

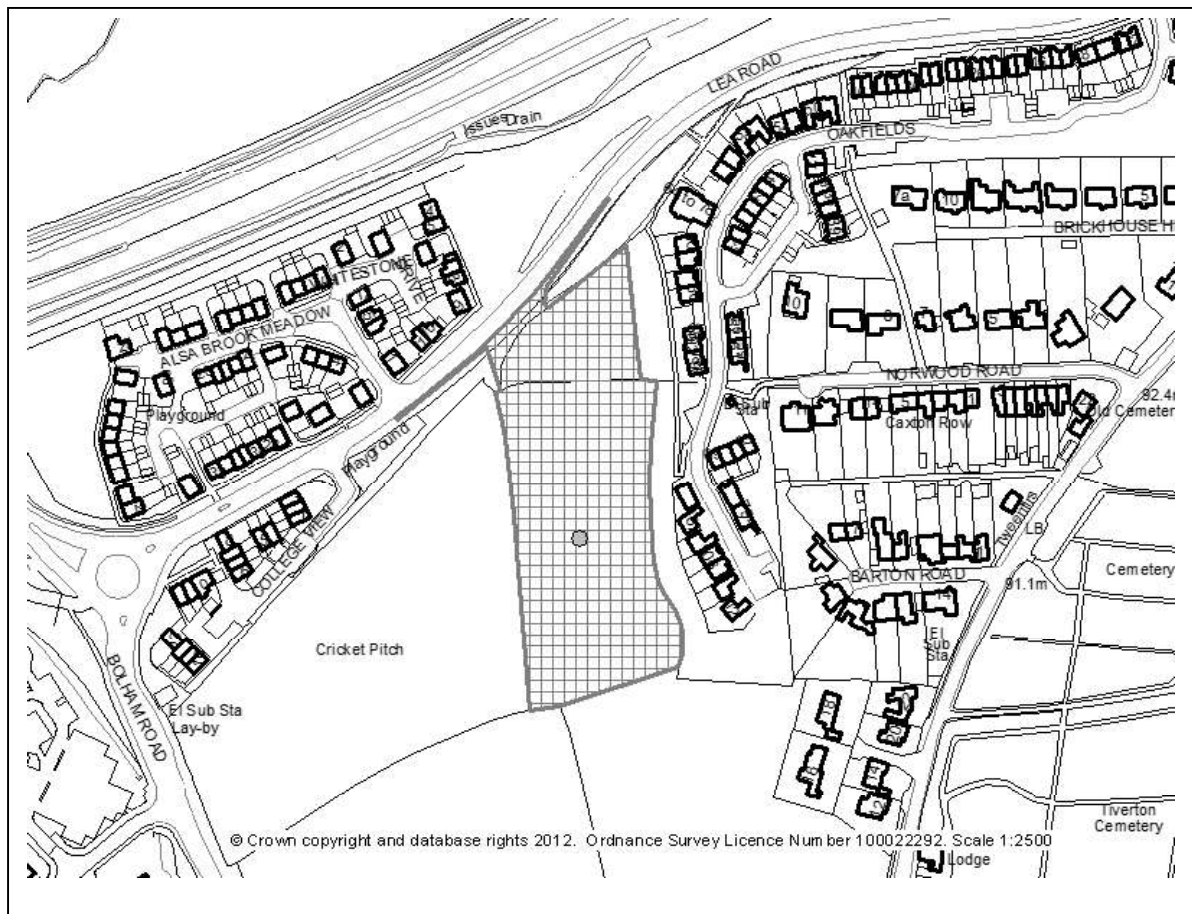
Grid Ref: 295527 : 113644

Applicant: The Frankpitt Family
Trust

Location: Land at NGR 295527
113644 (South Of
Lea Road) Tiverton
Devon

Proposal: Outline for the
erection of 41
dwellings and
formation of vehicular
access

Date Valid: 2nd November 2016



Application No. 16/01707/MOUT

RECOMMENDATION

Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.

RECOMMENDATION

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

1. The provision of 12 affordable dwellings on site (35%)
2. A financial contribution of £49,405 towards the provision of a new play area garden at the entrance to Amory Park, including new fencing, entrance gates, furniture and signs
3. A financial contribution of £139,933 towards the provision of additional primary education facilities

PROPOSED DEVELOPMENT

The proposal is an outline application for the erection of 41 dwellings (12 affordable) on land south of Lea Road and to the west of the existing Moorhayes development at Oakfields. Access is to be from Lea Road and is to be determined under this outline application. Layout, scale, appearance and landscaping have been reserved for later consideration under a reserved matters application.

The site comprises approximately 1.29 hectares of sloping pasture land between the existing residential development at Oakfields, Moorhayes, and the school sports pitches fronting Bolham Road. Planning permission was previously granted under reference 07/01559/MFUL for the erection of 95 dwellings on a larger parcel of land including the site the subject of this application, however, that planning permission was not implemented and has now expired. This site was allocated for residential development in a previous plan. There is no current development allocation. It is within the settlement limits of Tiverton.

A suitable surface water drainage scheme with attenuation is proposed.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Heads of terms
Drainage strategy report
Ecological appraisal
Energy statement
Flood risk assessment
Planning statement
Residential travel plan
Transport statement
Geotechnical and environmental investigation
Storm sewer calculations

PLANNING HISTORY

07/01559/MFUL Erection of 95 dwellings, access roads, pedestrian footpath links, landscaping and associated works - PERMIT - 08.02.2008

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
COR11 - Flooding
COR13 - Tiverton

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

AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM28 - Green infrastructure in major development

CONSULTATIONS

TIVERTON TOWN COUNCIL - 17th January 2017

Having provided the amended information Tiverton Town Council is now satisfied and therefore supports the application.

7th December 2016 - Deferred. Concerns regarding gradient profile, the flooding history in the area and soil characteristic. There are also concerns over drainage plans. Felt that more information was required before a recommendation could be made.

HIGHWAY AUTHORITY - 15 November 2016 -

Observations:

The proposed development has been subject to pre application advice and the site already has the benefit of an existing consent which has lapsed. The proposal is acceptable to the Highway Authority in principle and the point of access in relation to the existing highway network and planned redevelopment of the school is also acceptable.

The application is will all matter reserved except for access therefore the following conditions need to be imposed.

Recommendation:

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

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

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

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

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

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

3. 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

4. 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

5. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) Details of the amount and location of construction worker parking.

7. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

LEAD LOCAL FLOOD AUTHORITY - 3rd January 2017 - stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

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

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

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

Observations:

Following my previous consultation response FRM/MD/01707/2016, dated 23rd November 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted a letter (Ref. C151789/MJE/001, dated 16th December 2016) which states that the area used for the calculation of the site's greenfield runoff rates has been reduced to 0.898 ha.

This has been accompanied by a Drainage Strategy (Report No. C151789, Rev. -, dated 13th December 2016), MicroDrainage model outputs (dated 14th December 2016), and a Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016), which are all acceptable.

The aforementioned letter also provides, in this instance, an acceptable justification for the use of 30% as the climate change uplift value for the proposed surface water drainage management system.

Furthermore, the aforementioned letter satisfactorily addresses the issues relating to the proposed permeable paving and underground attenuation tanks, as well as long term storage.

23rd November 2016

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of the Mid Devon Local Plan (Part 3) (Development Management Policies), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

Observations:

The Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P2, dated 5th July 2016) shows that the total area being drained is 0.434ha, although the proposals are to discharge the surface water runoff at the greenfield runoff rates calculated for the total site area of 1.24ha. The applicant must note that, in accordance with Chapter 24.2 of CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent. The applicant will therefore be required to revise the proposed off-site discharge rates to accord with the area being positively drained to the proposed surface water drainage management system.

I would also note that the aforementioned drawing refers to the use of the 1 in 100 year (+30% allowance for climate change) rainfall event. However, following the publication of the Flood Risk Assessments:

Climate Change Allowances document (dated 19th February 2016) by central government, the applicant will be required to use a climate change uplift value of 40% when sizing the proposed surface water drainage management system for this development.

The aforementioned drawing also proposes the use of permeable paving, which I would support in principle as it will serve to manage some of the surface water runoff generated from this proposed development at source, in accordance with the SuDS Management Train. However, in the absence of infiltration testing results at the locations and depths of the proposed permeable paving at this outline stage, the applicant will be required to treat these areas as being lined and therefore positively draining to the attenuation systems. This is also particularly important because the site is located on a steep slope, and as such the use of infiltration devices needs to be carefully considered to ensure that infiltrating water will not raise groundwater levels, emerge further downslope, or destabilise the slope itself.

In the meantime, the applicant must also note that where infiltration is not used, long term storage must be provided in order to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates.

Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

The aforementioned drawing also refers to the possible provision of an impermeable bund on the western boundary of the site in order to manage exceedance flows. I would support the incorporation of such a feature given the gradient of the site and the need to minimise the risk of off-site flooding during exceedance events.

I also note that the aforementioned drawing shows that the privately maintained attenuation feature is a underground tank. However, the applicant should note that these underground crates cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS.

Consequently, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

HISTORIC ENVIRONMENT SERVICE - 7th November 2016

I refer to the above scheme and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets.

Based on the information available in the Historic Environment Record to date the Historic Environment Team has no comments to make on this scheme or any future planning application for the development of this site.

ENVIRONMENTAL HEALTH - 9th November 2016 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - To reduce the likelihood of nuisance from the storage of refuse the following should be applied:

Three-storey residential flats with communal refuse facilities

Internal Storage

To help residents within the flats to actively move towards a culture of recycling wherever possible, we encourage architects / designers to provide space (typically in the kitchen area of each property) for residents to be able to separate out waste into two different containers - one for recyclable and one for non-recyclable waste.

External Storage

It is recommended that space be provided for communal refuse and recycling facilities in line with the revised British Standard BS5906 Waste Management in Buildings.

Housing Standards - No comments

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objection enforced by HSE

NATURAL ENGLAND - 10th November 2016

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

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

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

Statutory nature conservation sites - no objection

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

Protected species

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

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

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

Local sites

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

Biodiversity enhancements

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

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

Landscape enhancements

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

Sites of Special Scientific Interest Impact Risk Zones

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

DEVON, CORNWALL & DORSET POLICE - 9 November 2016 -

I have read the Design and Access statement and am disappointed to find that there is no mention of Crime and Disorder even though it is a material consideration.

It is appreciated that this is at the outline stage, but early consultation with the police frequently prevents delays further down the process when crime and disorder issues present a problem with the layout of a submitted design.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community, in addition to the layout the physical security is now a consideration.

Based on the limited indicative plans available, the police make the following initial comments from a designing out crime point of view.

A physiological barrier at the entrance to this development such as a change in road colour to define the private road and brick pillars would emphasise privacy and give a gated impression.

Car parking provision will require careful consideration if tension between neighbours from unsocial parking is to be avoided. On street parking, whilst being overlooked can leave vehicles vulnerable to opportunist car crime and vandalism.

Courtyard parking should be small in size and close to the owners homes or it will not be used resulting in vehicles being parked on streets and pavements.

Whilst 'communal open space' is indicated, there appears to be no provision of LAP or LEAP, likely resulting in young people playing in the street and parking courts leading to conflict with car owners.

I would like to see a very strong definition between what is private and what is public land, with strong defensible space. It is unclear what boundary treatments are to be used.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 13th January 2017

Good to see all affordable rent, but if not then 60/40 affordable rent/shared ownership.

Percentage would like to see 20% 1 Bed, 50% 2 Bed, 30% 3 Bed

1 Bed 2 units

2 Bed 6 units

3 Bed 4 units

DEVON COUNTY EDUCATION - 12th January 2017

Since the pre-app response we have changed our education infrastructure plan that sets out the contribution rates for primary and secondary education. Please see below for an updated response for the above application. There is currently capacity at secondary level and therefore a contribution towards secondary will no longer be sought.

The proposed 41 family-type dwellings will generate an additional 10.25 primary pupil and 6.15 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at both the local primary school that serve the address of the proposed development. The primary contribution sought would be £139,933 (based on the current DfE extension rate of £13,652 per pupil) which will be used to provide primary education facilities in the Tiverton area. There is currently capacity at the

nearest secondary school and therefore a contribution towards secondary education would not be required.

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

LEAD LOCAL FLOOD AUTHORITY - 2nd January 2017

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

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

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

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

Observations:

Following my previous consultation response FRM/MD/01707/2016, dated 23rd November 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted a letter (Ref. C151789/MJE/001, dated 16th December 2016) which states that the area used for the calculation of the site's greenfield runoff rates has been reduced to 0.898 ha.

This has been accompanied by a Drainage Strategy (Report No. C151789, Rev. -, dated 13th December 2016), MicroDrainage model outputs (dated 14th December 2016), and a Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016), which are all acceptable.

The aforementioned letter also provides, in this instance, an acceptable justification for the use of 30% as the climate change uplift value for the proposed surface water drainage management system.

Furthermore, the aforementioned letter satisfactorily addresses the issues relating to the proposed permeable paving and underground attenuation tanks, as well as long term storage.

REPRESENTATIONS

1 representation summarised as follows:

The land is subject to covenants which restrict its use to agricultural only.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

1. Principle of development
2. Access
3. Drainage and ground stability
4. Indicative layout, including parking and potential effects on neighbouring residents
5. Landscaping and ecology
6. Open space, section 106 and other financial considerations

1. Principle of development

The site is within the defined settlement boundary of Tiverton where the principle of new residential development is acceptable under policies COR1, COR3, COR9, COR12 and COR13 of the Mid Devon Core Strategy which seek to focus development in the most sustainable locations, close to services, facilities and public transport provision.

The site is on the western edge of the Moorhayes development and is close to retail and leisure facilities, bus transport and schools and has previously been granted planning permission for residential development under reference 07/01559/MFUL, although that planning permission was not implemented.

The application is outline with access to be determined and all other matters reserved for later consideration.

2. Access

It is proposed to provide a new vehicular access from Lea Road. The Highway Authority is satisfied with the proposals, subject to conditions relating to provision of the access, estate roads, parking and drainage. The estate road design to be approved by condition and as part of the layout under reserved matters needs to include the design of any retaining walls as the proposed development would be on sloping land.

The location and design of the access has taken into consideration the proposals for a future new access to the west of the site to serve the relocated Tiverton High School, should this come forward, and the Highway Authority has confirmed that the proposals under this application will not compromise the school's future plans.

The proposal is considered to comply with policy COR9 of the Mid Devon Core Strategy in respect of transport planning, accessibility and road safety, and policy DM2 of the Local Plan 3 Development Management Policies in respect of creation of accessible places that encourage sustainable modes of travel such as walking and cycling.

3. Drainage and ground stability

The surface water drainage system is intended to be an adoptable network of attenuation tank sewer pipes with an outfall into the public surface water sewer system at rates no greater than the existing greenfield run-off rates. Storm event overflows will be held in a cellular attenuation tank and drain back through into the system once water levels have reduced. A further above-ground attenuation feature along the western hedge boundary is proposed to intercept any further exceedance flows.

Investigations have confirmed that a SUDS system is not suitable for this site due to the borderline suitability of the ground conditions for infiltration and the sloping nature of the site. It may be possible

to use permeable paving, subject to further infiltration testing being carried out. South West Water has confirmed in principle that it will accept storm water into the public system, subject to confirmation of run-off rates.

Following revisions to the surface water drainage strategy, Devon County Council as Lead Local Flood Authority has withdrawn its previous objection to the proposed drainage system and has confirmed the revised surface water drainage strategy is acceptable in principle, subject to conditions relating to further percolation testing and detailed design of the surface water drainage system.

Foul drainage will discharge into the public sewer.

Subject to the implementation of the approved drainage system, it is not considered that the development would increase flood risk elsewhere. The proposed development is therefore considered to comply with policy COR11 of the Mid Devon Core Strategy in respect of flood risk and policy DM2 of the Local Plan 3 Development Management Policies in respect of appropriate foul and surface water drainage systems being provided.

Further to concerns raised by the Town Council, the applicant has submitted a copy of the geotechnical and environmental report originally submitted for the previous 2007 application. This report indicates that around 25-30% of the proposed dwellings will be on raised ground meaning that foundations will need to be piled, but that the remainder of the site would be suitable for traditional foundations. The report confirms that the investigation confirms that the site is suitable geotechnically and environmentally for residential development.

The applicant has also commissioned a further engineers report on ground stability in order to address the Town Council's concerns and Members will be updated on this. However, the report is expected to reflect the report previously submitted.

4. Indicative layout, including parking and potential effects on neighbouring residents

Although the layout of the site is reserved for later consideration under a reserved matters application, an indicative layout plan was submitted which demonstrates that it is possible to construct 41 dwellings on the site, with an appropriate level of parking to meet the parking standards required by policy DM8 of the Local Plan 3 Development Management Policies (average 1.7 car parking spaces per dwelling) and Mid Devon's SPD on parking provision.

The indicative plan shows the parking well-related to the dwellings, however, it shows long ranks of parking in front of the dwellings resulting in a somewhat car dominated environment. Effort has been made to reduce the car dominated appearance by interspersing the parking with planting. Whilst the indicative layout is not considered to demonstrate good design by reason of the car dominated street scene, the application is outline only and the layout plan does demonstrate that the number of dwellings proposed is achievable. At reserved matters stage, the applicant will need to ensure that the proposal represents good design in accordance with Mid Devon's policies.

The indicative plans shows a mix of 1, 2 and 3 bedroom houses and 1 and 2 bedroom flats, with the flats being shown at the northern end of the site, close to the access and in the south western corner. The houses are shown to have a reasonable standard of private amenity space. The flats shown do not have private amenity space, but it is reasonable to expect flats to lack private amenity space.

The reserved matters application will be expected to detail adequate waste storage facilities as required by policy DM14 of the Local Plan 3 Development Management Policies and Mid Devon's SPD on waste storage, and to consider the comments of the Police in terms of providing a safe environment as required by policy DM2 of the Local Plan 3 Development Management Policies. The energy statement submitted to comply with policy DM3 details ways of increasing the development's sustainability including fabric insulation, efficient lighting and heating systems and solar voltaic panels. The detail will be provided at reserved matters stage.

The site is at a lower level than the existing development at Oakfields with a green buffer between the two sites. The existing Oakfields development provides a "hard edge" to the Moorhayes development being three storeys on the visible west elevation, and there is an opportunity for this development to

help to soften that edge. Scale and appearance are reserved matters, however, subject to design, it is not considered that the development would adversely affect the visual quality of the built realm or affect the privacy and amenity of the existing neighbouring residents to any material degree.

5. Landscaping and ecology

The site is well-defined by boundary hedges which are mature and link into a wider hedgerow network and are considered to support nesting birds and may function as commuting routes for bats and other wildlife. It is currently intended that the existing hedges will remain. There are recommendations in the ecology report for landscaping of the site which takes the form of low maintenance wild grassland areas with low intensity tree planting, including fruit trees and native species. Hedging is recommended for boundary treatments.

However, as landscaping is a reserved matter, the final landscaping scheme will depend on the layout submitted at reserved matters stage. As the scheme will require some raising of ground levels due to the sloping nature of the site, the landscaping will also need to act as a screen within the landscape, for example if there are raised parking areas as shown on the indicative plan.

The ecology report recommends a construction ecological management plan to ensure that boundary features are protected and negate the need for further surveys. Subject to this, it is considered that the site can be developed without harming protected species and the landscaping can provide a dual amenity and wildlife role, providing linking habitats, in accordance with policies COR2 of the Mid Devon Core Strategy which seeks design which sustains Mid Devon's environmental assets, DM2 of the Local Plan 3 Development Management Policies which requires development to make a positive contribution to biodiversity assets and use landscaping to create visually attractive places, and policy DM28 which seeks green infrastructure in major development.

6. Section 106 and other financial considerations

The proposal includes the provision of 12 affordable dwellings on site. This provision accords with the requirements of policy AL/DE/3 of the AIDPD which requires open market housing sites of more than 4 dwellings to provide affordable housing of 35% applied to the number of dwellings by which the site exceeds the 4 dwelling threshold ($41 - 4 \times 35\%$), rounded down to the nearest whole. The applicant has agreed to enter into a Section 106 Agreement to secure 12 on site affordable dwellings. Policies AL/DE/4 requires affordable housing to be limited to households in need of affordable housing and this will also be secured within the Section 106 Agreement. Policy AL/DE/5 seeks an inclusive design and layout for the affordable housing and this policy will be addressed at reserved matters stage. Mid Devon's SPD on meeting housing needs provides additional guidance on affordable housing which should also be taken into account at the reserved matters stage.

No formal open space is intended to be provided on site. The site is close to the Mid Devon leisure centre and Moorhayes community centre which provide sport and play areas. There is a children's play area nearby in Marley Close and the site is also within 1.8 km from Amory Park sports ground. Policy AL/IN/3 of the AIDPD and Mid Devon's SPD on open space seek financial contributions towards play areas and open space facilities where no on site provision is made. Accordingly, the applicant has agreed to enter into a Section 106 Agreement to secure a financial contribution of £49,405 towards the provision of a new play area garden at the entrance to Amory Park, including new fencing, entrance gates, furniture and signs.

Policy AL/IN/5 of the AIDPD provides that where new housing development will lead to education facilities being over-subscribed, the development will cover the cost of the additional facilities necessary. Devon County Education has requested a financial contribution of £139,933 towards the provision of additional primary education facilities. No contribution towards the provision of secondary education facilities is being sought. The applicant has agreed to enter into a Section 106 Agreement to secure this sum.

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus). Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to

£231,740. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £185,392.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the layout of the site, the scale and appearance of the buildings and the landscaping (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels and sections through the site indicating the relationship of the proposed development with its surroundings.
5. No development shall begin until percolation tests have been carried out and the results approved in writing by the Local Planning Authority. Such tests shall be carried out in accordance with a programme of testing which shall have been previously approved in writing by the Local Planning Authority, based on BRE Digest 365 Soakaway Design (2016) and adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
6. No development shall begin until a detailed design for the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests required by condition 5. above and in accordance with the principles set out in the Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016).
7. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation. Construction shall take place only in accordance with the temporary surface water drainage management plan.
8. No development shall take place until a Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority, in accordance with the recommendations in the submitted Ecological Appraisal by Crossman Associated dated 22nd February 2016. The development shall proceed only in accordance with the approved Construction Ecological Management Plan.
9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - 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) hours during which no construction traffic will be present at the site
- i) the means of enclosure of the site during construction works
- j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- k) details of wheel washing facilities and obligations
- l) details of the amount and location of construction worker parking.

The development shall proceed only in accordance with the approved Construction Management Plan.

10. 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.
11. No other part of the development hereby approved shall be commenced until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays shown on drawing number 151789-T01 have been laid out
 - c) The footway on the public highway frontage shown on drawing number 151789-T01 has been constructed up to base course level
 - d) A site compound and car park have been provided in accordance with details approved under condition 9.
12. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the details approved under condition 10.
13. Within twelve months of substantial completion of the development, all landscaping, including planting, seeding, turfing and earth reprofiling, shall be completed in accordance with a landscaping scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of five years from the completion of the development any plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
14. 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 in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.
6. To minimise flood risk and provide appropriate drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure surface water run-off does not increase flood risk in the area or deposit mud and debris from the site on the road during the construction period in accordance with policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
8. To ensure protected species are not harmed by the development and the existing hedges continue to contribute towards the visual amenities of the area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents in accordance with policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure the development is suitable for occupation by residents, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).
13. To ensure the development makes a positive contribution to the visual amenities of the area in accordance with COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
14. To ensure the proper development of the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is acceptable in that the site is within the defined settlement boundary of Tiverton where the principle of new residential development in a sustainable location, close to services, facilities and public transport, is acceptable. The access onto Lea Road is considered to be acceptable in terms of accessibility and highway safety and the development would provide suitable surface water and foul drainage systems to ensure flood risk is not increased elsewhere. Details of the site layout, landscaping and the appearance of the dwellings are reserved for later consideration under a reserved matters application. However, it is considered that a suitable development is capable of being provided on the site, taking into account parking standards, visual amenity, biodiversity and green infrastructure, and the living conditions of existing residents. The development

will provide 12 affordable dwellings on site and financial contributions towards public open space and improvements to primary and secondary education facilities will be secured by a Section 106 legal agreement. The development will also generate the payment of a New Homes Bonus.

The proposal is considered to comply with the relevant policies: COR1, COR2, COR3, COR9 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3 and AL/IN/5 of the AIDPD (Local Plan Part 2), DM2, DM3, DM8 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

