

PLANNING COMMITTEE AGENDA - 16th March 2022

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>21/01957/FULL - Demolition of garages, erection of a two-storey block of 8 dwellings, raised above a podium structure atop car parking level with associated soft and hard landscaping works at Garages and Forecourt, Shapland Place, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
02.	<p>21/02014/MARM - Reserved Matters in respect of (appearance, landscaping, layout and scale) for the area associated with the attenuation pond, drainage infrastructure and related details including level changes required for the initial phases of development, following Outline approval 14/00881/MOUT at Land at NGR 297844 113446 (North of Putson Cottages), Blundells Road, Tiverton.</p> <p>RECOMMENDATION Approve Reserved Matters subject to conditions</p>

Application No. 21/01957/FULL

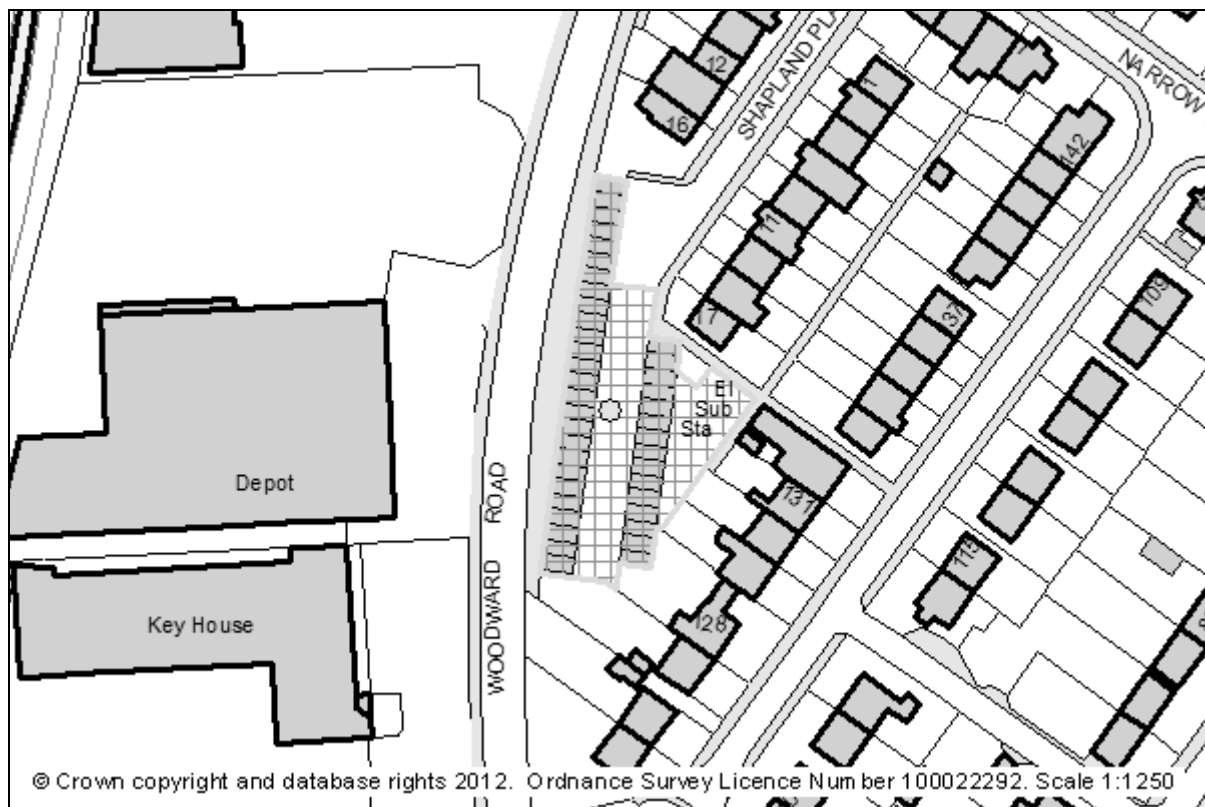
Grid Ref: 294975 : 111887

Applicant: Mr Mike Lowman, Mid Devon District Council

Location: Garages and Forecourt
Shapland Place
Tiverton
Devon

Proposal: Demolition of garages, erection of a two-storey block of 8 dwellings, raised above a podium structure atop car parking level with associated soft and hard landscaping works

Date Valid: 10th November 2021



APPLICATION NO: 21/01957/FULL

CALL-IN

Mid Devon District Council is the applicant

RECOMMENDATION

Grant permission subject to conditions and the signing of a bilateral S106 agreement with Devon County Council to provide a financial contribution of £5808 towards additional secondary education infrastructure at Tiverton High School.

PROPOSED DEVELOPMENT

The application seeks approval for the demolition of garages, erection of a two-storey block of 8 dwellings, raised above a podium structure atop car parking level with associated soft and hard landscaping works at Garages and Forecourt, Shapland Place, Tiverton.

The application site is located within the settlement limits of Tiverton, previously being the home to 39 garages at the end of the terraced housing of Shapland Place which have now been demolished. The proposal is to provide, 4 one bed units, 3 two bed units and 1 three bed unit, all being affordable flats, each with their own private balcony amenity space. The proposed block has been situated towards the centre of the existing road with habitable windows and balconies primarily facing outwards towards Woodward road with obscure glass windows along the external walkways facing neighbouring gardens.

The residential accommodation is to sit atop a steel podium structure serving parking bays on either side. The existing space next the substation would be transformed into a community space with access for local residents. The units are to be entered via two stairwells at the centre of the terrace creating a main entrance with cycle storage. There are also to be enclosed refuse and cycle store in the under-croft spaces. Solar PV panels are proposed on the roof and 3 EV charging points are proposed in the parking area.

APPLICANT'S SUPPORTING INFORMATION

Complete application form, plans, 3D aerial views, Design and Access Statement, Planning Statement, Wildlife Trigger List, Preliminary Ecological Appraisal, Transport Statement, Flood Risk Assessment, Sequential Testing, Daylight and Sunlight Assessment.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities
Policy S2 - Amount and distribution of development
Policy S3 - Meeting housing needs

Policy S4 - Ensuring housing delivery
Policy S5 - Public open space
Policy S8 – Infrastructure
Policy S9 – Environment
Policy S10 – Tiverton
Policy DM1 - High quality design
Policy DM2 - Renewable and low carbon energy
Policy DM3 - Transport and air quality
Policy DM4 – Pollution
Policy DM5 – Parking

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Tiverton Town Council - 22.02.2022

Tiverton Town Council feels that a three storey building would be out of place in this area and would dominate the adjacent properties. There seems to be some confusion as to whether the pedestrian entrance to Woodward Way is to continue or not as the paperwork contradicts itself. TTC is concerned, as we note are highways about this.

Concerns at having frosted non-opening bedroom windows which would require internal ventilation systems.

Disappointed that no electric vehicle charging points are being installed at this location.

The minimum separation distances between properties is below normal standard.

Fire safety concerns at parking being under dwellings.

Tiverton Council therefore unable to support

Tiverton Town Council – 07.12.2021 (earlier response)

Whilst supporting the general application for the dwellings the council cannot support the creation of the pedestrian access due to the lack of pavements in that area, which would, in the opinion of the council, create a highway hazard to pedestrians

Local Highway Authority - 14.02.2022

Previous Comments:

The site is accessed off an unclassified County Route which is restricted to 30 MPH although observed traffic speeds are considerably lower.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

This application originally showed the vehicle access to be from Woodward Road, this has now been changed to Shapland Place and pedestrian/cycle access only onto Woodward Road. At the location of this access on to Woodward road, there is no existing footway and is surrounded by large trees. My concern here is the pedestrian visibility to cross the road. Therefore a drawing would be required to show how this access will be safe for all users.

The access to the dwelling via Shapland Place is acceptable along with the parking provision to be provided which meets the Mid Devon DM5 Policy.

The number of trips this development could generate will not have a severe effect on the Highway network.

The County Highway Authority cannot put forward a recommendation until the pedestrian access plan has been provided.

A Note the Applicant that part of the existing highway within the Development is Public Highway Maintained at the Public Expense and therefore any works that is carried out here will require the appropriate Licences from Devon County Council

Further Information Submitted:

The Footway link has been removed from the proposal.

The County Highway Authority has no objections to this proposal

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.

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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (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) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

D.C.C. Education Services - 24.11.2021

Regarding the above application, Devon County Council has identified that the proposed increase of 4 family type dwellings will generate an additional 1 primary pupils and 0.60 secondary pupils which would have a direct impact on the Primary Schools in Tiverton and Tiverton high.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

In accordance with the Education Infrastructure Plan 2016-2033, DCC will consider the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. We will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan. Based on this, a percentage is established, which will be requested for developments in the area.

The primary schools in Tiverton are forecast to have capacity for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards primary education infrastructure will not be sought.

Tiverton High is forecast to have capacity for 57% of all pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the Tiverton secondary percentage of 43% of the total number of pupils generated directly towards additional secondary education infrastructure at Tiverton High School. The contribution sought towards secondary is £5,808 (based on the DfE extension rate of £22,513 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

All contributions would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the cost of transporting pupils from Bampton to Tiverton High. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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.

Natural England - 22.02.2022

Natural England has no comments to make on this application.

Environment Agency - 18.02.2022

Environment Agency position

We have reviewed the email response and can confirm that we withdraw our previous objection.

Reason

From the development and flood risk perspective we respond to the three points you raise (in italics) as follows below:

'The development is safe over its lifetime as the development is essentially raised well above the anticipated flood levels. The FRA does recommend a flood evacuation procedure and flood evacuation plan are undertaken which can be conditioned should that be necessary.'

Having reviewed the submissions we note that the Design and Access Statements, both initially submitted and the revised version, contain information. (i.e. the section shown within page 29, section 4.7 'Flood Mitigation Strategy') which help demonstrate the risks posed to the site, and the proposed development. These would have been better presented within the Flood Risk Assessment but clearly they form part of the application. Importantly these supplement wordage within the applicants FRA and thus it is evident that the LPA are in an informed position to determine the application.

'With regards to risk elsewhere, a SuDS scheme is proposed within the FRA utilising an attenuation based system, up to and including the 1 in 100 year event and 40% allowance for climate change.'

The management of surface water runoff lies outside the Environment Agency's remit.

'In addition, with respect to flood risks elsewhere, the development is demolishing the existing garages to replace with elevated residential, where the only items on the ground floor would be columns and stairwells, providing a significant betterment in terms of flood storage and flow routes. The development intention is to retain the existing site levels. '

We note 'intention is to retain the existing site levels'. This is important to ensure any flood risk nearby is not adversely affected by the development.

In light of this we withdraw our previous objection.

Environment Agency – 06.12.2021 (earlier response)

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

Environment Agency Position

From the development and flood risk perspective we object on the grounds of an inadequate Flood Risk Assessment (FRA). This does not necessarily mean the principle of development, or indeed that proposed, is not acceptable, subject to the above (i.e. the Sequential and exception tests) but we consider more work is required to better demonstrate the risks posed to the site, and the proposed development, so that a fully informed decision can be made.

Reason

The site lies within an area at high risk of fluvial flooding (FZ3 as defined with the NPPF) and is at risk from both the River Exe, and Cottey Brook. Whilst the risk of flooding is recognised, the FRA report submitted with the application lacks details of the specific circumstances and modes of flooding that could affect the site. It is important these are adequately understood and demonstrated given the complex nature of flood risk in this area of Tiverton.

Overcoming our objection

In light of the above we advise the FRA be revised to better reflect the circumstances so that a fully informed decision can be made. The applicant can overcome our objection by submitting an FRA which demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal consultation. Our objection will be maintained until an adequate FRA has been submitted.

Public Health - 26.11.2021

Contaminated Land - No concerns because we anticipate that any below surface contamination will be removed during oversite works, and in any case the whole site will be covered with new hardstanding (23.11.21)

Air Quality - No concerns (23.11.21)

Environmental Permitting - Not applicable (23.11.21)

Drainage - No concerns (23.11.21)

Noise & other nuisances - No concerns anticipated once built, but the standard CEMP condition should be included on any approval (23.11.21)

Housing Standards - No comments (15/11/21)

Licensing - No comments (10.11.21)

Food Hygiene - Not applicable (10.11.21)

Private Water Supplies - Not applicable (10.11.21)

Health and Safety - Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive.

Asbestos:

Prior to demolition commencing, a work plan and risk assessment shall be submitted for approval to the Local Planning Authority. This plan and assessment should identify and risks and any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed. (10.11.21)

REPRESENTATIONS

This planning application has been advertised by means of a site notice, neighbour notification letters and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016).

25 letters of objection and a petition containing 50 signatures has been received. The objection grounds were as follows:

- Obscure glazed windows can be opened and turned for cleaning which would result in overlooking.
- The junction proposed from Woodward road will be used as a rat run for drivers and could be used by lorries.
- The access to the industrial estate need not be vehicular but pedestrian.
- If a path/cycle route is created this will be dangerous as will be used by people at the industrial site in order to use parking spaces impacting on school children walking to school.
- Pods still too high for the aesthetics of the houses around them.
- A three storey block is not in keeping with surrounding two storey terrace properties.
- A two storey block would be more suitable, either a conventional two storey terrace or coach house with single level of flats above a parking level.
- If the residential block was reduced with an associated reduction in the number of additional cars expected, this would free up space for further green infrastructure and play areas.
- The building will be 18 metres from the rear doors of neighbouring properties.
- O.A.P one bedroom bungalows would be more in keeping with this quiet area which could free up more council houses.
- The homes proposed will result in a loss of privacy to residential properties behind.
- 35/36 parking spaces seems excessive, who will use them? Concerns raised that they could be used to store cars of a nearby car business.
- The parking spaces should be for residents only.
- Bin lorries reverse down the road but could turn if there weren't as many parking spaces.
- Who will use the electric points proposed? Will they be free for all?
- Traffic levels have increased in the area of the last 20 years and any further increase will be dangerous.
- The surrounding residential roads are narrow and parking takes place creating further obstructions.
- The adjacent roads are used by heavy goods vehicles and other commercial traffic so adding further children and parents could result in accidents.
- The development could de value neighbouring properties.
- The garage blocks were demolished without notice and apparently without permission, with the site blocked up ever since.
- The description of the housing as "a two-storey block" is misleading, neglecting to count the additional storey of the parking 'podium'.
- The failure to mention the allotments as part of the 'Location' that would be destroyed to make room, or the destruction of the existing trees and hedgeline (and associated wildlife) for assembly access even if the permanent road linkage does not go ahead.
- Family's walking to and from school already have to struggle with the busy Howden road with no pedestrian crossings in place and it's a dangerous road with a child being airlifted to hospital earlier on in the year as was hit by a speeding vehicle.

- There is a large amount of children in the area and unlike other housing estate we don't have a play park so children playing in the roads, this development area would be better suited to a play park at the end of the cul-de-sac.
- An increase in houses in the area will result in a further demand for parking when it is difficult enough for existing residents to park.
- Existing homes are too close to build such a big structure towering over them and this will impact on them massively.
- There is new home development sites around Tiverton so why not locate these pods there where they will be more in keeping with the new build homes.
- Sewage and drainage in the area is known to struggle already without adding extra to it.
- Woodward road floods with the smallest of rainfall as the council do not maintain their drainage systems around the area.
- What happens in the winter when the mesh planting screen dies off on the external walk way and the privacy will no longer be there so properties will be overlooked. There will also be noise disturbance.
- Disturbing the trees and greenery will have a negative impact on the wildlife as there is currently bats, hedgehogs, mice and birds living in the trees and hedgerows.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development/planning policy**
- 2. Highways and highway safety**
- 3. Drainage and Flood Risk**
- 4. Public open space, green infrastructure (GI) and other planning obligations**
- 5. Design of development and impact on landscape and ecology**
- 6. Living conditions of the occupiers of nearby residential properties**
- 7. Planning balance.**

1. Principle of development/planning policy

S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

The National Planning Policy Framework (2021) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S10 (Tiverton) which recognises proposals will provide for approximately 2,358 dwellings, of which 660 will be affordable.

The National Planning Policy Framework (NPPF) seeks to make the most efficient use of land with the assessment to be made as to whether the layout and density of the residential development is appropriate and fits into the context of the site and surrounding area.

With respect to other relevant policies within the saved Development Plan, Policy S1 (Sustainable development priorities) of the Mid Devon Local Plan 2013-2033 seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S3 (Meeting housing needs) seeks to meet the diverse housing needs of the community, including the provision of affordable dwellings across the District. It is noted that the 8 apartments proposed will be for social rent, a recognised form of affordable housing.

The layout plan submitted shows how the layout for the residential development of 8 residential units would be achieved which has been considered to be acceptable and below the planning matters of the development are considered further.

2. Highways and highway safety

Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

The application site is bounded to the west by Woodward Road, to the south, east and north is bounded by existing residential properties along Shapland Place and The Walronds. The site takes direct access from Shapland Place which forms the northern boundary of the development. Shapland Place is a residential cul-de-sac with footways and adequate street lighting along the eastern flank. With respect to a new vehicular access, the proposal is to create a re-laid road surface with open parking bays in parallel and towards the entrance of Shapland Place a hammerhead turn has been designed to allow HGVs and emergency vehicles to enter into and egress the site. Pedestrian access would also build off the existing footpaths on site bringing them into the site and the community green space. The original plans submitted showed a new vehicular junction onto Woodward Road and a pedestrian link but following concerns raised by Tiverton Town Council and a number of residents, this was removed so that the present cul-de-sac arrangement would remain.

A Transport Statement has been submitted which assesses the characteristics of the existing infrastructure in the surrounding area of the site and it concludes that the adjacent highway network can adequately accommodate the traffic impact of the proposed development in terms of safety and capacity. This assessment has considered the existing and proposed operation of the highway in terms of highway safety, sustainability and capacity. It has shown that the predicted traffic from the proposed development has no material or significant impact on the local highway network. In conclusion, it has been demonstrated that the proposed development can be accommodated on the adjacent highway network without any significant negative impact and there are therefore no highway capacity or safety reasons why this development should not be granted planning approval. The Local Highway Authority has not objected to the development with the view being that the impact on the highway network will not be severe.

With regard to the required on-site parking provision Policy DM5 (Parking) of Mid Devon Local Plan 2013-2033 sets a residential parking standard of 1.7 spaces per unit. The existing 41 garages on site are to be replaced by 29 open parking bays to retain some of the local capacity used by neighbouring residents. The provision of 12 cycle storage spaces has been allocated to encourage travel by bike and foot in place of additional car journeys forming part of the sustainable transport

strategy along with a commitment to build in infrastructure for 3 EVCPs. Therefore the development is considered to be in accordance with Policy DM5.

3. Drainage and flood risk

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. The site is located within flood zone 3 and as such a Flood Risk Assessment (FRA) has been submitted.

The government guidance is that the siting of development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. For these purposes:

- 'areas at risk of flooding' means land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency;
- 'flood risk' means risk from all sources of flooding - including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources."

The FRA outlines that *'the nature of the site has been considered from the earliest stages of design and design development by employing the following strategies to mitigate flooding risk:*

- *The proposed development will reduce the on ground volume of mass proposed from that of the existing garage structures thereby reducing the amount of water displaced on site and helping the proposal to positively reduce the flooding risk and damage to the neighbouring area and properties.*
- *A raised podium structure with minimal columns placed on ground level results in no units, habitable spaces or sensitive services that are located on ground level, with the finish floor level sitting more than 3.3m above ground ensuring there is no risk of damage to the development in the worst (1 in 100 year) flooding scenarios.*
- *Exposed walkways and balconies ensure there are multiple points of safe emergency egress from the proposed units in the event of extreme flooding.*
- *Retention of green spaces, additional tree planting and installation of permeable paving area increase the rate of ground infiltration of the site allowing more water to be retained.'*

The FRA also outlines the proposals sustainable urban drainage systems (SUDs) and strategies to reduce water consumption through the specification of water saving appliances which seek to further reduce the impacts of the scheme on the local water and drainage systems.

The site has been found to be at risk from fluvial flooding although all other anticipated flood risks have been assessed with the risk to the site considered low or very low. With respect to surface water drainage, an assumed infiltration rate has been used to specify an infiltration-based system, with a back-up attenuation option should infiltration fail. Should infiltration prove successful a single soakaway is proposed to serve all impermeable areas of the site.

If an attenuation system is required, a single tank in conjunction with flow control device will limit flows to the South West Water (SWW) dedicated surface water sewer at a controlled peak flow of 5 l/s. The storage calculations allow for surface water to be stored below ground for up to and including the 1 in 100-year event including a 40% allowance for climate change, a 10% increase in impermeable areas has also been allowed for to account for urban creep. A factor of safety of 5 has been applied to the infiltration calculations due to the total impermeable area. Exceedance

runoff will be intercepted, by use of kerbs etc, and routed to the existing site low point in the southern corner, where it will be contained.

Foul water created by the proposal will be served by connecting to the South West Water (SWW) combined sewer to the north-east of the site. It is considered that the proposed development can be carried out without increasing flood risk on or off-site and as such complies with the requirements of the NPPF and local planning authority. It is recommended that a Flood Evacuation Procedure and Flood Emergency Plan is produced to provide evacuation routes and responsibilities should a flood event occur and this has been conditioned.

With regard to flood evacuation, the development is designed as a floating system allowing ground floor areas to flood while keeping all dwelling access safe above 3 metre. In terms of a Flood Strategy, the proposal to demolish all garages on ground floor and replacing only staircase with cycle and bin store reduces the impact on ground level water displacement, which should reduce flood risk for wider community.

The Environment Agency have confirmed that they have no objection to the development and the Public Health Department has raised no objection on drainage grounds. Policy DM1 of the Local Plan requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. On this basis, the FRA submitted including a drainage strategy is considered to comply with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

The development proposal is sited within an area designated as Flood Zone 3, as such the sequential test should be applied, which is a matter for the Local Authority to determine. As the residential development is proposed in the areas of flood zones 2 and 3, a sequential test is required to be undertaken with the aim being to steer new development to areas with the lowest probability of flooding. As noted at pre-application stage, one concern raised with introducing new residential development on an area of high flood risk on a site within the settlement limits of Tiverton would be that it could be considered that the sequential test could fail in the first instance as there may be other sites allocated within Tiverton to provide residential development, being sites at less risk of flooding and therefore the case could be made that the housing was necessary.

A sequential Test has been carried out to ensure development is sited on land that has the lowest risk of flooding within the local area. It compares the site that is proposed for development with other available sites. The area of search for alternative sites to include in this Sequential Test has been limited to Tiverton town and to sites that are not considerably further away from the facilities and services available within Tiverton Town centre.

The Mid Devon Local Plan has been reviewed to identify allocated sites for comparison, these being Policy TIV9 (Howden Court) and Policy TIV10 (Roundhill). However these sites have been ruled out on the grounds that they are further from the services and facilities of Tiverton town centre than the application site, they are less accessible given the topography with construction/ground stability concerns with associated costs. It has been noted that the application site is a brownfield site where it proposes the reuse of an under-utilised site and will regenerate it to provide additional 100% socially rented affordable homes and the issues associated with the two allocated sites would make the development unviable.

Other sites within Tiverton settlement boundary have been considered as there are other parcels of brownfield land within the settlement boundary of Tiverton that are in flood zone 1 that could be suitable for the provision of additional housing. However, these sites are not allocated for development and there is no published information regarding their availability. The sequential test submitted outlines that the Applicant does not have the available funds to investigate all potential parcels of previously used land which may or may not become available for redevelopment,

neither does the Applicant have the funds to purchase additional land on which to provide the much needed affordable homes that the current application would provide. The current application site is available, close to services and facilities and can be redeveloped immediately, whereas the site feasibility appraisals have not yet been completed for the potential additional sites, plus a number of these have some remaining constraints relating to long term uses that need to be overcome.

As the current application is for a 100% affordable housing scheme, Policy DM6 provides support for sites that are beyond the defined settlement limit of Tiverton to be considered for development of this type. The sequential test submitted noted that there would be greenfield parcels of land either adjacent or close to the settlement boundary of Tiverton that are in flood zone 1 and could be suitable for the provision of 100% affordable housing proposals. However, such sites are very likely to be a greater distance from the services and facilities of Tiverton Town Centre and West Exe (unlike the proposed dwellings) and the Applicant does not have funds available to purchase third party land in order to provide affordable housing and this is therefore not a feasible option.

In addition to the locational, accessibility and deliverability benefits associated with the proposed site; its development also offers an opportunity to install a system for the controlled management of surface water on the site. The managed surface water system and landscaping that can be implemented on this site as part of the development will present a considerably more sustainable surface water solution for the site. As there are no other local sites, within a lower flood risk area that are available and provide a better or more viable opportunity for the provision of 8 socially rented affordable dwellings, it is considered that the Sequential Test has been passed in this case.

4. Public open space, green infrastructure (GI) and other planning obligations

Public open space is required from residential development of 6 or more dwellings in line with Policy S5 (Public Open Space). However, as this is a development for solely affordable housing, no financial contribution would be required. Notwithstanding this a small area of public open space would be retained on site with further small tree planting to improve the amenity of the area.

The existing detached garages on site have been cleared and would be replaced by new areas of hard and soft landscaping. A new hardcourt surface would be installed to replace the concrete bases of the garages that have been removed from site, atop this new road surfacing would mark out 29 proposed open parking bays. Pedestrian walkways would be distinguished by a permeable paving surface leading to a larger open communal entrance area for access to the two staircases, enclosed undercroft bin and cycle stores. The existing access to the rear garden of 122 The Walronds would be kept clear with road markings.

Along the northern boundary of the site the existing roadway of Shapland place would remain unaltered and would act as a key vehicular entrance for development. Along the eastern boundary of the site which adjoins the rear garden fencing of 114-120 The Walronds the treatment would retain the existing timber fencing and where the garage walls are demolished new 1.8m height timber fencing would be installed to reinstate the secure perimeter of the back gardens. Towards the southern boundary, the walls of the removed garages would be replaced with new 1.8m height timber fencing. Along the Western boundary that separates the site from the embankment of Woodward road would be 1.8m height timber fencing which would screen the development from the industrial estate.

With respect to planning obligations, a financial contribution towards education has been requested by Devon County Council as outlined within the consultee response section of this report. Education is covered by Policy S8 (Infrastructure) whereby if a development will generate a need for additional pupil places at the existing schools within Tiverton, a financial contribution will

be required in accordance with Devon County Council's Education. As this is a planning application made for Mid Devon Council, the council would not be able to enter into a S106 agreement with itself so a bilateral S106 agreement is to be entered into with Devon County Council to make this undertaking. As far as other planning obligations are concerned, on the basis of all the units being affordable housing and restricted to this through a planning condition, there would be no financial contributions towards public open space.

5. Design of development and impact on landscape and ecology

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is not located within a designated landscape but the development would be viewed from a number of public vantage points. Policy DM1 (High quality design) outlines:

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
 - i) Architecture*
 - ii) Siting, layout, scale and massing*
 - iii) Orientation and fenestration*
 - iv) Materials, landscaping and green infrastructure*
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

The proposed development is for the erection of a 2 storey block raised one storey above car parking level atop a podium structure containing 8 single storey apartments. All of the units are built to be national space standard compliant and are intended for social rent as part of the HRA portfolio. The proposed two storey massing is located towards the Southern boundary of the site furthest away from neighbouring buildings and closer towards Woodward Road and is situated in

the centre of the road between proposed parallel rows of open parking bays atop a steel podium structure.

The Design and Access Statements comments that all the proposed units would consist of 1 storey apartments that are served by two enclosed communal staircases in the centre of the blocks East elevation with external walkways providing connections to enter the units. Each unit would feature a private balcony space which provides a minimum of 5 square metres of private outdoor amenity space which would serve the main habitable rooms within the development and would face towards Woodward road and the hills in the distance. The block would have a 15 degree dual pitched roof mirroring local roofing precedents. The general design of the dwellings and orientation are considered to be acceptable and they meet the nationally described space standard.

In terms of materials, the external elevations are to be treated with an off-white coloured lightly textured rendered on the first floor and staircase walls, the upper floors would be clad with coloured sail cloth and soft green horizontal weatherboarding. The roof is to be clad in a Merlin coloured smooth seamed steel sheeting with photovoltaic panels mounted atop both the Eastern and Western aspects with all flashings to be coloured the same finish. There would be 8 cantilevering balconies on the Western elevation with 1.8m high privacy screens along the northern and southern aspects to prevent overlooking of the neighbouring garden and adjacent units. A condition is recommended to agree the final material details to be used.

The proposal includes a Solar photovoltaic electric system with PV panels on the roof. There would be approximately 23.76 kWp of PV on-site with 19,650 kWh annual PV energy production. This has been modelled via the Standard Assessment Procedure (SAP) to show the development is capable of offsetting all regulated energy demands and the A-rated Preliminary Energy Assessment (PEA) shows that negative carbon emissions are possible across the site. In addition, the plans show the provision of 3 EV charging points within the parking area. This would be supported by policy DM2 (Renewable and low carbon energy) of the Mid Devon Local Plan 2013-2033.

With respect to the sustainability credentials of zpods, the modules would be super insulated, airtight and feature triple glazed windows and doors resulting in very high thermal performance. They would also be mechanically ventilated to further reduce energy losses. Combined with on site renewable generation of hot water via solar assisted and air source heat pumps and electricity via the roof mounted solar photovoltaic panels the proposal would be a net zero carbon development.

In relation to the wider landscape, the site is within an urban environment surrounded by adjacent housing with industrial units on the opposite side of Woodward Road. Therefore whilst the development would represent a three storey block, it would be viewed within this context. The existing green area on site is proposed to be converted to a communal green space for the new residents of the development. Small tree planting will line the perimeter of this space creating additional privacy and helping to soften the visual prominence of the development.

With regards to protected species and habitats a preliminary ecological appraisal was submitted which concluded that the site comprises of habitats low grade habitats and of local value with the most valuable habitats being the amenity habitats to the east and west. No further survey effort is required to evaluate the site if the recommendations and enhancements outlined are provided. Biodiversity enhancements for bat roosting and bird nesting were outlined to result in biodiversity gains. A condition is therefore recommended for the development to be carried out in accordance with the recommendations within the ecological appraisal and for confirmation of the biodiversity

enhancement measures installed throughout the development to be provided prior to occupation of the dwellings.

Therefore in light of the above, it is considered that the design, landscape and ecology proposals are capable of complying with policies DM1 and S9 of the Mid Devon Local Plan 2013-2033 and the provisions of the NPPF.

6. Living conditions of the occupiers of nearby residential properties

Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the residential block and orientation of windows is such that it is considered that a residential development has been designed to be in accordance with these two policies, with adequate separation with windows to habitable rooms to be located on the west elevation away from neighbours. By situating the terrace in line with Woodward Road the development and planting would also help to screen sources of noise from the adjacent industrial activities and road to the back gardens of nearby residents.

Windows on the east elevation facing neighbours are to be obscured glazed with an obscure glazed privacy screen to be erected along the walkway in order to retain privacy to neighbouring properties, these have been conditioned. The other matter relates to whether the development would result in an overbearing impact on neighbouring properties. As shown within the submitted plans, the massing has been situated above the central road on the site keeping development as far away from the nearby housing as possible, with 11m being the closer corner to corner distance and 18m from corner to the nearest habitable window. There is also to be an 8m setback from the road. The original submission has been amended so as to reduce the overall height of the building down to 10.16m so that the ridge height of the development would be approximately 2.6m higher than the ridge of the neighbouring two storey properties. On balance it is considered that the

development is acceptable in respect to the requirements of Policy DM1 of the Mid Devon Local Plan 2013-2033.

A detailed third party daylight and sunlight assessment has been commissioned to support this application that outlines the effects of overshadowing neighbouring gardens, impact on neighbouring windows and daylighting levels and the internal daylight and sunlight factory within the spaces of the proposed development. In conclusion the report highlights that there will imperceptible impacts on neighbouring building and area and that more than 95% of all spaces and 100% of living proposed within the scheme will far exceed the BRE 209 requirements for internal daylighting levels.

7. Planning balance

The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions. Adequate parking provision is to be provided and the site is within walking distance of public transport and other services and facilities.

The delivery of 8 new affordable homes for social rent weighs in favour of approval of the application. Taking all the above into consideration, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development hereby approved shall be for affordable housing and retained as such. The development shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF(2021) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type and tenure of the affordable housing provision to be made;

- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. Prior to their use on site, details or samples of the materials to be used for all the external surfaces of the buildings shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall be so retained.
 5. Notwithstanding the landscape plans as submitted, prior to the development hereby approved taking place above ground level, a scheme detailing final tree planting including details of existing vegetation to be retained shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained. For the avoidance of doubt all new tree planting shall be semi-mature trees being a minimum height of 180-240cm prior to planting.
 6. Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.
 7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) 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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (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) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

8. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
9. The development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancements outlined within the Preliminary Ecological Appraisal, dated October 2021 and produced by HEA Ecology. Prior to occupation of any of the dwellings hereby approved, details shall be submitted to the Local Planning Authority to confirm the location of the ecological enhancement measures installed for the bird nesting provision and bat roosting provision as set out in the Ecological Appraisal which shall be made available for inspection.
10. The residential development hereby approved shall not be occupied until the parking spaces have been provided in accordance with the approved plans. Following their provision these facilities shall be so retained. For the avoidance of doubt, the three electric charging points shall be provided prior to occupation unless an alternative timeframe is agreed in writing with the Local Planning Authority.
11. Prior to occupation of the development hereby approved, a Flood Evacuation Procedure and Flood Emergency Plan providing evacuation routes and responsibilities should a flood event occur shall be produced and submitted to the Local Planning Authority for approval. The agreed procedure and plan shall be adhered to thereafter for the life of the development unless alternative arrangements are agreed to in writing with the Local Planning Authority.
12. Prior to occupation of the development hereby approved, the first and second floor windows in the east elevation shall be glazed with translucent glass and shall be non-opening below a height of 1.7m measured from the floor level of this room and shall be so retained in this condition thereafter.
13. Prior to occupation of the development hereby approved a 1.7m high obscure glazed privacy screen shall be installed along the walkway between the stairwells on the east elevation. The privacy screen shall be so retained in that condition thereafter.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in the interests of proper planning.
3. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, as an open market scheme would require a financial contribution towards other infrastructure requirements.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
5. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
6. In the interests of visual amenity and in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
7. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
8. In the interest of public safety and to prevent damage to the highway.
9. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
10. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.
11. To ensure that the proposal conforms to the aims and policies contained within the National Planning Policy Framework and its associated Planning Practice Guidance relating to the mitigation against flood risk.
12. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
13. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

INFORMATIVES

1. Prior to demolition commencing, a work plan and risk assessment shall be submitted for approval to the Local Planning Authority. This plan and assessment should identify and risks and any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located within the defined settlement limit of Tiverton, therefore the principle of residential development on this site is accepted. The access into the site to serve a development of 8 dwellings is considered acceptable to the Highway Authority. It is considered that on balance, the overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation as proposed with drainage measures considered to be acceptable and impacts on biodiversity and landscape can be adequately mitigated. The delivery of 8 new homes, of which would be affordable dwellings weighs in favour of approval of the application providing public benefits which would outweigh any harm from the development with adequate parking facilities provided. The site is considered to be a sustainable location within walking distance of service and facilities. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of Policies S1, S2, S3, S4, S8, S9, S10, DM1 and DM2 of the Mid Devon Local Plan 2013-2033.

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

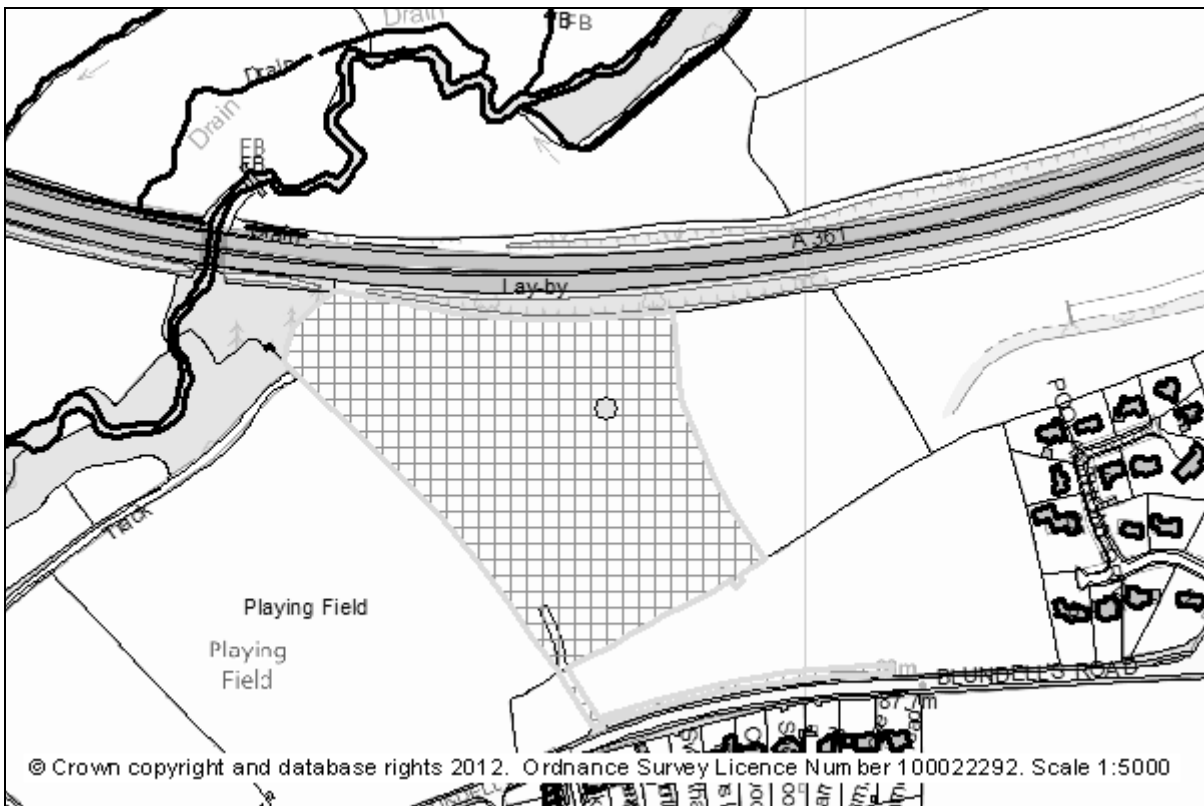
Grid Ref: 297884 : 113435

Applicant: Cattermole, Redrow Homes Ltd

Location: Land at NGR 297844 113446 (North of Putson Cottages, Blundells Road, Tiverton

Proposal: Reserved Matters in respect of (appearance, landscaping, layout and scale) for the area associated with the attenuation pond, drainage infrastructure and related details including level changes required for the initial phases of development, following Outline approval 14/00881/MOUT

Date Valid: 11th Oct 2021



APPLICATION NO: 21/02014/MARM

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This is a reserved matters application for the appearance, landscaping, layout and scale for an attenuation pond, drainage and related details including level changes following outline approval (14/00881/MOUT). The application area covers some 6.2ha, is relatively flat although drops in the north-west corner by some 6m.

The application site forms part of the Tiverton Eastern Urban Extension (EUE) which is allocated for mixed use development in the Adopted Mid Devon Local Plan 2013-2033. Whilst this application has not been the focus of pre-application discussions, the application area has previously been the subject of an outline planning application (14/00881/MOUT) for the construction of a mixed-use development including 700 dwellings, 22,000msq of B1/B8 employment land, a care home, primary school and neighbourhood centre with associated access and egress onto Blundell's Road. This Drainage Infrastructure application relates to the northern catchment area of the approved drainage strategy to the outline planning permission that shows the location of the attenuation pond and drainage sewers as set out in this application. This application is a required component of the Tiverton EUEs infrastructure; required to ensure the Tiverton EUE is served by a satisfactory system of surface water drainage that minimises the risk of pollution and flooding.

This application relates to land north of Blundell's Road. The site area is included within two semi-improved grassland fields with associated hedgerows. The site is bound along its northern edge by the A361, hedgerow and associated planting; to the east by agricultural land which includes the partially completed slip-road from the A361; to the west by school playing fields and to the south by agricultural land and Blundell's Road. The River Lowman flows close to the north-west corner of the site, passing through Paradise Woods, an area of broad-leaved and coniferous woodland. A public footpath runs adjacent to the north-west corner of the site. This application is for the construction of an attenuation basin in the north-western corner of the site. The remainder of the site will provide employment development that will subject to a separate reserved matter(s) application at a future date.

This application is bound by Condition 2(ii) of the outline planning permission that requires, prior to the submission of a Reserved Matters application, a strategy for the management, maintenance, access and use arrangements of all green infrastructure. A Green Infrastructure strategy was approved by this Council in December 2020. It provides an overview of the existing provision and green infrastructure features and land uses within the outline application area (14/00881/MOUT); including the area within this application. Details submitted through this application including the planting scheme (Detailed Landscape Design), the management and maintenance of the application site (Habitat Assessment and Mitigation Plan) provide the necessary detail to meet the requirements of Condition 2(ii).

The site location plan includes a thin strip of land which runs from the southwest corner of the principle field, parallel with Blundell's Road. It relates to proposed surface water and foul water sewers and manholes which will serve future residential development immediately to its north. The applicant is contractually required to service these plots although no planning application has been submitted for them.

This Northern Drainage Infrastructure application is wholly located within Flood Zone 1 (0.1% chance of flooding in any year). There are no statutory or non-statutory designated sites within or immediately adjacent to the site boundary. No European Designated Sites occur within 10km of the site. However, three nationally designated sites occur within 5km of the site boundary including Tidcombe Fen Site of Special Scientific Interest (SSSI), the Grand Western Canal Country Park Local Nature Reserve and Palmerston Park Woods.

The site lies within the Tidcombe Fen Impact Risk Zone. However, implementation of mitigation measures set out in the approved Environmental Statement for Application 14/00881/MOUT seek to ensure that there

are no residual effects on the SSSI. (Those measures are summarised in the Habitat Assessment and Mitigation Plan submitted in support of this application, para 2.1.3).

The site whilst not within a Conservation Area lies directly adjacent to the Blundell's Conservation Area and a number of listed buildings and scheduled ancient monuments are located in proximity to the site. The Knighthayes Court Grade II* Historic Park and Garden lies north of the A361.

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

APPLICANT'S SUPPORTING INFORMATION

Covering letter detailing the documents listed below:

Application Form and Certificates

Arboricultural Impact Assessment

Habitat Assessment and Mitigation Plan

Landscape Management Plan

Planning Statement including Design and Access Statement and Statement of Community Involvement

Waste Audit Statement

Northern Infrastructure Drainage Statement Rev D

Detailed Landscape Design (Sheets 1-4)

Infrastructure Planning Layout

General Arrangement

Construction Details

Longitudinal Sections (Sheets 1-2)

Site Location Plan

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21/00454/MARM - PERCON date 7th February 2022

Reserved Matters (appearance, landscaping, layout and scale) for 164 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT

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

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

OTHER HISTORY

19/01757/PREAPP - CLO date 31st August 2021

PROTECT: Proposed residential development at Phase 1 (following Outline approval 14/00881/MOUT)

19/01775/PREAPP - CLO date 22nd October 2019

Proposed residential development - Duplicate 19/01757/PREAPP

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan (2013-2033)

S1 Sustainable Development Priorities

S2 Amount and Distribution of Development

S8 Infrastructure

S9 Environment

S10 Tiverton

TIV1 Eastern Urban Extension

TIV2 Eastern Urban Extension transport provision

TIV3 Eastern Urban Extension environmental protection and green infrastructure

TIV4 Eastern Urban Extension community facilities

TIV5 Eastern Urban Extension phasing

TIV15 Tiverton Infrastructure

DM1 High quality design

DM4 Pollution

DM25 Development affecting heritage assets

DM26 Green infrastructure in major development

National Planning Policy Framework 2021

INFORMATIVES

Site allocation under the Adopted Local Plan 2013-2030

Masterplanned under the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document (2018)

Tiverton EUE Design Guide (2016)

CONSULTATIONS

DEVON CORNWALL & DORSET POLICE – 20 Oct 2021

The Police have no comments at this time and unless the local authority has any specific concern in relation to crime and disorder regarding the proposal, will have no future comment to make.

HISTORIC ENVIRONMENT TEAM DCC – 21 Oct 2021

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

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

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

The supporting information for this reserved matters application does not include the written scheme of investigation required by the above condition for this phase of the development.

In the absence of this document I would therefore recommend that this planning application is not determined until a written scheme of investigation setting out the scope of archaeological works required is submitted for approval by the Local Planning Authority.

NATURAL ENGLAND – 28 Oct 2021

No objection subject to mitigation/conditions:

Tidcombe Fen SSSI

This application site is within 600m of the Tidcombe Lane Fen SSSI and has triggered Natural England's Impact Risk Zones including discharges to surface water. The SSSI is notified for its fen, marsh and swamp communities. Without appropriate mitigation, the proposal could damage or destroy the interest features for which Tidcombe Lane Fen SSSI has been notified.

the proposed SuDS attenuation basin will discharge into a ditch to the north which then feeds in to the River Lowman. There is no obvious hydrological connection from the development site or the River Lowman to the Tidcombe Lane Fen SSSI.

We would recommend securing best practice measures during construction for pollution prevention control through a construction environment management plan.

Biodiversity Net Gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174, 179 and 180 of the NPPF, the Defra 25 year Environment Plan, the Environment Bill and Mid Devon's Green Infrastructure Plan (Policy GI/3 biodiversity net gain).

We advise you first to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions³ (under Section 40 NERC Act, 2006).

Biodiversity metrics⁴ are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Bill currently sets a 10% threshold.

The use of SuDS to manage surface water run-off can also contribute towards green infrastructure by increasing biodiversity value. Amenity value can also be increased with careful design to manage risk (CIRIA).

Soil & Land Quality

We do not propose to make any detailed comments in relation to agricultural land quality and soils except to advise that if the development proceeds, the developer must use an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. This is to ensure the protection of, and best use of, Grade 2 soils.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Public Health – 29 Oct 2021

Contaminated Land: We agree with the approach to re-using all excavated soils within the site area and have no contaminated land concerns in respect of this reserved matters application.

Air Quality: The potential for dust emissions during these earthworks was considered in the Environmental Statement (14/00881/MOUT), compliance with which forms part of that approval. Management of dust emissions will be included in the CEMP which is yet to be submitted.

Environmental Permitting: Not applicable unless a mobile crusher is required during the site works. If this is the case the public health team at MDDC should be informed in order that suitable dust controls are incorporated.

Drainage: No additional concerns, these works are wholly concerned with the installation of a proper drainage and water storage system for the associated housing development.

Noise & other nuisances: There is potential for the works to impact on nearby residents and the wider community. The comprehensive CEMP condition should be included on any approval, and this should include details and routes of transport movements, although the applicant has indicated that there will be minimal need for removal of material from the site.

Housing Standards: No comment.

Licensing: No comments.

Food Hygiene: No comments.

Private Water Supplies: No further comments.

Health and Safety: No further comments.

TIVERTON TOWN COUNCIL – 3 Nov 2021

Support

PUBLIC RIGHTS OF WAY TEAM DCC – 4 Nov 2021

The proposal as submitted would have a significant effect on public rights of way (Tiverton Public Footpath Number 19) but is not addressed in the application.

The Public Rights of Way Team has no objection to the proposal but recommends that the proposal provides the opportunity to enhance the provision and use of the public rights of way network in the area. If permission is granted, please include as footnotes in the decision notice:

- The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.
- Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.

LOCAL LEAD FLOOD AUTHORITY – 19 Nov 2021

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Following my previous consultation response FRM/MD/02014/2021, dated 04.11.21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful:

Blundell's Grange, Post Hill, Tiverton, Northern Infrastructure Proposed Drainage Statement

The applicant has confirmed that permeable paving is possible within the employment area but that area will have a separate planning application.

The applicant has provided exceedance flow routing for the site as well as providing calculations which show the discharge rate is within the rate approved at outline.

LOCAL LEAD FLOOD AUTHORITY – 4 Nov 2021

We object to this planning application because we do not believe it satisfactorily conforms to Policy S9/DM1 of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant should confirm whether the car parking for the employment area will consist of permeable paving as though it is indicated in paragraph 5 of R402-FN06 Northern Infrastructure Drainage Statement, permeable paving is not shown on any of the Drainage Layouts. It should be noted that permeable paving can be under-drained and provide a level of treatment to the runoff.

The applicant should submit a plan indicating how exceedance flows will be safely managed at the site. The Micro Drainage output for the design event (critical storm) shows a flow of 71 l/s (p62 of the Northern Infrastructure Drainage Statement) from the basin whereas the maximum flow should be no greater than 61.8 l/s. The applicant should update the model accordingly.

The applicant has stated that Devon County Council may adopt swales and basins. For clarification Devon County Council do not adopt any sustainable drainage systems.

REPRESENTATIONS

A letter of objection has been received. The main points including:

1. The submission details would assume that the self-build homes will have direct access from Blundell's Road. This has not been confirmed and would indicate pre-determination.
2. The inclusion of the drainage routes to serve the self-build homes will limit their design / site location.
3. The inclusion of the drainage routes to serve the self-build homes would indicate pre-determination.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Background

- 1.1 This proposal is for an attenuation pond in the upper north-west corner of the site as identified in the Adopted Tiverton EUE Masterplan SPD. The Sustainable Urban Drainage (SuDs) scheme proposed provides treatment of surface water runoff – this by means of passage through the attenuation basin, permeable pavements or proprietary treatment systems – ensuring the delivery of clean water into existing watercourses.
- 1.2 The site, currently used for agricultural purposes, is proposed for a single detention basin. It is designed to be a 'dry' attenuation basin where it will only contain water during and immediately after rainfall events. This is in accordance with the Flood Risk Assessment (FRA) approved at outline planning application stage. The predicted water level during a 1 in 100 year storm event (including a 40% allowance for climate change) is 1.6m deep. Cross sections through the proposed detention basin are presented on Drawing No. R402/34 Rev D. No fencing is currently proposed around its perimeter; side slopes are proposed to be 1 in 3 with a total depth of 2m. The headwalls however will have grating and railings.
- 1.3 The FRA to application 14/00881/MOUT provided for a site wide surface water drainage strategy. The overall site wide strategy was split into three catchments: northern, central and southern. This application relates to the northern catchment.
- 1.4 This proposed SuDs scheme is to manage the disposal of surface water runoff from the proposed development of the outline application and the recently approved planning application 21/00454/MARM. The site areas where infiltration is appropriate, disposal through a combination of devices including pervious paving, soakaways and infiltration basins is proposed. Where infiltration is not appropriate, flow balancing methods are proposed, comprising a system of ponds / detention basins and geo-cellular storage to attenuate surface water runoff to green-field rates with discharges to the local watercourse and ditch system. The overall site wide strategy is shown on Supporting Information R402-FN06 Rev B /06.
- 1.5 The original FRA (14/00881/MOUT) assumed that the levels in the area would change in order to make the proposed drainage strategy function properly and allow surface water to drain into the basin through gravitation. This application therefore proposes the construction of a pond by building up soil volumes above existing ground levels. The level changes will utilise those materials (soils) from the cut and fill; minimising off-site waste and reducing construction traffic movements. These level changes are illustrated (within the orange area) on drawing R402/34 Rev D.
- 1.6 The level of the field falls in a north westerly direction. The point of access into the employment area, from the A361 linking road, has a level of 91.2m while the north westerly part of this application site has a proposed level of 86.2; a level change of 5m. Effort has been made to minimise the gradient change across the employment area so making it more attractive and developable. As such, levels across the employment area will be formalised through this application. The longitudinal section drawing (R402/34 Rev D) provides detail. To keep the level changes on a gradual gradient for the commercial land the north westerly section of the application site needs to be filled more substantially, with back fill to some 6m. Needless to say, this approach ensures that 80% of the employment area will have level changes of 1m or less with those areas of greatest fill at the site of the attenuation pond that will have landscape planting.

- 1.7 A surface water pipe will connect the pond to the drainage system. No recorded trees or arboricultural features are proposed for removal.

Policy Background and Principle of Development

- 1.8 The NPPF (para 8) states that there are three distinct dimensions to sustainable development: economic, social and environmental. Whilst the three roles cannot be undertaken in isolation, in respect of the environment the planning system is required to protect and enhance the natural and built environment and as part of this help to improve biodiversity, the prudent use of natural resources, minimise waste and pollution, allowing for mitigation and adaption to climate change.
- 1.9 Paragraph 160 of the NPPF requires Local Planning Authorities to only consider development in flood risk areas where informed by a site-specific flood risk assessment. The area forming this application is identified as a Flood Risk 1 Zone (0.1% chance of flooding in any year). Footnote 55 in the NPPF states that a site-specific flood risk assessment is required for proposals of 1 hectare or more in Flood Zone 1. The application area is some 6.2ha in size and as such a flood risk assessment is required. The Flood Risk and Coastal Change Planning Practice Guidance states that *'a flood risk assessment should ...be appropriate to the scale, nature and location of the development'*.
- 1.10 A FRA was produced to inform the outline planning application (14/00881/MOUT). This application includes an update to that assessment in the form of the 'Northern Infrastructure Proposed Drainage Statement Rev B'. Following the re-submission of this as a revised document (Rev B), the Local Lead Flood Authority have no in-principle objection to the application.
- 1.11 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require urban development projects (of more than 150 dwellings) to be screened for their likely environmental impact. This Reserved Matters application is to support the surface water attenuation requirements consented under planning application 14/00881/MOUT. An extensive Environmental Statement, reviewing ground conditions, biodiversity and flood risk including impact on Tidcombe Fen SSSI and its catchment was produced to inform application 14/00881/MOUT. The Habitat Assessment and Mitigation Plan, Arboricultural Impact Assessment and Northern Infrastructure Drainage Statement supporting this application provide an update to that assessment satisfying the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 1.13 The Adopted Mid Devon Local Plan 2013-2033 (July 2020) sets out to jointly and simultaneously achieve the three principles of sustainable development set out in the NPPF (para 8); taking into account local circumstances to achieve it. Policy S1 of the Adopted Mid Devon Local Plan 2013-2033 promotes good sustainable design (S1h) whilst conserving and enhancing the natural environment (S1k) and recognising the wider benefits of delivering natural environmental objectives (S1l).
- 1.14 The high level policy considerations relevant to this application site were considered at outline application stage (Application No. 14/00881/MOUT). The Officer's Report for the 2014 application provides detailed consideration. Those considerations remain relevant and are embraced within the Adopted Mid Devon Local Plan 2013-2033 (July 2020). Policy S2 focuses development in and around the main settlements including Tiverton with Policies S3 and S10 seeking to maintain Tiverton as the largest urban area.
- 1.15 Policy S8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion whilst Policy S9 expects development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change requiring SUDs.
- 1.16 Policies TIV1 –TIV 5 set out the site allocation for the Tiverton EUE, which this application site forms part of. They include provisions to meet strategic growth requirements including environmental protection.

- 1.17 The Adopted Mid Devon Local Plan 2013-2033 also sets out a number of sustainable development principles including (but not restricted to) DM1 High Quality Design including appropriate SUDs drainage (DM1f); DM2 Renewable and Low Carbon Energy including impact on landscape character (DM2a) and biodiversity (DM2d); DM4 Pollution including flooding / water run-off and DM26 Green Infrastructure in Major Development including biodiversity net gain, flood and water resource management and new green infrastructure.
- 1.18 Following the allocation of this site under the former adopted AIDPD, the Tiverton EUE Masterplan was adopted as a Supplementary Planning Document in 2014 and again in 2018 with revisions. The Adopted Masterplan SPD is a material consideration in determining planning applications on the site.
- 1.19 The Adopted Masterplan SPD sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site, to ensure a comprehensive, integrated and well-designed delivery of development. The Adopted Masterplan is supported by the Tiverton EUE Design Guide, June 2016.
- 1.20 This application site forms part of the larger Tiverton EUE with outline planning consent. The principle of development has been established. The application must therefore be assessed against the detailed policies in the Adopted Mid Devon Local Plan 2013-2033 and the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

Drainage and Flood Risk

- 1.21 The NPPF requires the planning system (para 148) to take full account of flood risk including the long term implications of flood risk and to provide appropriate mitigating measures. When determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere (para 163). Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems that should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and where possible, provide multifunctional benefits.
- 1.22 Policy S9 the Adopted Mid Devon Local Plan 2013-2033 seeks mitigation measures to ensure development does not increase the risk of flooding elsewhere. Provision for a sustainable urban drainage system to deal with all surface water from the development including provision for future maintenance, is required. The Environmental Statement submitted with Application 14/00881/MOUT contained an assessment of the likely significant effects of flooding for the outline application area and identified mitigation measures to include a sustainable urban drainage system (SUDs) and surface water balancing ponds. The Northern Infrastructure Proposed Drainage Statement submitted with this application has been further amended to address concerns raised by the Local Lead Flood Authority.
- 1.23 Policy DM1 of the Adopted Mid Devon Local Plan 2013-2033 LP3 DMP requires appropriate drainage including sustainable drainage systems and arrangements for future maintenance. Policy DM26 of the same plan requires major development proposals to incorporate flood and water resource management.
- 1.24 Within the Adopted Masterplan SPD, Guiding Principle G(5) requires a water management strategy to be put in place to ensure that SUDs and attenuation ponds are provided reducing flood risk and retaining run off within the site. Principle G(7) promotes opportunities to maximise landscape as a means to provide permeable surfacing.
- 1.25 The Residential Parcels 1A, 1B &1C Proposed Drainage Statement (July 2021) forming part of approved application 21/00454/MARM which this application is serving, provides further detail on the

drainage strategy. The details within the Residential Parcels 1A, 1B & 1C Proposed Drainage Statement are embraced within the Northern Infrastructure Proposed Drainage Statement submitted as part of this application. The Northern Infrastructure Proposed Drainage Statement makes provision to reduce the risk of onsite and downstream flooding and safeguards the quality of water discharged into the Tidcombe Fen SSSI and River Lowman. The means to deliver this are detailed at para 1.4 above and are acceptable to the Local Lead Flood Authority. Your officers advise that in approving the Northern Infrastructure Proposed Drainage Statement and securing a Construction Management Plan (see para 1.28 for further detail) Natural England's concerns relating to the SUDs will be addressed.

Access

- 1.26 The NPPF (para 102) states that transport issues should be considered at the earliest stages of development proposals, so that the environmental impacts of traffic can be identified and assessed.
- 1.27 The drawings associated with the Detailed Landscape Design (Drawing Number edp6162_d030b (4 of 4)) indicate retention of the existing access track on to Blundell's Road, this connecting to 'Proposed Amenity Grass for Maintenance Access'. This point of access to the attenuation pond is required because the greater part of this application site will form the employment land that is outside the ownership of the applicant. A condition of planning is however proposed to ensure that the proposed maintenance access is retained only until vehicular access is available directly from the linking road through the proposed employment land.
- 1.28 The Planning, Design and Access Statement (para 4.12) submitted in support of the application comments that a 'number of access points were approved with the outline planning permission' and as such this proposed development 'does not require vehicle access'. While construction vehicles will be required to enter / exit the site; albeit in limited numbers with no off-site waste expected, a Construction Environmental Management Plan (CEMP) providing detail on vehicular movements is required as a condition of any planning permission. Accordingly, the application is bound by Condition 14 of outline application 14/00881/MOUT.
- 1.29 The Highway Authority have been consulted. No comment or support or objection has been received.

Trees

- 1.30 An Arboricultural Impact Assessment (September 2021) prepared by Barton Hyett Associates has been submitted in support of the application. Section 1, para 3.1 provides a summary of arboricultural features including trees, groups and hedgerows and their quality. No Category A (high quality tree desirable for retention) or Tree Preservation protected trees will be impacted by the proposal. A Category B (moderate quality desirable for retention) Oak Tree (T41) overhangs the application site. At the point of overhang, the ground will be raised by 1-2m at the edge of the root protection area (RPA). A maximum depth of 250mm of topsoil is permitted within the RPA. As a condition of planning permission, it will be required that the battering at the edge of the proposed pond will be contoured to fit around the RPA of T41 and that ground levels are increased by no more than 250mm within the RPA.
- 1.31 In addition, the canopy of T41 and Tree group G11 that overhang the work site are proposed for pruning, to allow clearance. The Habitat Mitigation Plan confirms (para 3.3.10) that the proposed works to T41, that has some bat roost potential, will not impact on the important main stem or scaffold limbs of the tree and as such bat roosts will not be harmed. Further, the underground pipework that connects the surface water drainage to the pond will also avoid RPAs. The arboricultural impact assessment concludes that the proposal would have no or a low negative impact on the existing trees. Nonetheless, a Arboricultural Method Statement and finalised Tree Protection Plan will be required as a condition of planning permission.

Ecology, Landscape and Visual Impact

- 1.32 The NPPF (Para 170) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should provide net gains for biodiversity, including establishing coherent ecological networks (NPPF, para 174).
- 1.33 Policy S1 of the Adopted Mid Devon Local Plan 2013-2033 requires net gain in biodiversity whilst policies S9 and DM1 seek positive contributions to biodiversity. Policy TIV3 requires measures to protect and enhance trees, hedgerows and other environmental features which contribute to character and biodiversity. A guiding principle to the Adopted Masterplan SPD is the integration of landscape into the development as a defining feature. The Adopted Masterplan SPD sets out a number of guiding principles including:
- Principle D landscape, open space and recreation: acknowledges that the Tiverton EUE will comprise significant areas including those dedicated to Sustainable Urban Drainage Systems (SUDs) and wildlife habitats with principles D4 and D5 providing further detail; and
- Principle G energy and resource efficiency: recognising that SUDs and attenuation ponds are provided to reduce flood risk and management of on-site run-off with principle G5 providing further detail.
- 1.34 Outline application 14/00881/MOUT Condition 2ii required the submission of a Land Management Strategy that was accordingly approved in December 2020. This application in adhering to the principles of the Land Management Strategy is supported by a Detailed Landscape Design, Habitat Assessment and Mitigation Plan including a full suite of surveys for each protected species. Together they seek to establish the principles of bio-diversity net gain associated with the introduction of new mixed native tree, shrub and grassland planting. This is supported by specific mitigation and enhancement measures including the retention and protection of existing hedgerows and trees.
- 1.35 The Habitat Assessment and Mitigation Plan (Sept 2021) submitted in support of the application provides an updated and extended Phase 1 Habitat Survey; following procedures as set out by the Institute of Environmental Assessment (1995) guidelines. It confirms that no significant change in habitat type or extent has occurred since the ecological surveys of (2012-2013) forming part of the outline application 14/00881/MOUT. An updated bat roost tree assessment, dormouse and badger surveys were undertaken as part of the Extended Habitat Survey.
- 1.36 Landscaping proposals associated with the construction of the attenuation pond include the creation of species-rich meadow grassland, native scrub, wetland meadow grass to the banks and base of the attenuation pond and tree planting; detailed in Drawing No. edp6162_d030b. Specific mitigation and enhancement design measures are as follows:
- Retention and protection of all boundary hedgerows, adjacent offsite woodland and watercourse including a 20m buffer around the main badger sett located to the north-west of the site (HMP para 3.3.7);
 - Creation of new native scrub planting around the attenuation pond;
 - Seeding species rich meadow grass and wetland meadow grass to the banks and base of the attenuation pond; and
 - A range of bat (three Schwegler 2F-DFP) and bird boxes (three Schwegler 1B small holed boxes) on retained trees.

All trees and hedgerows will be retained and protected from potential damage during construction with additional mitigation measures undertaken as detailed in the Habitat Assessment and Mitigation Plan (para 3.3).

- 1.37 This proposal for a single detention basin falls within the parameters of development assessed by the Environmental Statement at outline planning application stage. The retention of all trees, hedgerows, combined with new planting will assimilate the feature into the landscape with limited visual impact within the wider landscape.

Heritage

- 1.38 The NPPF and Policy DM25 of the Adopted Mid Devon Local Plan 2013 - 2033 require developers to assess the significance of a proposal's impact on heritage assets and their settings. A balanced judgment should be made of the effect of the loss of non-designated heritage assets according to the significance of that asset. This includes archaeology.
- 1.39 Condition 15 of the outline application 14/00881/MOUT does not permit any development until an archaeological investigation has been carried out on the site in accordance with a Written Scheme of Investigation. DCC Historic Environment team comment that this reserved matters application does not include the written scheme of investigation and in its absence recommend that this planning application is not determined until one setting out the scope of archaeological works is submitted for approval by the Local Planning Authority. Your Officers can confirm that this Reserved Matters application is bound by the Conditions of the outline application. As such, pre-commencement Condition 15 of the outline application, secures the submission of a Written Scheme of Archaeological Investigation prior to any development. Further, discussions with colleagues at DCC confirm that this pre-commencement condition satisfies their concerns and is acceptable.
- 1.40 For the reason outlined your officers consider the proposal does not have potential to impact on setting of any heritage assets. The application is considered to be acceptable and in accordance with policies TIV3 and DM25 of the Adopted Mid Devon Local Plan 2013-2033 and the NPPF.

Other Matters

- 1.41 Public Health in their consultee response make reference to the inclusion of a Construction Environmental Management Plan condition should the application be approved. Officers can confirm that this application, as a Reserved Matters application, is bound by the conditions of the outline planning permission. Condition 14 of the outline application requires the submission of a Construction Management Plan prior to the commencement of development.
- 1.42 A comment received as a representation to the application make reference to the submission details identifying the 'self-build homes' as having direct access from Blundell's Road; that this has not been confirmed and would indicate pre-determination. The 'self-build homes' are identified on the submission details simply as a means of providing context, with direct access on to Blundell's Road conforming to the Tiverton EUE Design Guide (p.60). As confirmed in the submission details the applicant is contractually required to service these plots that will subject to a separate application(s) at a future date.
- 1.43 A further comment received as a representation makes reference to the inclusion of the drainage routes to serve the self-build homes; that it will limit their design / site location. The service drains are identified on the frontage of Blundell's Road and as such will not inhibit design opportunities for each individual site. Reference is also made to the self-build homes being pre-determined by virtue of the drainage routes being approved as part of this application. As detailed above the applicant is contractually required to service the self-build plots that will subject to a separate application(s) at a future date. Confirmation of drainage routes will not predetermine any future application.

2.0 Planning Balance

- 2.1 This application for a single detention basin has previously been the subject of an outline planning application (Application No. 14/00881/MOUT). The proposal submitted accords with the principles of the Environmental Statement and approved Flood Risk Assessment (14/00881/MOUT), the Land

Management Strategy (Condition 2ii, 14/00881/MOUT), and the Residential Parcels 1A, 1B & 1C Proposed Drainage Statement (21/00454/MARM).

- 2.2 Additional information has been sought through the application process to provide clarification on the overall impact of the proposal. The development can be accommodated, without excess waters channelled into nearby waterways including the Tidcombe Fen SSSI and River Lowman, to the satisfaction of the Local Lead Flood Authority thereby meeting the requirements of Condition 7 of the outline application.
- 2.3 The retention of all trees, hedgerows, combined with new planting will assimilate the feature into the landscape. The proposal will therefore lead to less than substantial harm to the setting of nearby heritage assets including Knightshayes Court.
- 2.4 Your officers advise that the proposed scheme, on balance, accords with Policies S1, S9, TIV1, TIV3, DM1, DM4, DM25 and DM26 of the Adopted Mid Devon Local Plan 2013-2033 and the Adopted Tiverton EUE Masterplan SPD and Design Guide. For these reasons Officers advise a recommendation of approval.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development (or phase thereof) whichever is the sooner; and any trees or plants which within a period of 5 years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
3. No development shall take place on the site except in accordance with the details set out within the submitted Habitat Assessment and Mitigation Plan (Sept 2021), the Northern Infrastructure Drainage Statement (Rev B) and Arboricultural Impact Assessment (Sept 2021). The recommendations in the Habitat Assessment and Mitigation Plan (Sept 2021), the Northern Infrastructure Drainage Statement (Rev B) and Arboricultural Impact Assessment (Sept 2021) shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within them.
4. As set out in the Arboricultural Impact Assessment (September 2021) a battering will be constructed at the edge of the proposed attenuation pond to be contoured to fit around the RPA of Tree T41 and ground levels will not increase by no more than 250mm within the RPA. The works detailed shall be undertaken under the supervision of a qualified Arboriculturalist.
5. Prior to the commencement of development of any part of the site hereby approved, the Planning Authority shall have received and approved in writing a report giving detail on the Arboricultural Method Statement and shall provide a finalised Tree Protection Plan. Works shall proceed in accordance with the approved documents.
6. The maintenance access off Blundell's Road serving the attenuation pond will be permanently closed as a maintenance access when the linking road between the new A361 road junction and Blundell's Road and the vehicular access road within the employment site has been constructed and made available for public use.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in the interest of proper planning.
2. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1, S9, TIV3 and DM1 of the Adopted Mid Devon Local Plan 2013 – 2033.
3. For the avoidance of doubt and in the interest of proper planning.
4. To ensure natural features and habitats are protected and to ensure the development assimilate well into the surrounding landscape.
5. To ensure natural features and habitats are protected and to ensure the development assimilates well into the surrounding landscape in accordance with Policies S1, S9, TIV3 and DM1 of the Adopted Mid Devon Local Plan 2013 – 2033.
6. For the avoidance of doubt and in the interest of the residential amenity of existing and future occupiers. .

INFORMATIVES

1. If permission is granted, please include as footnotes in the decision notice:
The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.
Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.
2. A Written Scheme of Investigation needs to be formally submitted, either by the applicant or their agent, to the Local Planning Authority for their approval and to enable the condition associated with archaeology works for this phase of the development to be discharged prior to any development commencing on site. The applicant should ensure that the archaeological works are implemented as described in order to avoid breach of the Condition.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Comprehensive consideration has been given to the detailed design, planting and outflows of the proposal. Additional information has been gathered during the application process to provide clarification on the surface water drainage including exceedance flow routing for the site as well as discharge rate calculations within the approved outline application (14/00881/MOUT). The details can be found in the Northern Infrastructure Drainage Statement, Rev B. The Local Planning Authority are assured, to the satisfaction of the Local Lead Flood Authority that the design ensures excess waters will not adversely impact on the Tidcombe Fen SSSI or Lowman River. The scheme provides well integrated landscaping, with the retention of all trees and hedgerows to assimilate the feature into the landscape. The Local Planning Authority are assured that the proposal will have less than substantial harm to the setting of nearby heritage assets including Knighthayes Court. Whilst conditions are attached associated with the Arboricultural Method Statement, Tree Protection Plan and contouring around T41 the proposal is considered to comply with the Adopted Mid Devon Local Plan 2013 – 2033, Policies S1, S9, TIV1, TIV3, DM1, DM4, DM25 and DM26 and the principles set out in the Adopted Tiverton EUE Masterplan SPD and Tiverton EUE Design Guide.

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

