development of the site will not lead to 'substantial harm to or total loss of the significance of a designated heritage asset. English Heritage was consulted on the application and they initially objected as they did not feel the potential impact on the Knightshayes Estate had been appropriately considered and require representative photomontages of the proposed development to be submitted. Following discussions English Heritage have withdrawn their objection on the basis that any potential impact on Knightshayes could only be assessed when the layout of proposed development was submitted for consideration. A condition has therefore been included requiring this information with the receipt of a reserved matters application.

Subject to the imposition of the necessary condition regarding further archaeological works and photomontages, the development, with regards to cultural heritage issues is in accordance with the requirements of policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

iv) Landscape and visual impacts

The landscape and visual impact report considers the effects of the proposals on the physical landscape attributes of the site, visual amenity of views towards the site and the

consequential effects on the landscape character of the surrounding areas. The report indicates that measures to reduce the impacts of the development of the site form an integral part of the design. At this outline stage there is no proposed design to consider, however the visual impact of the future design will be assessed at the reserved matters stage of the planning process.

The retention of landscape features such as trees and hedgerows as well as new planting will help to reduce the impact of development on the character of the landscape and to reinforce the important landscape features.

The landscape and visual impact assessment submitted as part of the Environmental Statement concludes that the development of the site will not result in any significant adverse residual impact to wider landscape character. Further analysis of the landscape and visual impacts of the development of the site will be required when a layout and development design are proposed.

#### v) Flood risk and drainage

The flood risk and drainage assessment included in the Environmental Statement includes the baseline runoff of the site and calculates the existing (greenfield) and proposed (design) infiltration and over flow run-off rates.

A revised Flood Risk Assessment and surface water drainage strategy was received following the receipt of the application. These documents provided more information regarding the hydrological situation on and close to the site and resulted in Natural England as stated above, and the Environment Agency removing their objections to the development.

It is intended that surface water runoff from the proposed development will be intercepted by on-site drainage systems designed to contain the runoff from storms. During larger storm events rainfall will be held back within the development and discharged at greenfield (existing) rates into the receiving ditch and watercourse systems. The drainage arrangements are proposed to include Sustainable Urban Drainage Systems (SUDs) features such as swales, detention basins and ponds.

#### vi) Air Quality

The assessment methodology used to consider the impact of the development in terms of air quality is stated as broadly following the guidance by Environmental Protection UK. The air quality assessments have been carried out in phases: 1 baseline data used to establish existing air quality, 2 potential sources of air pollutants identified and quantified, 3 impacts of identified emissions on existing air quality arising from the development, 4 suggested mitigation, 5 residual effects predicted and significance evaluated.

Air quality at the development site is expected to be good and meet Air Quality (England) Regulations 2000 and 2002 amendment set for the protection of human health.

Air Quality assessment has identified that there is a high risk of dust impacts at nearby residential properties in the absence of suitable mitigation. Construction management and mitigation practices as recommended by the Institute of Air Quality Management can effectively control and minimise dust emissions. This can be controlled through a construction environmental management plan to be agreed prior to commencement of development which would reduce the risk of impact to slight adverse at its worst.

There are air quality impacts expected as a result of changes and increases to traffic flows. While the traffic flows will increase in the area, the new junction at the A361 will remove some of this traffic directly on to the A361. The Air Quality assessment that has been undertaken has concluded that the development will have the following effects on Air Quality:

- moderate adverse effect at four receptors, including two close to Blundells Road, Horsdon Road and receptor at Uplowman Road
- slight adverse effect at seven receptors including the existing houses close to the new distributor road linking the new southern section of the junction to Blundells Road and others on Blundells Road;
- negligible effects at other receptors across the application site and Masterplan area;
- negligible effect on ecological receptors;

While the assessment includes information on the predicted effects of the provision of both the southern section of the new junction and the junction in full, these impacts been previously considered as part of the assessment and decision to grant planning approval for the construction of this infrastructure.

#### vii) Noise

The Environmental Statement has considered impacts from noise and vibration through the development of this application site. The impacts on both existing and future residential properties have been considered.

The noise assessment is based on detailed environmental noise surveys undertaken on the site as well as noise modelling and noise predictions as well as traffic data. Within the assessment of noise, noise is considered as unwanted or undesirable sound derived from sources such as road traffic or construction works that interfere with normal activities such as conversation, sleep or recreation. Vibration is defined as transmission of energy through the medium of ground or air resulting in small movements which can cause discomfort or even damage to structures if movements large enough.

The potential for and impact of noise associated with the construction and use of the southern section of the new junction LILO/Cloverleaf have been previously considered during the assessment of planning application 14/00667/MOUT and this information has not been repeated in this report.

Construction noise predictions are based on assumptions about what plant would be used and that predicted noise levels have been based on a worst case scenario assuming no screening between source and receiver. Noise levels during demolition and construction are predicted to remain within the 65 dB(A) target for all works.

Vibration impacts are identified as likely to be worst during construction of the cloverleaf junction to the north of the application site, as this is the only place where piling will be required. The assessment indicates that there is low potential for vibration at any off-site receptor location to reach perceptible or significant levels.

The impact of ambient noise on the proposed development area is based on the 2026 future scenario, taking account of the 700 new homes and employment development. The predicted noise levels indicate that the majority of the site will require no specific acoustic treatment, in terms of future mitigation. The noise assessment indicates that a majority of the new dwellings within the site will experience good to reasonable internal noise levels (with

windows partially open). The properties overlooking Blundells Road will require an updated facade treatment through acoustically rated glazing and ventilation components to achieve good internal noise levels. Therefore it is considered that any impact on residential amenity of proposed development would be negligible.

The noise assessment also calculates that the noise impacts from change of use of the site to residential uses will have a negligible to minor change in road traffic noise generation on local road links. The increase in use of the A361 would have barely any impact of negligible significance on noise associated with this road.

As the employment uses have not yet been determined no mitigation has yet been proposed. A noise controlling condition, in conjunction with advice from Environmental Health will be imposed to ensure that any residual commercial noise impacts would be maintained at a level of negligible to minor impact significance. Overall it is considered that subject to conditions being imposed on the future development regarding noise levels, the development of the site will be in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).

*a specific noise limiting/controlling condition will be required to control noise from future employment uses....environmental health have not offered an advice on maximum dB(A) levels and they will need to provide this...*

#### viii) Ground conditions and Contamination

A combination of desk study, walkover study and some 'on site' intrusive investigation has been carried out and this has indicated that there are unusual impacts associated with the proposed development. Any potential impacts are stated to be able to be mitigated against through further investigation, design and managed construction. The ground conditions are suitable for surface water drainage. The site has predominantly been in use for agricultural purposes and there are no known contaminants of the land. The metal levels found are below guideline values for residential development. With regards to ground conditions and contamination the application is in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

#### iv) Green Infrastructure

As set out at point 3, the illustrative Masterplan layout for this application indicates possible areas for different types of green infrastructure including play areas, recreational space and allotment space to the north of the SUStans route, the provision of this can be controlled via condition.

In addition as stated above the applicant has also agreed to dedicating land to the east of Glebelands for use as Allotments. This use would be in accordance with the Green Infrastructure requirements for Part A of the Tiverton EUE Masterplan SPD which identifies that 2 ha of allotments should be delivered. Access to the allotments could be obtained for pedestrians from the SUStans route to the north and vehicular access potentially from Glebelands. However, some of the green infrastructure area under the control of the applicant has not been included in the red line application site. In order to ensure its delivery in a co-ordinated way, a green infrastructure strategy for this area under the applicant's control will be required by condition.

#### xi) Utilities



A number of comments have been raised by local stakeholders regards the capacity of the existing sewage works to accommodate the amount of new development proposed. Members will note from the comments from South West Water as set above that they also express concern about this issue as in their view they consider that development above 650 homes in the Masterplan area will exceed existing capacity levels. SWW are of the view that the scope of investigation and subsequent schedule of works will need to be at the applicant/developer's full cost, and this should be secured as a planning obligation within the Section 106 agreement.

There is case law on this matter, and the in terms of whether it would be lawful to require the applicant make any contribution towards any infrastructure it is necessary to consider SWW's statutory powers and duties.

The Water Industry Act of 1991 ("the 1991 Act") plainly intends to set out a comprehensive statutory scheme pursuant to which a sewerage undertaker can charge users of the sewerage infrastructure for services provided. In particular, it specifically sets out the charges that can be imposed in respect of the connection of a new development to the public sewer network. It also includes the important safeguard of regulation/supervision by Ofwat of undertaker's charging schemes. Case law suggests that, it is not legitimate for a Local Planning Authority considering a planning application to duplicate, bypass and/or impose more onerous requirements than the costs recovery provisions set out in the 1991 Act by requiring a section 106 obligation to pay the sewerage infrastructure costs arising out of a new development. This would frustrate the operation and objectives of the 1991 Act.

Furthermore, one of the requirements of the section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is "relevant to planning" and it is not considered that this requirement would not be met. The reason being that the costs necessitated by the development's connection to the public sewer network are not "relevant to planning" since they are dealt with by non-planning legislation, i.e. the 1991 Water Act.

A further requirement of Section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is it is "necessary to make the proposed development acceptable in planning terms. It is not considered necessary for SWW to recover those costs by means of a section 106 obligation since it is able to impose charges under the 1991 Water Act.

A further requirement of Section 123 of the Act regards the imposition of planning obligations requires that an obligation should not be sought unless it is "reasonable in all other respects". It is not considered reasonable to seek a contribution that would duplicate, bypass and/or impose more onerous requirements than the costs recovery provisions specifically set out in the 1991 Water Act.

Therefore in summary it is not considered reasonable to seek to require the developer to make provision to fund infrastructure, given that SWW will be able charge the developer who implements the application scheme to use their sewerage infrastructure in accordance with the costs recovery provisions set out in the 1991 Water Act.

Following consideration of the points as set out above, SWW have provided further comments (rec'd 18 March) as to how they plan for and ensure there is sufficient capacity to accommodate new development, as set out below:

SWW do not automatically include an allocated site in our business planning process as there is no guarantee that anyone site will be promoted and built out. Once developer interest has been expressed and there is some certainty with regard to the commencement

of development of a site a detailed evaluation process can be undertaken, and then utilising the Requisition process for network upgrades, (after a developer has certainty of timing), we can provide certainty to the developer and LPA that the extra flows can be accommodated. In order to make this work though we may need to have planning conditions suitable for the development of a site to be controlled until any necessary network upgrades can be provided.

Given that SWW have confirmed that they know that the extra flows from up to 650 houses across the masterplan area can be accommodated before they may need to undertake any further capacity work, and a resolution has been passed approving up to 330 houses under LPA ref: 13/01616/MOUT, the following conditions is recommended as condition 19 for consideration by the committee to redress this issue:

No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity within the public foul sewerage network to accommodate the foul sewage discharge from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

Reason: To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

.....

With regards to other utilities, as part of the application process the application has commissioned a review of the other utilities that will be needed by future occupiers (water, gas and electricity). The results of this study demonstrate that a £2,969,988.00 investment off site will need to be made in order to develop out the application site and also area B which is promoted for approximately 500 dwellings in the adopted Masterplan. At the time of writing your officers are reviewing this information in order to validate the scope of the investment that is set out by the applicant to be required.

The applicant has advised that the works are not proposed on a phased basis, and will need to be completed in full prior to any further development within the Masterplan area, over and above that approved under application ref: 13/01616/MOUT. Furthermore the applicant has advised that in order to develop out the development as submitted in this application the entire investment programme for the three utility providers would need to be completed in full. This effectively means that this applicant will be subsidising the future development of Area B (up to 500 units). On the basis of the proposed number of units across the application site and area B (700 + 500) this equates to a unit cost of £2,475.00 per unit. Obviously if the number of units delivered across area B increases the unit cost would decrease and vice versa.

Whilst not a matter in the determination of the application scheme, the Section 106 Agreement provides a legal mechanism to establish that the Local Planning Authority will secure a proportionate contribution towards the investment required towards providing water, gas and electricity across Area B of the Masterplan by imposing a levy of approximately £2,500.00 per dwelling towards such services only.

## **6. New Homes Bonus**

Sections 143 of the Localism Act amends Section 70 of the Town and Country Planning Act 1990 so that when determining planning applications, Local Planning Authorities should also

have regard to any local finance considerations, so far as material to the application. Local finance considerations means a grant or other financial assistance that has been, or will or could be provided to the relevant authority by a Minister of the Crown, or Sums that a relevant authority has received, or will or could receive, in payment or a Community Infrastructure Levy.

In respect of this application consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £4,317,600.

## **7. Summary/Planning Balance**

The principal of developing the site for up to 700 dwellings, 22,000 square metres B1/B8 employment land, primary school, neighbourhood centre and care home, including details of the means of vehicular access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Tiverton Eastern Urban Extension Masterplan, and the submissions provided with the application suggest that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process and this will be supplemented by further guidance to be approved by the Local Planning Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

The arrangements regards providing access into the site have been assessed and are considered capable of ensuring an acceptable means of access into the site subject to various restrictions. Planning permission has already been issued for the construction of a new grade separated junction on the A361 and distributor road linking back to Blundells Road, on land which is owned by this applicant. The level and tenure of affordable housing is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

In terms of delivering the key highway infrastructure the applicant has agreed to make the necessary land available and this will be controlled as part of the Section 106 Agreement. The applicant has an option to deliver the infrastructure or make a proportionate financial contribution towards it's delivery by the Highway Authority. Overall it is considered that the application scheme can be constructed and then operate without having severe impacts on the transport network. The Highway Authority has confirmed their support for this application and the means of access that have been proposed.

The following conclusion was reached by the Government Inspector who was responsible for overseeing the Public Inquiry into the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) which is now part of the adopted development plan, and allocates the site for development.

'It is inevitable that the urbanisation required by Policies AL/TIV/1-7 will engender major alteration to the surroundings and the lifestyle of its present residents of the EUE and users of its existing community facilities and farmland. However, it is not proposed that built development occupies any area subject to any protective designation for wildlife or landscape and flood risk due to increased run-off will be addressed by sustainable drainage systems. Otherwise there is sufficient scope for all potential conflicts between land uses to be avoided by way of the master planning exercise yet to be initiated by Mid Devon District Council under Policy AL/TIV/7 without modification to the boundaries of the allocation as whole or the area of Green Infrastructure designated within it. Additional road traffic is subject to controls on transport phasing in Policies AL/TIV/2 and 6 to avoid undue congestion and disturbance, in particular along Blundells Road. Finally, the strategic requirement of the adopted Core Strategy for this level of development in eastern Tiverton overrides the loss of farmland in this instance.'

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application is capable of being delivered in accordance Policies AL/TIV/1-7 and the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document. The delivery of the new A361 junction and primary school is on land controlled by the applicant and financial contributions towards highway infrastructure, education and other community facilities are agreed as part of the obligations under Section 106 of the Act. Therefore application is recommended for approval with a series of conditions to control many aspects of the development of the site.

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:
  - i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,
  - ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other relevant land owned by the applicant that falls with the boundaries of the adopted Masterplan Area. The Strategy document shall set out the management, maintenance, access and use arrangements for each land parcel and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels.
  - iii) A low emissions strategy.

Reserved matters applications for the site shall incorporate the approved details.

3. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan.
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
5. The detailed drawings required to be submitted by condition 3 shall include the following information:
  - i) Boundary treatments, existing site levels, finished floor levels, long and cross sections through the site indicating relationship of proposed development with existing adjacent development with Properties in Poole Anthony Drive and Mayfair where appropriate
  - ii) Provision of a landscaped buffer where the application site shares a party boundary with existing properties on Mayfair and Poole Anthony Drive in accordance with the adopted masterplan.
  - iii) Protective measures for all Grade A trees on the site.
  - iv) Measures to demonstrate compliance with the carbon footprint targets as set in the policy AL/IN/6 and AL/TIV/5.
  - v) Single image photomontage of the proposed development from Knightshayes and Knightshayes Estate;
  - vi) Heritage asset setting protection statement. The submission shall include an assessment of the impact of the proposed development on Knightshayes and Knightshayes Estate; and details of hedgerow provision and retention or other measures to reduce any visual impact of the proposed development.
  - vi) A habitat assessment and mitigation plan
6. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

- 8 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.
- 9 The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:
  - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
- 10 No development shall take place on site until the Left in Left out junction onto the A361 previously consented under LPA ref: 1400667/MFUL has been constructed and made available for use.
- 11 No development hereby approved shall take place on land to the south of Blundells road and/or the employment land until the roundabout at the junction of Blundells road and the link road hereby approved has been constructed and made available for use.
- 12 The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundells Road to the boundary of the site adjoining Phase B of the Masterplan Area shall be constructed and made available for use in accordance with a delivery programme that will be submitted to and agreed in writing by the Local Planning Authority and prior to commencement of any development. The highway works shall be provided in accordance with the agreed delivery programme.
- 13 No development shall take place on site until the off-site highway works for the provision of passing places, highway mitigation measures, transport strategies on West Manley Lane have been submitted to and agreed in writing with Local Planning Authority. The approved proposals shall be implemented and made available for use according to an approved program of works.
14. Prior to commencement of development of each phase of the site a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
  - (a) The timetable of the works;

- (b) Daily hours of construction;
- (c) Any road closure;
- (d) Hours during which delivery and construction traffic will travel to and from the site;
- (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) The means of enclosure of the site during construction works;
- (i) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (j) Details of wheel washing facilities, road sweeping and strategies to mitigate against any dust, noise, fumes, odour and waste that arise from the development hereby approved;
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (l) Details of the amount and location of construction worker parking;
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

15. No development should take place until a long-term water quality management and maintenance programme in respect of the proposed sustainable urban drainage scheme (SUDs), both during and post construction, including arrangements for a timetable of monitoring and reporting, is submitted to and approved in writing by the Local Planning Authority. Such water quality management and maintenance programme shall be designed to ensure that surface water quality leaving the application site will not have a detrimental impact upon Tidcombe Fen SSSI. The submission shall identify where remediation / mitigation is necessary as a result of inadequate operations of the SUDs resulting in an inadequate quality of water leaving the SUDs system and entering the Tidcombe Lane Fen SSSI. Any necessary remediation / mitigation measures shall be carried out in accordance with the details in the approved submissions. On completion of the monitoring specified in the approved programme a final report demonstrating that all long-term remediation / mitigation works have been carried out shall be submitted to and approved in writing by the Local Planning Authority.

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

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

17. No development shall begin until a detailed methodology for the formation and construction of both the retention ponds and swale as shown on drawing PFA consulting drawing C/698/24, including the timing of delivery and an inspection schedule, has been submitted to, and been approved in writing by the Local Planning

Authority. The approved methodology, timing of delivery and inspection schedule shall be strictly adhered to for the completion of the development.

18. Noise from operations conducted at any of the employment premises on the application site shall not at any time exceed a decibel level of LAeq (1hour) 55 dB as measured on any boundary of the site with adjoining residential properties, between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays, and LAeq (15min) 45 dB(A) during any other time including Bank Holidays.
19. No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity within the public foul sewerage network to accommodate the foul sewage discharge from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

## **REASONS FOR CONDITIONS**

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. To ensure the site is developed in accordance with the adopted Masterplan for the Tiverton Eastern Urban Extension and Policies AL/TIV/1-AL/TIV/7 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To protect water quality and minimise flood risk and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with policy DM2.
8. To ensure the proper development of the site and to safeguard with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents, and in accordance with policy in National Planning Policy Framework.
11. To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework.
12. To ensure that adequate facilities are available for construction traffic and the delivery of the Allocated site in its entirety to satisfy the requirement of the adopted Masterplan.



13. To minimise the impact of the development on the West Manley Lane and in accordance with the National Planning Policy Framework.
14. To minimise the impact of the development on the highway network during the construction phases, and in accordance with policy in National Planning Policy Framework.
15. In order to ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen, and in particular to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features, in accordance with Policy DM30 of the Local Plan Part 3 (Development Management Policies).
16. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).
17. To ensure that this part of the scheme drains effectively in order to maintain the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
18. To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.
19. To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

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

The principal of developing the site for up to 700 dwellings, 22,000 square metres employment floor space, primary school, care home and neighbourhood centre and the proposed means of access to service the application site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process and this will be supplemented by the publication of a Design Guide prepared by MDDC with feed in from key stakeholders. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The delivery arrangements for improvements to the existing and new highway infrastructure, including via a new junction onto and off of the A361 as already permitted, are controlled by condition and/or as part of the Section 106 agreement as recommended. The level and tenure of affordable housing as recommended is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

The delivery of development on this application site can be achieved in line with the highways infrastructure triggers as set out in the adopted Masterplan, and the triggers and phasing within AL/TIV/6, as permission has already been granted for the provision of the LILO and Cloverleaf junctions, plus they are to be provided on land within the applicant's ownership. It is considered that the application scheme can provide safe access to the site during construction and post occupation without having severe impacts on the transport network. The Highway Authority has confirmed their support for this application and the

means of access that have been proposed.

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application is generally in accordance Policies AI/TIV/1-7 and the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document in respect of the phasing and delivery of highway infrastructure. The delivery of the new A361 junction (both LILLO and Cloverleaf junction is within land controlled by the applicant and external government funding has been granted toward the cost of the provision of the full grade separated junction (Cloverleaf). Financial contributions towards highway infrastructure, primary school etc. are required via the S106 agreement. The application is recommended for approval with a series of conditions to control many aspects of the development of the site.

The Human Rights Act 1998 came into force on 2<sup>nd</sup> 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**

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01884 234369

**Background Papers**

13/01616/MOUT  
14/00667/MFUL  
14/01168/MFUL

**File Reference**

14/00881/MOUT

**Circulation of the Report**

Cllr Richard Chesterton  
Members of the Planning Committee