

PLANNING COMMITTEE AGENDA - 18th January 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	21/01576/MOUT - Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved at Land at NGR 298976 112882 (Hartnoll Farm), Tiverton, Devon.

RECOMMENDATION

Refuse permission.

Application No. 21/01576/MOUT

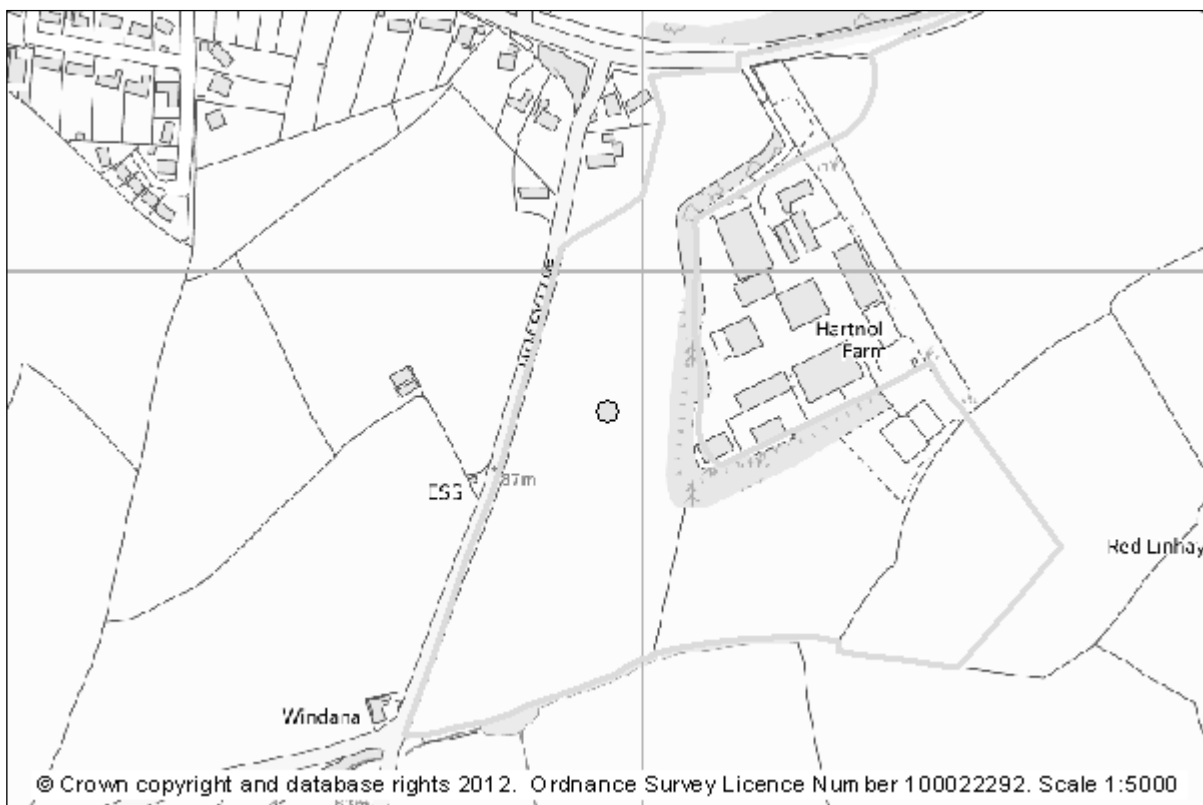
Grid Ref: 299032 : 112840

Applicant: Waddeton Park Ltd

Location: Land at NGR 298976 112882 (Hartnoll Farm)
Tiverton
Devon

Proposal: Outline for the extension of existing Business Park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved.

Date Valid: 10th August 2021



APPLICATION NO: 21/01576/MOUT

Site Visit: Yes **Date of Site Visit:** August 2021 and February 2022

Decision Delayed Reason: Environmental Impact Assessment (EIA) required but the Environmental Statement (ES) was not received until October 2022.

MEMBER CALL-IN

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation. The application was also called-in by Planning Committee on 08.09.2021.

RECOMMENDATION

Refuse outline planning permission.

Members are advised that an appeal for non-determination has been made to the Planning Inspectorate. Officers have not yet received notification that it is valid. As such, determination of the application remains with the Local Planning Authority. Members will be updated accordingly on the day of Committee or beforehand if this position changes.

SITE DESCRIPTION

The site is located beyond the settlement edge of Tiverton, approximately 1.2km to the east of Tiverton's town centre and approximately 1 km to the west of Halberton.

The site comprises approximately 12.71ha of agricultural (arable) land that wraps around the existing Hartnoll Business Centre (HBC), and is bordered by Post Hill to the north and Manley Lane to the west. The site consists of a number of irregular large fields generally with hedgerow boundaries.

The northern boundary of the site is shared with Post Hill road. To the north of the site on the northern side of the road is Tiverton Golf Club. The western boundary of the site is shared with Manley Lane and 3 residential properties (Barnsclose and no's 55 & 57 Post Hill). The eastern boundary of the site includes a shared boundary with the existing employment site and agricultural land. The southern shared boundary is located on agricultural land. Approximately 120m to the south east of the site is Red Linhay farm.

The site slopes downwards to the south from Post Hill. At the lowest point of the site, along its southern edge, is the Ailsa Brook beyond which is further agricultural land rising up to the Country Park of the Grand Western Canal. The site abuts the eastern boundary of the Tiverton Eastern Urban Extension (EUE) area. At Red Linhay Farm there is an anaerobic digestion (AD) plant within the same ownership as HBC.

The current employment accommodation extends to over 9,300 sqm including:

- 7,260 sqm of industrial style workshop /warehousing
- 230 sqm of bespoke office space,

- open storage land of 1,500 sqm
- and container storage 280 sqm

The range of uses include building/roofing contractors, plant sales, fitness gym, trade counter, car repairs and joinery.

The site has no Public Rights of Way (PROW) crossing it. The nearest being the public footpath along the Great Western Canal towpath. Sustrans route no.3 (former railway line) is located on the west side of Manley Lane and leads into Tiverton.

The nearest listed buildings are the Grade II Listed Manley Railway Bridge and Prowses Farmhouse (within EUE). The nearest Conservation Areas are Blundells (to the west), Great Western Canal Towpath (to the south and east). The nearest scheduled ancient monument is a long barrow immediately approximately 695m to the north-west.

The site does not form part of a designated wildlife site and is not does not fall within a protected landscape. Agricultural land classification maps identify the site is being Grade 1 agricultural land.

The proposed development site is almost wholly located within Flood Zone 1, with the exception of a very small part in Flood Zone 2 in the south western corner of the Site. The site is generally at low to negligible risk of flooding from surface water runoff with any flows within ditches on the southern end of the site, and down Manley Lane on the western boundary.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the extension of the existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved. The layout, scale, appearance and landscaping of the site are reserved matters for future consideration.

The associated infrastructure includes the provision of a new access road from Post Hill (existing layby) to Manley Lane. The western access would face Parcel B of the EUE. The application submission also makes reference to renewable energy from the AD plant at Red Linhay to provide combined heat and power (CHP) for the existing and proposed employment units.

The proposed 150 houses would be market houses only without provision of affordable housing or custom build. This is because it is contended by the submission that the market housing is required to enable the provision of the new access road, with its additional capacity for the EUE, and to provide subsidy for the upgrade to the AD CHP at Red Linhay.

The Transport Assessment states that employment development up to 3.9ha shall be made up of the following land uses of 9287sqm:

B1 (now E) (light industrial use - no detriment to residential amenity) – 3,250m²
 B2 (general industrial) employment – 3,250m²;
 B8 (storage and distribution) – 1,858m²; and
 Gym/leisure uses – 929m².

An illustrative site layout has been submitted which indicates how the proposed development could be indicatively accommodated on site. The plan illustrates how a mixed use scheme including an extension to the business park and new residential development could be accommodated, located within green infrastructure (GI) corridors accessible to both new residents

and the wider community. The proposed GI would contain a variety of uses and activities including informal recreation, play, biodiversity enhancements, surface water attenuation, permeable woodland and areas for dog walking.

The majority of the proposed dwellings would be located on the western side of HBC adjacent to Manley Lane, to the south of the new link road. The majority of the proposed employment land would be located to south of the existing employment, to the south east of the residential element, separated by a strip of woodland planting. Part of an existing planted bund which wraps around the southern part of the existing business park would be removed to provide the employment extension. Two smaller parcels of housing and employment is shown to the north of the existing employment site adjacent to the existing access with Post Hill road.

SuDS attenuation is indicated to the north of the link road, along the Manley Lane boundary and to the south of the proposed housing and new employment land.



APPLICANT'S SUPPORTING INFORMATION

- Site Location Plan (ref. DE425-001) (for approval)
- Site Access Strategy Plan (ref. 48582/5501/SK02 Rev H) (for approval)
- Illustrative Framework Plan (ref. DE_425_SK11 Rev D) (for information)
- Ecological Appraisal (Engain)
- Employment Report (PCL Planning)

Energy Feasibility Report (Carbon Plan Engineering)
Flood Risk Assessment (TeignConsult)
Historic Environment Desk-Based Assessment (Cotswold Archaeology)
Geophysics Report (Substrata Limited)
Phase 1 Desk Study (GeoConsulting Engineering Ltd)
Design and Access Statement (Define)
Transport Assessment (Stantec)
Framework Travel Plan (Stantec)
Planning Statement (PCL Planning)

Environmental Statement:

Volume 1 - Non Technical Summary
Technical Appendix 1.1 - MDDC Scoping opinion
Technical Appendix 1.1 - Screening Matrix
Technical Appendix 1.2 - Red Line Boundary Plan
Technical Appendix 1.3 - Framework Plan - Rev D
Technical Appendix 10.1 – GroundInvestigationReport-pt1
Technical Appendix 10.1 – GroundInvestigationReport-pt2
Technical Appendix 10.1 - GroundInvestigationReport-Pt3
Technical Appendix 10.1 - GroundInvestigationReport-Pt4
Volume 2 - Appendix 11.1 – LVA
Technical Appendix 12.1 - Noise vibration impact assessment.
Technical Appendix 5.1 - Ecological Appraisal
Technical Appendix 6.1 - Heritage Assessment.
Technical Appendix 6.2 – Geophysics
Technical Appendix 7.1 - Transport Assessment-Pt1
Technical Appendix 7.1 - Transport Assessment-Pt2
Technical Appendix 7.1 – Travel Plan
Technical Appendix 8.1 - Flood Risk Assessment
Volume 2 - Environmental Statement.

RELEVANT PLANNING HISTORY

92/00738/FULL - PERMIT date 11th June 1992 Enlargement of existing and formation of new vehicular accesses onto B3391 (in connection with use as showground)
21/01576/MOUT - PCO date Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved
21/01576/MOUT - PCO date Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved
19/00013/ADVERT - PERMIT date 4th March 2019 Advertisement Consent to display 1 free-standing sign
21/01576/MOUT - PCO date Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved
06/01435/FULL - PERMIT date 10th August 2006 Formation of new farm access
07/01709/MOUT - REFUSE date 21st December 2007 Outline for the development of land for employment classes within B1 (Business), B2 (General Industrial) and B8 (storage or distribution) together with associated works

08/01853/FULL - REFUSE date 3rd December 2008 Retention for change of use of land to provide compounds and bunding (APPEAL DISMISSED 29.10.09)
08/02295/MOUT - WDN date 13th February 2009 Outline for the development of land for employment classes within B1 (Business) and B2 (General Industrial) together with associated works (Revised scheme)
14/02086/SCR - CLOSED date 5th January 2015 Request for Scoping Opinion relating to proposed mixed use development
18/00662/MFUL - PERCON date 16th October 2018 Erection of an industrial building (B1/B2/B8 use) and provision of additional parking
21/01576/MOUT - PCO date Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved
14/00801/FULL - PERMIT date 15th September 2014 Erection of agricultural livestock building
14/02086/SCR - CLOSED date 5th January 2015 Request for Scoping Opinion relating to proposed mixed use development
15/00382/FULL - PERMIT date 20th August 2015 Erection of an agricultural livestock building (889 sq.m)
21/00397/FULL - REFUSE date 28th May 2021 Construction of a concrete storage area
21/01263/FULL - REFUSE date 25th November 2021 Construction of a concrete storage area
21/01576/MOUT - PCO date Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved
22/00665/MFUL - PERMIT date 6th October 2022 Retention of silage clamp and erection of roof over

Retention of silage clamp and erection of roof over

96/00012/ADVERT - PERMIT date 9th May 1996 Consent to display a sign advertising dairy demonstration unit
08/01853/FULL - REFUSE date 3rd December 2008 Retention for change of use of land to provide compounds and bunding (APPEAL DISMISSED 29.10.09)
10/00077/FULL - DELETE date 19th July 2010 Retention for change of use of land to provide compounds and bunding
10/01183/FULL - REFUSE date 30th September 2011 Retention for change of use of land to Class B8 storage compound (APPEAL ALLOWED 31.08.12 - PLANNING PERMISSION GRANTED)
10/01198/FULL - PERMIT date 24th September 2010 Retention of bunding
14/02086/SCR - CLOSED date 5th January 2015 Request for Scoping Opinion relating to proposed mixed use development
16/00306/FULL - PERMIT date 4th May 2016 Erection of 2 business units (Use Class B1/B2)
16/01247/FULL - PERMIT date 7th October 2016 Installation of sewage treatment plant to replace existing septic tank
18/00662/MFUL - PERCON date 16th October 2018 Erection of an industrial building (B1/B2/B8 use) and provision of additional parking
21/01576/MOUT - PCO date Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 Sustainable development priorities
S2 Amount and distribution of development
S3 Meeting housing needs
S4 Ensuring housing delivery
S5 Public open space
S6 Employment
S8 Infrastructure
S9 Environment
S10 Tiverton
S14 Countryside

TIV1 Eastern Urban Extension
TIV2 Eastern Urban Extension Transport Provision
TIV3 Eastern Urban Extension Environmental Protection and Green Infrastructure

DM1 High quality design
DM2 Renewable and low carbon energy
DM3 Transport and air quality
DM4 Pollution
DM5 Parking
DM25 Development affecting heritage assets
DM26 Green infrastructure in major development

National Planning Policy Framework

National Planning Practice Guidance

As the site is within the Parish of Halberton the Tiverton Neighbourhood Plan is not a material planning consideration in the determination of this application.

However, the following has been considered for purposes of context and completeness:

- Tiverton Neighbourhood Plan,
- TEUE Masterplan 2018,
- TEUE Design Guide 2016,
- Meeting Housing Needs SPD,
- Meeting housing Needs SPD,
- Open Space SPD,
- EDNA / Employment Land Monitoring review

REPRESENTATIONS

The application was originally advertised by site notices (expired 09.09.2021) and publicised in the local paper (expiry 15.09.2021) in September 2021. A further consultation was undertaken following receipt of an Environmental Statement which was received on 12th October 2022.

Circa 40 representations have been received objecting to the application on the following planning grounds:

- Principle of development. The site is in the countryside and the Council has a 5hyls;
- Sufficient employment land allocated elsewhere in the district;
- Harm to the character and appearance of the area; loss of public view;
- Harm to highway safety; increase in traffic; conflict with pedestrians using; TA substandard;
- Harm to biodiversity;
- Harm to the heritage assets including Great Western Canal;
- Impact on local infrastructure;
- Air, noise and light pollution;
- Harm to residential amenity of neighbouring properties;
- Flooding;
- The proposed site is BMV Grade 1 agricultural land.

CONSULTATIONS

TIVERTON TOWN COUNCIL - This proposal relates to the parish of Halberton. Tiverton Town Council feels that it falls outside of the settlement area and therefore should not be accepted. It further notes that with the progression of the Eastern Urban Extension in Tiverton it believes that the housing requirements for the area are already being met. Tiverton Town Council feels that the detailed objections contained within the submission made by the Tiverton Civic Society sums up the material reasons for not accepting this application well.

TIVERTON TOWN COUNCIL - The proposal for 150 dwellings is outside of the settlement area for Tiverton and is against the Tiverton Neighbourhood Plan

The proposal could have a detrimental effect of the nearby Tiverton Canal.

Council feels that this should have been two separate applications.

The infrastructure in the area is at present inadequate to cope with additional traffic generated by this proposal.

The housing numbers for Tiverton are already met by the Eastern Urban Extension development, therefore we do not feel that further housing is necessary at this location.

The development would see the loss of Class A agricultural land and would see the gap between the urban settlement of Tiverton and the rural parish of Halberton reduced to an unacceptable level.

Tiverton Town Council therefore opposes this development

HALBERTON PARISH COUNCIL - The Parish Council RESOLVED to strongly object to the application detailed above for the following reasons:

1. The site is not allocated for development in the Mid Devon Local Plan 2013-2033. The Parish Council considers that there is adequate land already designated to enable housing targets to be met through the Tiverton East Urban extension.

2. The site was originally developed as part of a scheme to permit limited farm diversification. The Parish Council does not consider an application for business units and 150 houses can be deemed to fall under the wording 'limited farm diversification'.

3. It is outside the settlement boundaries of both Tiverton and Halberton. The land between Tiverton and Halberton provides for a green buffer between the two settlements and this would be significantly reduced by this development.

4. The proposed site is Grade 1 agricultural land. Government guidelines state that the best and most versatile (BMV) agricultural land should be protected from significant, inappropriate or unsustainable development proposals.

5. There is 30,000 sq m of employment land allocated close to the new A361 junction which is a short distance from the proposed development and has significantly better road access for vehicles of all types. The Parish Council is also given to understand that there are vacant units at Tiverton Business Park.

6. Manley Lane which lies close to the proposed site is of insufficient width to cater for increased traffic.

7. An increase in traffic volume will have an adverse effect on the village of Halberton which already experiences congestion and speeding. The village high street is narrow and was not built to take significant numbers of cars and heavy goods vehicles. The site plan indicates works traffic turning right towards Halberton and thus through the village.

8. Road safety in general given that traffic would be coming out onto a 40 mph road after a corner and there is no pavement provision between the two settlements.

9. It would have a detrimental effect on the Grand Western Canal Country Park taking away the views of countryside for which it is well-known.

The Parish Council would also like to express their concerns over information supplied in the application with regard to the anaerobic digester and a possible increase in output.

The Parish Council have asked Councillor Ray Radford to call the application in but is given to understand that the application will automatically go before committee.

HALBERTON PARISH COUNCIL - Halberton Parish Council will respond to this application following its meeting on 7/9/21 as agreed

THE GRAND WESTERN CANAL JOINT ADVISORY COMMITTEE - 15.12.2022

I write on behalf of the Grand Western Canal Joint Advisory Committee;

"The Grand Western Canal Joint Advisory Committee continues to be concerned about the harmful effect on the rural character of the canal corridor east of Tiverton. Members acknowledge that the proposed development wouldn't be any closer than the previously agreed southern extent of the Tiverton Eastern Urban Extension.

However, canal users leaving Tiverton towards Halberton would have to travel significantly further towards Halberton before they could enjoy uninterrupted views of countryside on both sides of the canal. Currently, the transition from urban to the contrasting rural is quite close to the town. When the Tiverton Eastern Urban Extension is built south of Blundell's Road this transition will be moved significantly making it more difficult for Tiverton's people to reach the countryside. Similarly, those users setting out from the rural setting of Tiverton Road Bridge towards Tiverton will soon be faced with the housing visible from the canal, limiting their rural enjoyment.

The consequence of this development, if permitted, will detract from the quality of our much appreciated canal environment and to what end; the building of a quantity of housing that is not needed according to the Local Plan.

Other Objectors have drawn attention to the deleterious traffic impacts in the locality and to the encroachment on Halberton which threatens its identity as a separate place.

Members remain opposed to this proposal and wish to remind the Planning Committee of its Objection."

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 02.11.2022

Please find detailed below the current housing demand for Tiverton, extracted from Devon Home Choice in October 2022.

Totals						
Housing Type	1BH	2BH	3BH	4BH	5BH	6BH
General Needs	103	70	45	24	6	1
Step Free	25	3	4	1	0	0
Max 3 Steps	2	1	2	1	0	0
Wheelchair	9	1	0	1	0	0
Grand total	139	75	51	27	6	1

MDDC Economic Development Officer - Although the identified site is not allocated as employment land in the Local Plan 2013-2033 (adopted July 2020), and is outside the defined development limits for Tiverton, the Economic Development team would be in favour of this site coming forward for commercial development.

Reason

- There is an existing business park in this location, and a history of commercial use
- There is a delay in allocated sites coming forward for commercial development, particularly in the Tiverton area, leading to a possible short-medium term shortage of commercial land for relocation and indigenous business expansion.
- We are aware of pent-up demand following the easing of Covid restrictions
- The close proximity of the business park to the allocated residential developments in the EUE will provide residents with employment opportunities, within easy walking distance.
- The proposal to provide the commercial development with a low carbon energy supply from an existing anaerobic digester, will create the first low carbon commercial development in the district and could be an exemplar for other schemes, potentially attracting green businesses into the area.

MDDC PUBLIC HEALTH - Contaminated Land: A Stage 1 contaminated land report was prepared by Geoconsulting Ltd in February 2015. This identified potential contamination in several areas, associated with an old landfill, a filled gravel pit, localised deposits in made ground and the adjacent disused railway, all of which are either on or close to this site. They recommended that a full intrusive investigation should be carried out and we would agree with the need for this. As there are multiple potential issues we would recommend that the results of this may influence the siting of units and layout of the scheme and therefore ideally this should have been submitted with this application. If the application is to be determined without it then the full contaminated land condition should be added to any approval; but the applicant should be aware that the findings may impact on the layout of the whole scheme. (03.09.21).

Air Quality: An application for mixed commercial and residential use adjacent to a large urban expansion area and close to the main link road will require an air quality report and this is not submitted with this outline application. Again this is an important consideration not mentioned in the documents submitted. Ideally this should be required before determination as may influence the deliverability of the scheme. (03.09.21).

Environmental Permitting: No nearby sites with local authority environmental permits. (03.09.21).

Drainage: The development would be on mains drainage so we have no environmental health concerns regarding this. (03.09.21).

Noise & other nuisances: An application for mixed commercial and residential use adjacent to a large urban expansion area, existing farmstead and close to the main link road will require a noise report and this has not been submitted or mentioned in the planning statement. We recommend that this report should be submitted before determination of this application because the outcome may influence site layout and infrastructure in order to protect both existing and future residents. (03.09.21).

Housing Standards: No comments. (24.08.21).

Licensing: No comments. (11.08.21).

Food Hygiene: Not applicable. (12.08.21).

Private Water Supplies: Not applicable. (12.08.21).

Health and Safety: Not applicable. (12.08.21).

PUBLIC HEALTH - The original comments from public health were submitted in 2021. Since that time the applicant has prepared and submitted a comprehensive Environmental Statement and we have the following comments:

Noise - A number of mitigation measures have been suggested which will provide broadscale protection to residents from noise generated at the associated business park. These include an enhanced bund, a green space buffer and boundary residential road. We recommend that a condition along the following lines is included on any approval: "The recommendations for noise mitigation included in Chapter 12 of the Environmental Statement submitted by PCL Planning dated October 2022 shall be implemented prior to first occupation of the dwellings and maintained throughout the life of the site. Reason: to protect the amenity of future occupiers from excessive noise."

In addition to this we consider that any proposal for plant, air conditioning or ventilation equipment should be subject to separate planning applications in due course in order that appropriate noise mitigation measures can be incorporated and conditioned.

Air Quality - the ES has also considered and predicted air quality and concludes that no unacceptable impacts on the pre-existing air quality (which is good) will occur as a result of this development. We agree with this finding.

Contaminated Land - An intrusive geotechnical and contaminated land survey has been carried out. There were no findings of significant contamination across the site but the investigation was limited and further work will be needed in due course. We therefore recommend that the full contaminated land condition is included on any approval.

We recommend that the standard CEMP condition is included on any approval.

We have no outstanding concerns relating to this outline application.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 01.09.2021

Recommendation:

At this stage, 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.

Observations:

The applicant has undertaken infiltration testing which indicated that the ground conditions are not suitable for soakaway devices. The applicant has followed the principles set out in the surface water management hierarchy. We are pleased to see swales within the design of the proposed surface water management system and that urban creep has been incorporated within the calculations.

The applicant should provide evidence that the Tidcombe Fen SSSI requires the increase in discharge volume (extra water) as per Section 3.5 in the Flood Risk Assessment dated June 2021. This stance goes against providing long term storage which is a requirement of our SuDS for Devon Guidance (2017).

We would be happy to provide a further substantive response if additional information is submitted to the local planning authority.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 23.09.2021

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Level 2 Flood Risk Assessment & Sustainable Urban Drainage Strategy, Land At Hartnoll farm, Halberton, Tiverton, 529/FRA2 v2 23.06.21

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response FRM/MD/01576/2021, dated 01.09.21, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 21.09.21, for which I am grateful.

The applicant has answered my concern regarding the proposed discharge rate. The applicant is proposing to discharge at Qbar which meets the long term storage requirements. The proposed strategy is to attenuate the runoff into two basins and swale features. We would encourage the applicant to ensure that these features are designed with input from a landscape architect so they are fully integrated within the landscape.

Please note that any connection into an Ordinary Watercourse may require a Land Drainage Consent from DCC Flood & Coastal Risk Management Team.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 18.11.2022

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Observations:

The applicant has submitted the Environmental Statement in which in Volume 2 Appendix 8.1, the same approved Level 2 Flood Risk Assessment & Sustainable Urban Drainage Strategy, Land at Hartnoll farm, Halberton, Tiverton, Devon (Report Ref. 529/FRA2, Rev. V2, dated 23rd June 2021) was submitted.

The previous consultation comment provided on the 23rd September 2021 remains unchanged.

DCC - WASTE MANAGEMENT TEAM – August 2021

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

DCC - WASTE MANAGEMENT TEAM - 16.11.2022

Thank you for your consultation letter attached. It appears that the last time we were consulted upon this application (previous response attached) we didn't include a request for a contribution towards a new Household Waste Recycling Centre in the Cullompton area. We request this contribution due to the impact that new development has on existing infrastructure and the need therefore to plan and fund replacement sites. The link explains in more detail why we are making this request and shows the catchment area for a new site for the Cullompton/Tiverton/Willand area Waste management and recycling - Planning ([devon.gov.uk](https://www.devon.gov.uk)). According to paragraph 1.8 of the document we are asking for a contribution of £128 x 150 homes = £19,200.

NATURAL ENGLAND - 22.11.2022

Thank you for your consultation dated 2nd November regarding the above proposal.

Further to our advice of 26th August 2021 ref 364346, Natural England does not have any additional comment to make at this time. Our advice regarding connection to mains sewer, the need for a SuDS management and monitoring scheme and suggested conditions, still stands. We note from the correspondence that South West Water is able to provide foul sewerage services from the existing public foul sewer in the vicinity of the site.

If, however, you consider there may be implications for the natural environment that we have not considered, please do not hesitate to contact me on the details below.

Highway Authority - Comments: 20/6/2022

The Applicant has submitted a Transport Addendum which addresses most of the points raised and is acceptable.

All the offsite highway works should either be secured through a condition or be within a S106 Agreement.

Therefore the County Highway Authority has no objections to this application.

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

The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle

overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

REASON: To protect water quality and minimise flood risk

Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. 48582/5501/SK02 Rev H have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network.

25.08.2021

Devon County Historic Environment Team ref: Arch/DM/MD/36827a

The proposed development site lies in an area of archaeological potential with regard to known prehistoric and Romano-British activity in the surrounding landscape. The archaeological geophysical survey of the site has confirmed the presence of prehistoric or Romano-British field systems as well as a prehistoric funerary monument in the south-eastern part of the application area. However, it is not possible to determine the extent of survival and significance of any heritage assets with archaeological interest within the application area, or of the impact of development here upon them, without undertaking intrusive field evaluation. This will allow an understanding of the significance of the heritage assets present test the efficacy of the survey itself. As such, I do not consider that the information submitted in support of this application contains sufficient information to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with the known prehistoric and Romano-British activity in this area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM25 (2020) and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of a programme of intrusive field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

HISTORIC ENVIRONMENT TEAM - 03.11.2022

Devon County Historic Environment Team ref: Arch/DM/MD/36827b

As stated in the Historic Environment Team's previous comments: the proposed development site lies in an area of archaeological potential with regard to known prehistoric and Romano-British activity in the surrounding landscape. The archaeological geophysical survey of the site has confirmed the presence of prehistoric or Romano-British field systems as well as a prehistoric funerary monument in the south-eastern part of the application area

The recently submitted EIA includes the previously prepared desk-based archaeological assessment and geophysical survey. Archaeological background, significance and importance of site - regional and national context. However, again as stated previously by the Historic Environment Team, it is not possible to determine the extent of survival and significance of any heritage assets with archaeological interest within the application area, or of the impact of development here upon them, without undertaking intrusive field evaluation. This will allow an understanding of the significance of the heritage assets present test the efficacy of the survey itself.

In the absence of the results of a programme of archaeological field evaluation I do not consider that the information submitted in support of this application contains sufficient information to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the unknown significance and know presence of below ground archaeological deposits associated with prehistoric and Romano-British activity within the application area and the surrounding landscape and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM25 (2020) and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of a programme of archaeological field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:
<https://new.devon.gov.uk/historicenvironment/development-management/>.

DCC - EDUCATION - Devon County Council has reviewed the application above and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested. The requests are in line with DCC's current Education Infrastructure S106 Approach (February 2020), DfE guidance and the latest pupil data.

The proposed increase of 150 family type dwellings would generate an additional 37.5 primary pupils and 22.5 secondary pupils.

Special Education Provision

It is set out in DCC's Education Infrastructure Plan that approximately 1.5% of the school population require specific Special Education provision. The proposed development is likely to generate a total of 0.9 pupils (0.56 primary, 0.34 secondary) who will require a specialist place. Based on a standard rate of £86,284 per SEN pupil, a total of £77,655 is requested for additional SEN provision that would be required as a result of the development. DCC will not seek additional primary or secondary contributions for SEN pupils and therefore will seek S106 contributions towards the remaining 36.94 primary and 22.16 secondary pupils likely to be generated by the development.

Primary Education Provision

Devon County Council acknowledges the shift in demographics in Tiverton and an increase in the number of spare primary places across the town. Although this application does not form part of the Eastern Urban Extension allocation (Tiv 1-5) which includes the provision of onsite primary facilities, given the applications location, primary pupils generated from this development would be expected to attend the new primary school. Therefore, in accordance with the Department for Education's guidance 'Securing Developer Contributions for Education' the capacity of existing primary schools beyond the statutory walking distance of the site do not need to be taken into account when calculating developer contributions.

Tidcombe Primary School and Halberton Primary School are within the statutory walking distance of the site. Both schools are forecast to be at capacity, therefore Devon County Council will request a contribution for the full 36.94 primary pupils. The contribution sought is £717,263 (based on the DfE new build rate of £19,417 per pupil). This will relate directly to providing education facilities for those living in the development.

Early Years

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £37,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

Education Land

In accordance with the Department for Education Building Bulletin 103 and 104, primary schools of 420 places require a site of 1.8Ha, 43m² per pupil. Similar to the primary contribution, a land contribution is requested for 36.94 primary pupils, requiring a pro-rata land requirement for primary

of 0.158Ha. In addition, land for nursery provision is calculated at 1.4m² per dwelling. As a development of 150 dwellings this is a land requirement for early years of 0.021Ha. In total, this is a land requirement of 0.179Ha. Previous responses to applications coming forward for the Eastern Urban Extension set out an appropriate value for non-residential land in the district as £500,000 per hectares. Applying this to the 0.179Ha requirement indicates that a contribution of £89,500. Noting that £500,000 per hectares dates from 2013, it is appropriate that indexation is applied to the figure, which would increase it to £120,661. However, it should be noted that this figure is an estimated price, and that the actual costs will be subject to landowner negotiations. It is expected that the developer of this site shall pay the full cost for this area of land, even if this is more or less than the figure provided here. This reflects the current S.106 agreement for this site.

Secondary Education Contributions

Tiverton High is forecast to have capacity for 54% 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 46% directly towards additional secondary education infrastructure at Tiverton High School. The contribution sought towards secondary provision would be £229,488 (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.

It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.

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.

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 - 26.08.2021

SUMMARY OF NATURAL ENGLAND'S ADVICE

Nationally Designated Sites - no objection subject to mitigation / conditions

Without mitigation the proposal has the potential to damage or destroy the interest features for which Tidcombe Lane Fen Site of Special Scientific Interest (SSSI) has been notified.

Mitigation required:

- Connection to mains sewer to deal with foul water.
- A detailed sustainable drainage scheme (SuDS) to deal with surface water.

Our detailed advice on this and other environmental considerations is provided below. Full details available to view on documents tab.

RSPB - 26.08.2021

Thank you for inviting the RSPB to comment on the above, we are interested to see the Developer's Ecologists include

Additional nesting opportunities for bird species will be provided as a result of the proposed development. Nest boxes for a range of bird species will be installed upon retained vegetation* and new houses throughout the site.

To achieve the meaningful "Biodiversity Net Gain" required by National Government as referred to in:

<https://www.gov.uk/government/news/vision-for-building-beautiful-places-set-out-at-landmark-design-event>

Vision for building beautiful places set out at landmark design event - GOV.UK A range of measures launched which will improve communities' infrastructure, champion neighbourhood design and support walking and cycling to boost health and wellbeing a comprehensive Landscape and Ecological Management Plan following the policies set out in the recent addition to the NHBC's Library of Guides would be required, see:

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creating-wildlife-friendly-communities/>

Biodiversity in new housing developments: creating wildlife-friendly communities - NHBC Foundation Free webinar. For an introduction to the principles and practicalities of creating wildlife-friendly communities, which was sponsored by Barratt/David Wilson Homes and followed by

<https://www.taylorwimpey.co.uk/corporate/sustainability/environment-strategy>

Taylor Wimpey's recent Policy Statement which they are already putting into practice in Exeter and elsewhere!!

If the above examples are followed we would expect the LEMP to include:

- an average of one integral "universal bird box" (see attached) per residential dwelling.
- provision for crevice roosting bats and solitary bee species
- creation of hedge hog highways
- creation of "green arteries", green spaces and tree planting to create access and foraging areas for the above.

We recommend that it should be included in the next stage of the planning application and made a condition of the consent if granted.

*We can see little point in attaching nest boxes to retained vegetation if any, they will have a limited life span, vandalism/theft may be a problem, who will be responsible for maintain and/or replacing them??

RSPB England, Exeter Office.

SOUTH WEST WATER - 31.08.2021

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

SOUTH WEST WATER - 4th November 22

I refer to the above application and would advise that whilst there are no objections, there are public water mains crossing the site. I further note that the "sewer records" enclosed in the Flood Risk Assessment document are in fact water mains records. The nearest public combined sewer network is located to the northwest of the proposed development site.

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection - Water Mains

Please find enclosed a plan titled "Hartnoll Farm Water Mains records" showing the approximate location of a public 600mm water main, a 450mm water main, and a 400mm public water main in the vicinity. Please note that no development will be permitted within 3.5 metres of the water mains, and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main(s) will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

Please find attached a plan titled "Hartnoll Farm Sewer Records", which shows the nearest combined sewer network is located to the northwest of the proposed development. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

DEVON, CORNWALL & DORSET POLICE - Re Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved at Hartnoll Farm Tiverton Devon - 16th August 2021

Thank you for this outline application.

Police have no objections in principle to the scheme. However, the available indicative site layouts reveal little, if any detail, for example, parking provision and proposed boundary treatments, to enable me to comment in depth from a crime and disorder, ASB and community conflict perspective. Therefore, to assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations.

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority the following information is to inform the applicant.

Due to the way in which many industrial developments evolve from inception to completion and the fact that in many instances the intended occupier and the nature of their business is unknown even beyond completion, it is often not possible to prescribe the completely appropriate security standard for the assessed crime risk. However, it is fair to say, commercial units can be vulnerable to burglary, theft and unwanted trespass, therefore it is recommended that consideration is given to constructing the units to achieve Secured by Design (SBD) compliance. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services.

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

- ' Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security
- ' Structure: Places that are structured so that different uses do not cause conflict
- ' Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent creating problem areas which can attract the antisocial to gather, dumping and dog fouling
- ' Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- ' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and Commercial 2015
- ' Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- ' Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and ASB.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a

change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.

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

To assist the process in ensuring compliance with the requirements of ADQ, it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires that doors and windows are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing the provenance of non SBD approved products.

Vehicles should preferably be parked in locked garages or on a hard standing within the dwelling boundary. Where communal parking areas are necessary, bays should be sited in small groups, close and adjacent to homes, be within view of active rooms and allocated to individual properties. Rear parking courtyards are discouraged for the following reasons:

' They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated;

' In private developments such areas are often left unlit and therefore increase the fear of crime;

' Un-gated courtyards provide areas of concealment which can encourage antisocial behaviour.

I would also advise that for all plots that private front gardens are suitably clearly defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

DEVON, CORNWALL & DORSET POLICE - Re Hartnoll Farm Tiverton Devon (Additional Information) - 9th November 2022

Thank you for this application, having reviewed the additional information I have no additional comments from a designing out crime and ASB perspective.

Economic Development Officer - Although the identified site is not allocated as employment land in the Local Plan 2013-2033 (adopted July 2020), and is outside the defined development limits for Tiverton, the Economic Development team would be in favour of this site coming forward for commercial development.

Reason

- There is an existing business park in this location, and a history of commercial use
- There is a delay in allocated sites coming forward for commercial development, particularly in the Tiverton area, leading to a possible short-medium term shortage of commercial land for relocation and indigenous business expansion.
- We are aware of pent-up demand following the easing of Covid restrictions
- The close proximity of the business park to the allocated residential developments in the EUE will provide residents with employment opportunities, within easy walking distance. The proposal to provide the commercial development with a low carbon energy supply from an existing anaerobic digester, will create the first low carbon commercial development in the district and could be an exemplar for other schemes, potentially attracting green businesses into the area.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Principle of development**
- 2) Design and impact on the character and appearance of the surrounding area**
- 3) Impact on heritage assets**
- 4) Sustainable transport, highway safety & parking**
- 5) Employment use, renewable energy production and the existing AD**
- 6) Flood risk and surface water drainage**
- 7) Biodiversity and trees**
- 8) Environmental health matters:**
- 9) Residential amenity**
- 10) Environmental Impact Assessment**
- 11) Conclusions and planning balance**

1. Principle of development

- 1.1. In conformity with s70(2) of the Town and Country Planning Act 1990 and s38(6) of the Planning and Compulsory Purchase Act 2004 the planning application is required to be determined in accordance with the policies of the Development Plan (Mid Devon Local Plan 2013-2033) unless other material considerations indicate otherwise. Consideration should also be had to the content of the National Planning Policy Framework (NPPF) which is a material consideration in all planning applications and to the National Planning Practice Guidance together with any other relevant policy guidance; Supplementary Planning Documents (SPD) and the relative weight of any emerging policy.

The proposed residential development:

- 1.2. The proposed residential development is located on land that falls within the countryside subject to Policy S14 of the Local Plan (LP). As the council has an up-to-date and robustly calculated 5 year housing land supply (5YHLS) the proposed residential development is unacceptable in principle contrary to the strategic aims of the adopted local plan policies S2, S3, S4 & S14.
- 1.3. The strategic policies that control housing land supply and allocated sites is a central tenet of the LP which was found to be sound and adopted in 2020. The Council give policies S2 & S3 great importance in the overall objective of the Local Plan. The proposal is contrary to strategic policy S2 (Amount and distribution of development) and S3 (Housing) because the council is meeting and exceeding its housing target numbers and can demonstrate a 5YHLS.
- 1.4. The housing proposal is also contrary to policy S3 (Housing) of the LP at criterion b) & c) because the development does not propose any affordable housing or custom build housing. No viability assessment has been submitted to demonstrate that no affordable houses or custom build plots can be provided.
- 1.5. Furthermore, DCC Education have sought contribution towards special education needs provision (£77,655), early years (£37,500), primary education (£717,263), secondary (£229,448) and £120,000 towards educational land. These matters would need to be secured by s106 agreement. However, no heads of terms have been submitted with the application and as noted above no viability assessment has been provided.

- 1.6. The proposed dwellings and employment would be served by a new road that would serve the eastern side of the EUE. It is argued that the proposed market residential element is enabling development providing the funding to deliver the proposed new access, link road and additional capacity by virtue of providing a second point of access into Parcel B of the EUE. It is also contended that the proposed open market housing will provide infrastructure for the AD to provide CHP to the existing and proposed employment.
- 1.7. Policy TIV 1 para 3.9 confirms that the TEUE was originally intended to accommodate up to 2,000 new homes. This would necessitate the need for a new access road to link the development to Heathcoat Way; this is also confirmed in para 3.16 of TIV 2. The allocation for the EUE is between 1580-1830 dwellings. This application represents 150 dwellings and as such would not trigger 2000 dwellings. Policy TIV 5(h) confirms that no more than 600 dwellings or 10,000sqm of commercial floorspace before the completion of the full movement grade separated junction to the A361 and completion of the traffic calming and environmental enhancement of Blundell's Road between Putson Lane and Heathcoat Way. Should this application be approved S106 contributions towards the A361 full movement grade separated junction on to the A361 and traffic calming and environmental enhancement of Blundell's Road would be required on or prior to the commencement of development.
- 1.8. The proposed housing and the benefits of the link road will be discussed later in this report as part of the planning balance.

The proposed employment development:

- 1.9. LP strategic policy S1 (Sustainable development priorities) amongst other states that, 'All development will be expected to support the creation of sustainable communities by: a) A development focus at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements, with long-term growth to the east of Cullompton and a limited level of development in identified villages; b) Building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances; and at; d) Supporting a prosperous rural economy through the conversion of suitable existing buildings and well-designed new buildings in suitable locations, diversification of agricultural and other land based businesses, and at e) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality.
- 1.10. LP strategic policy S2 sets out an approach to the amount and distribution of development which provides for a minimum of 147,000 square metres of commercial floorspace, with development concentrated at Tiverton, Cullompton and Crediton, to a scale and mix appropriate to their individual infrastructures, economies, characters and constraints.
- 1.11. Para. 2.44 of the LP recognises that: "Very large employment sites can be more difficult to deliver due to high infrastructure costs, and there is an identified shortage of small scale employment sites. Development Management policies allow for small-scale employment and other commercial development in suitable locations. These sites can come forward according to market demand and a land allocation will not always be necessary. However, the towns are usually the most sustainable locations for planned employment growth, where there is an existing local population and access to services. Commercial development is

expected to be delivered through a combination of site allocations and windfall developments elsewhere.”

- 1.12. Strategic policy S6 (Employment) states that: “The employment needs of the community will be met through the development of 147,000 square metres of commercial floorspace comprising a range of employment-generating uses, including: a) Offices, industry, storage and distribution (B1-B8);b) Retail, tourism and leisure (A1-A5, C1, D2 and relevant sui generis uses);c) Development for healthcare, education and public facilities (C2-C2a, D1); and d) Other forms of sustainable employment-generating uses.”
- 1.13. In terms of windfall rural commercial development Policy DM18 states that: “In countryside locations, planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that: a) The development would not lead to an unacceptable impact on the local road network; b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.”
- 1.14. Para. 4.56 following DM18 goes on to state: “The Council recognises the importance of retaining and providing rural employment opportunities outside settlement limits as a means of ensuring a diverse and healthy rural economy. There is a range of employment activities, particularly those associated with tourism, recreation and rural diversification that can be accommodated in countryside locations, without any adverse effects upon the character of Mid Devon’s rural areas or existing development. It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment. It is also important that development outside settlement limits only occurs where there are insufficient alternatives available otherwise such development would not be sustainable. The policy is not intended to relate to large scale strategic development which would be contrary to Policy S2.”Paragraph 4.57 of the plan clarifies that policy DM18 refers to new-build developments and expansion of existing businesses.
- 1.15. It is acknowledged that the application site lies adjacent to but outside the defined development limit for Tiverton. Therefore the site lies within the countryside. However, policy DM18 makes specific provision for new build employment development and expansion of existing businesses i.e. such supply is a specific component of the LP provision for employment floorspace over and above that allocated for development by policies S2 and S6. The supporting text of those policies recognises that the towns are the most appropriate locations for employment growth.
- 1.16. An employment report has been submitted with the application which attempts to demonstrate that there is a shortfall of employment space in the district, both in terms of quantity and quality. The Council’s forward planning team have recently undertaken an Employment Land Monitoring Review of the District which concludes that the Council is meeting and exceeding the requirements of strategic Policy S2 which requires 147,000sqm of commercial floorspace comprising a range of employment-generating uses in the period 2013 – 2033. The total completed and committed employment floorspace (Class B space and Class E office, research and development, light industrial) is 175,929 sq m.

- 1.17. The proposed employment space is not therefore required to satisfy an unmet need in advance of employment at EUE and elsewhere in the District.
- 1.18. The Council's Economic Team are supportive of the proposed employment space and have stated that: "Although the identified site is not allocated as employment land in the Local Plan 2013-2033 (adopted July 2020), and is outside the defined development limits for Tiverton, the Economic Development team would be in favour of this site coming forward for commercial development. Reason: There is an existing business park in this location, and a history of commercial use. There is a delay in allocated sites coming forward for commercial development, particularly in the Tiverton area, leading to a possible short-medium term shortage of commercial land for relocation and indigenous business expansion. We are aware of pent-up demand following the easing of Covid restrictions. The close proximity of the business park to the allocated residential developments in the EUE will provide residents with employment opportunities, within easy walking distance. The proposal to provide the commercial development with a low carbon energy supply from an existing anaerobic digester, will create the first low carbon commercial development in the district and could be an exemplar for other schemes, potentially attracting green businesses into the area."
- 1.19. The delay in allocated sites coming forward is a pertinent point and Forward Planning Officers have confirmed that historically there have been delays in allocated sites coming forward with many windfall/rural employment sites having been approved to satisfy the strategic needs of the LP e.g. Hitchcocks Business Park. However, each rural proposal must be taken on its own merits having regard to Policy S2 and DM18.
- 1.20. The first part of Policy DM18 requires that to be acceptable in principle rural employment must be of an appropriate use and scale for its location. The existing employment site amounts to approximately 9,270sqm of employment space. The proposed employment space amounts to 9287sqm and would provide employment uses broadly similar to that already present at HBC. The proposed floor space would double the size of the existing business park, but having regard to points raised above by the Economic Development Team, the proposed scale and use is considered to be acceptable. Due to the historic shortfall of employment provision and delivery in Tiverton, Officers consider that there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal, as well as the other outlined benefits, and therefore criterion C of Policy DM18 has also been met.
- 1.21. Taking account of the policy background it is considered that the proposed expansion of the existing employment site is acceptable in principle subject to compliance with Policy DM18 criteria (a - transport & b – character and appearance), which will be discussed below.
- 1.22. The proposed uses exceed 500 sqm of leisure floor space therefore in accordance with LP Policy DM15 a town centre/retail impact assessment is required. This document has been requested by Officers but has not been received therefore the impacts of the development on the town centre are not known and the development is contrary to Policy DM15. At this stage it has not been demonstrated that the amount of gym/leisure floor space proposed (929m²), in combination with the EUE, would not detrimentally impact Tiverton town centre.
- 1.23. It is understood that the application site is Grade 1 agricultural land. Government guidelines state that the best and most versatile (BMV) agricultural land should be protected from significant, inappropriate or unsustainable development proposals. Whilst the quantum of development is not considered to be significant in terms of loss of BMV, as noted above the

proposed residential development is considered to be inappropriate development in the context of this countryside location.

2. Design and impact on the character and appearance of the surrounding area

- 2.1. LP strategic policy S1 (Sustainable development priorities) amongst other states that, 'All development will be expected to support the creation of sustainable communities by: a) A development focus at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements, with long-term growth to the east of Cullompton and a limited level of development in identified villages; b) Building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances; and at; d) Supporting a prosperous rural economy through the conversion of suitable existing buildings and well-designed new buildings in suitable locations, diversification of agricultural and other land based businesses, and ate) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality.
- 2.2. National guidance is supportive of high quality, well designed, beautiful places. This is reflected in development plan polices. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S9 requires high quality sustainable design which reinforces the character and distinctiveness of Mid Devon's historic built environment, mitigates and adapts to climate change and creates attractive places. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area.
- 2.3. Policy S14 confirms that development outside the defined settlements will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
- 2.4. The character and appearance of the site is defined by its agricultural use and rural setting beyond the rural edge of the settlement. The site is an agricultural field bound by native hedging and trees on the Manley Lane boundary and by the existing employment on its eastern side. The land is open to the wider field to the south. The site slopes downwards from the northern boundaries southwards towards the Great Western Canal.
- 2.5. A Landscape Visual Assessment (LVA) has been submitted with the application and the same document has been submitted as part of the ES (Volume 2 - Appendix 11.1). At para 1.3 the LVA states that 'This LVA is not a full impact assessment as formally required as part of an Environmental Impact Assessment (EIA), it is a less formal appraisal.' Furthermore, the LVA also only assesses residential development up to 120 dwellings rather than the 150 dwellings proposed.
- 2.6. The application site is identified within character type 3E Lowland Plains. This landscape character type lies directly against the existing eastern edge of Tiverton and the entire extent of the adopted Tiverton EUE allocation is also located within the area. The key characteristics for the area are:
 - Gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes;

- The landscape is dotted with large-scale farmsteads which tend to be located on the rolling sides of the land, above the valley floor. Villages tend to be located either near to valley crossing points or on the higher ground;
- Modern steel framed farm buildings are sited alongside the more traditional farm building style of cob and thatch;
- An agrarian landscape with medium to large scale field patterns;
- Fields are divided by hedgerows and hedgebanks, with the hedges forming spines along the rolling hills, with rib-like hedges crossing the convex slopes down into the valleys. These hedges are distinctive in their regularity and simplicity;
- Views are highly variable. The landscape is semi-open with some long extensive views afforded from on top of hilltops. Where hedges are high views are mostly framed or confined with glimpses into and out only present from field gate openings;
- Hedgerow trees are infrequent within the type. Individual trees within amalgamated fields indicate the positions of lost hedges;
- Whilst there are a number of outlying, regularly distributed farms and villages, hamlets and small groups of houses, this is generally a sparsely populated area;
- The landscape typically has short vistas terminated by a backdrop of curving hills with occasional long views from prominent locations, giving rise to a patchwork of irregular shaped fields with green pastures.

2.7. The LVA identifies the main receptors as:

Users of the PROW along the Great Western Canal Tow Path & users of PROW Tiverton FP21; motorists travelling west over Tiverton bridge on Post Hill; residents on the eastern edge of Post Hill/Tiverton; residents of Windana, Red Linhay and on Warnicombe Lane.

2.8. Chapter 4 of the LVA outlines the proposed landscape features to mitigate the visual impacts of the scheme, which would include the following:

- Creation of mixed species native hedgerow along the Site boundary;
- Planting of small woodland copse at field corner;
- Planting of additional trees adjacent to the existing hedgerow;
- Tree and hedgerow planting to fill gaps in existing hedgerow;
- Avenue of trees providing an extension to the roadside landscape treatment in adjacent development;
- Fill gaps (including existing access point) to create a continuous mixed species native hedgerow along Post Hill;
- Hedgerow and hedgerow trees to line access road, mimicking form and character of Crown Hill;
- Small groupings of native trees with path providing access to Post Hill;
- New path connecting the employment area with Manley Lane.

2.9. The LVA states that the summary of visual effects to most of these receptors, with the exception of FP21, would have a medium magnitude of change with medium overall effect (Warnicombe residents low-medium magnitude and effect).

2.10. The LVA concludes that the proposals will result in a change to the landscape character and views experienced by sensitive receptors. It goes on to say that assuming careful detailed design of the exact orientation, height, materials and colour of the proposed development, and installation of a well-designed and managed landscape framework, the overall effect on landscape could be neutral.

- 2.11. The harm noted above would only occur because of the proposed residential development. As the principle of development is not accepted neither is the identified harm to the landscape. In summary, it is considered that scheme does not accord with Policy S14 & DM1 due to the harm to the character and appearance of the area.
- 2.12. It is not clear from the framework plan whether 150 dwellings could be provided on the indicative perimeter housing blocks. Furthermore, details to demonstrate compliance with Policy S5 (public open space) have not been provided. Details of dwelling numbers, scale, extent of public open space, street hierarchy and parking provision could however be secured by condition.

Employment use:

- 2.13. Criterion b) of Policy DM18 requires that rural employment development would not have an unacceptable adverse impact on the character and appearance of the countryside. As the principle of development is considered to be acceptable officers have assessed the impacts of development based on the submitted LVA and in particular the proposed mitigation. Whilst the delivery of new employment space would have a moderate impact on visual effects from receptors, the landscape mitigation outlined could successfully reduce the impacts of the development to ensure that there would be no adverse impacts on the character and appearance of the countryside.

3. Impact on heritage assets

- 3.1. Policy S1 of the Mid Devon Local Plan seeks to conserve and enhance the historic environment through protection of heritage assets and by assessing the impact of new development on historic character. Policy S9 requires the protection of listed buildings, conservation areas, scheduled monuments and local heritage assets. Policy DM25 requires proposals likely to affect the significance of heritage assets to consider their significance, character and setting, and to examine opportunities to enhance them.
- 3.2. A Heritage Assessment (HA) undertaken by Cotswold Archaeology has been submitted with the application, which assesses the effects of the proposal on the historic environment. The same report has been submitted as part of the ES (Technical Appendix 6.1). A geophysics document has also been submitted which form part of the ES Technical Appendix 6.2.
- 3.3. The nearest heritage assets to the site are Blundell's Conservation Area to the east approximately 285m to the south of the Site and contains the Grade II Listed Manley Railway Bridge; the scheduled monument of an earthwork Bowl Barrow is located approximately 910m to the north-north-west of the site; the scheduled monument of an earthwork Long Barrow circa 695m to the north-west of the Site; the Grade II Listed Prowses Farmhouse situated circa.458m to the west of the Site; the Grade II Listed East Manley Farmhouse situated circa 810m to the south of the site; and A Grade II Listed road bridge this situated approximately 1km to the south-east of the site.
- 3.4. In terms of setting the HA states that, 'The available evidence and inspection indicate that views of the surrounding landscape (including the Site) from these assets are predominantly blocked by existing vegetation screening and/or topography. Some glimpsed views to the Site are available from the Manley Railway Bridge. The Site is not however identified to form

a part of, or make any meaningful contribution to, the setting of these assets, or contribute to the special architectural or historic interest from which their principle significance derives.’

- 3.5. Officers concur with this view. The impacts on the setting of heritage assets would be negligible. Suitable screening could be provided to adequately mitigate any intervisibility.

Archaeology:

- 3.6. The HA report provides only a desk-based assessment of archaeology. It outlines that known and potential archaeological remains identified within the site comprise: buried remains of a Neolithic ring ditch; buried remains of former cultivation activity and field boundaries and hedgerows/hedge banks bordering and running within the site.

- 3.7. The County Archaeologist has stated that:

“The proposed development site lies in an area of archaeological potential with regard to known prehistoric and Romano-British activity in the surrounding landscape. The archaeological geophysical survey of the site has confirmed the presence of prehistoric or Romano-British field systems as well as a prehistoric funerary monument in the south-eastern part of the application area. The recently submitted EIA includes the previously prepared desk-based archaeological assessment and geophysical survey.

Archaeological background, significance and importance of site - regional and national context. However, again as stated previously by the Historic Environment Team, it is not possible to determine the extent of survival and significance of any heritage assets with archaeological interest within the application area, or of the impact of development here upon them, without undertaking intrusive field evaluation. This will allow an understanding of the significance of the heritage assets present test the efficacy of the survey itself. In the absence of the results of a programme of archaeological field evaluation I do not consider that the information submitted in support of this application contains sufficient information to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets. Given the unknown significance and known presence of below ground archaeological deposits associated with prehistoric and Romano-British activity within the application area and the surrounding landscape and the absence of sufficient archaeological information, the Historic Environment Team objects to this application.

If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM25 (2020) and paragraphs 194 and 195 of the National Planning Policy Framework (2021). The additional information required to be provided by the applicant would be the results of a programme of archaeological field evaluation. The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.”

- 3.8. As such, with regards to archaeology, it is considered that without these additional investigations, the proposal is contrary to policies S1, S9 & DM25 of the Mid Devon Local Plan and guidance within the NPPF.

4. Sustainable transport, highway safety & parking

- 4.1. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S8 requires that development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Policy DM3 seeks to ensure safe access to the transport network and requires that development proposals that give rise to significant levels of vehicular movement must be accompanied by a Transport Assessment. LP Policy TIV2 seeks to provide essential transport infrastructure at the EUE.
- 4.2. The application is accompanied by a Transport Assessment (TA), addendum note and travel plan (TP). All of these documents have been resubmitted as part of the ES Technical Appendix 7.1.
- 4.3. Vehicular access is proposed to be gained via a new priority junction onto Post Hill, approximately 90m to the east of the existing Hartnoll's Business Centre access. This junction will provide access to both Hartnoll's Business Centre and the proposed development. The existing access would be closed.
- 4.4. Offsite highway improvements are proposed to the pedestrian footway network. On the southern side of Post Hill, the existing footway will be extended from its existing extent to the west of the Manley Lane junction along the northern frontage of the site to the site access junction. This footway would be 2m in width throughout. Dropped Kerbs would be provided at Manley Lane to facilitate crossing of this carriageway, whilst an informal crossing facility with tactile paving would be provided on Post Hill to the west of Manley Lane to allow pedestrians to cross the carriageway.
- 4.5. This crossing would provide access to a new proposed bus stop located on the northern side of Post Hill for Eastbound services. A complimentary westbound bus stop is proposed immediately adjacent to the northern site boundary which would also be accessible via the new footway. The TA states that in addition, given increased pedestrian and cycle movements in the vicinity, the extension of streetlighting along Post Hill to the proposed site access can be explored with the Local Highway Authority at the detailed design / s278 stage.
- 4.6. Pedestrians and cyclists would be able to access the site via several routes. A pedestrian-cycle connection would be provided in the north western corner of the site immediately south of the proposed westbound bus stop and connecting to the internal footways. Alternatively, pedestrians will be able to access and egress the northern boundary of the site via the vehicle access junction.
- 4.7. Additional pedestrian and cycle links could potentially be provided on the western boundary of the site, connecting to Manley Lane with onward travel possible through the EUE or the nearby Sustrans route or the Great Western Canal Towpath.

It is proposed that the car parking and cycle parking provision would be provided in accordance with the Mid Devon Policy, 'Parking Provision in New Developments' SPD adopted in June 2013. Electric Vehicle standards are included within the adopted Local Plan under Policy DM5. The proposals would come forward in line with parking and EV charging

policy relevant at the time of the subsequent Reserved Matters application. The internal highway layout would be agreed at the detailed reserved matters stage.

- 4.8. The TA states that: *“It is considered that, based on the site’s location, there is an opportunity to provide a further connection to the EUE from the south western boundary. This connection would provide a link via the site from the EUE to Post Hill and extend the spine road, via the proposed Site Access junction. Whilst the access strategy for the proposed development is only reliant on the proposed Post Hill junction, it is considered that an additional connection to the EUE will help to distribute traffic flow on the local highway network and enhance the overall connectivity of both the proposed development and the EUE.”*
- 4.9. There is a recognised access issue on the eastern side of the EUE, due to land ownership and phasing, which will impact the development in the medium to long term. It is generally agreed that providing an eastern access as early on in the life of the EUE would be expedient to ensure the timely delivery of the EUE as envisaged within the Local Plan.
- 4.10. Pedestrians and cyclists would be able to utilise the proposed site access junction, whilst it is anticipated that connections will be made to Manley Road that forms the western boundary. From here pedestrian and cyclists will be able to access Post Hill, in particular the bus stops, as well as connecting to the eastern boundary of the Tiverton EUE, and the extensive network of pedestrian and cycle facilities within the urban extension, once delivered to the boundary.
- 4.11. The cost of the road would be borne by the applicant/developer. No details of the costs and impacts on viability (including other strategic requirements such as affordable housing & custom build) have been provided.
- 4.12. The Highway Officer has confirmed that the proposed TA, addendum and TP is fit for purpose and that the proposed access with Post Hill road is acceptable in terms of highway safety including alignment and visibility. In accordance with LP policy and the NPPF it is considered that appropriate opportunities to promote sustainable transport modes have been considered, that safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.13. Details of the full road layout, drainage etc would be determined at the reserved matters stage. As originally submitted the County Highway Officer raised a number of queries but following the submission of an addendum has no objections subject to conditions.
- The Highway Officer has also confirmed that the existing access and road, with some minor modifications, is suitable to provide access for the proposed employment space and housing. It is not however suitable to provide the eastern access to the EUE.
- 4.14. The LPA has secured highway contributions at the EUE in line with LP Policy TIV2, to provide essential transport infrastructure at the EUE. This would also be sought from this development unless a viability assessment can demonstrate that it cannot be provided.
- 4.15. The proposed development is considered to be in accordance with Policies S1, S8, DM1 & DM3. Detailed information regarding highways layout, street hierarchy and parking provision would be dealt with at the reserved matters stage.

5. Employment use, renewable energy provision and the existing AD

- 5.1. Policy DM2 Renewable and low carbon energy states that: “The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes.”

Proposals must demonstrate that impacts are or can be made acceptable in relation to: a) Landscape character and the character and setting of heritage assets; b) Environmental amenity of nearby properties and the wider locality; c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and d) Biodiversity (avoiding habitat fragmentation).”

- 5.2. An Energy Feasibility Report has been submitted with the application.
- 5.3. It is proposed to use the existing AD at Red Linhay to provide heat and electricity for both the existing and proposed employment at Hartnoll Farm. The AD provides electricity from a combined heat and power (CHP) engine which provides electricity directly to the local electric network and uses the excess heat for the AD process (to promote fermentation to provide the methane). The plant does not currently work at full capacity and has excess heat. It is proposed to increase the use of plant to provide sufficient heat (domestic hot water - DHW and space heating) for the existing and proposed employment.
- 5.4. The proposed combining of the existing facility with the proposed employment is a unique proposal for MDDC to provide a highly sustainable, joined-up development. Economic Development Officers have stated that, ‘The proposal to provide the commercial development with a low carbon energy supply from an existing anaerobic digester, will create the first low carbon commercial development in the district and could be an exemplar for other schemes, potentially attracting green businesses into the area.’
- 5.5. Red Linhay is in the same ownership as HBC but is not within the redline of the application. Therefore, the CHP would have to be secured by planning obligation.
- 5.6. Additional deliveries of feedstock would however be required necessitating additional traffic movements. The amount of feedstock is restricted by condition 9 of the AD planning permission 17/01142/FULL and this would need to be varied to permit more deliveries of feedstock. The Highway Officer considers that the increase in movements would need to be fully assessed through a future planning application.
- 5.7. Similarly, the maximum use of electricity is also restricted by 17/01142/FULL where condition 20 limits the power generation to 500kw. This condition would also have to be varied and would be subject to a further planning application and associated consultations.
- 5.8. Therefore, at this stage, the delivery of the CHP from Red Linhay cannot be guaranteed and would therefore be subject to ‘best endeavours’ within a planning obligation. As such, there is currently no certainty that this would be deliverable.

6. Flood risk and surface water drainage

- 6.1. Policy S9 requires the provision of measures to reduce the risk of flooding to life and property; requiring sustainable drainage systems including provisions for future maintenance; guiding development to locations of lowest flood risk; and, avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including Sustainable Drainage Systems (SUDS) and arrangements for future maintenance.
- 6.2. The application is supported by a Flood Risk Assessment and Sustainable Urban Drainage Strategy (TeignConsult). This document has been resubmitted within the ES as Technical Appendix 8.1.
- 6.3. There is no highway drainage or public sewer system within the site. SWW records show public foul (or combined) sewers to the 250m west of the site boundary.
- 6.4. The proposed development site is almost wholly located within Flood Zone 1, according to the Environment Agency Flood Map, with the exception of a very small part in Flood Zone 2 in the south western corner of the site, which is not to be developed. The site is therefore at a low risk of fluvial flooding. Similarly, the site is generally at low to negligible risk of flooding from surface water runoff.
- 6.5. Areas of surface water flood risk run through the site centred on the existing ditches, winterbournes, and hedge banks. These areas will not be developed and will remain as ecological corridors and flow routes through which the canal can discharge excess flows when required. Mitigation measures are proposed to reduce any flood risk from a canal breach or minor overtopping. The site surface water runoff from the proposed development will drain via wetland ponds and the discharge rates to the Alsa Brook will be maintained as close as possible to existing Greenfield rates. The indicative layout plan includes large areas of public open space and these areas provide suitable locations to include swales and surface water attenuation ponds or basins.
- 6.6. South West Water has confirmed it is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.
- 6.7. The LLFA initially raised objections because of the potential impact on the Tidcombe Fen SSSI from and the increase in discharge volume. Updated information was submitted to the satisfaction of the LLFA which confirmed no objection subject to condition and stated that:

“The applicant has answered my concern regarding the proposed discharge rate. The applicant is proposing to discharge at Qbar which meets the long term storage requirements. The proposed strategy is to attenuate the runoff into two basins and swale features. We would encourage the applicant to ensure that these features are designed with input from a landscape architect so they are fully integrated within the landscape.”
- 6.8. The proposed development is considered to be in accordance with Policy DM1 & DM9.

7. Biodiversity and trees

- 7.1. Policy S9 seeks the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. Policy DM1 requires development to make a positive contribution to local character including any biodiversity assets. Policy DM26 requires major

development proposals to demonstrate that green infrastructure will be incorporated within the site for biodiversity mitigation, resulting in a net gain in biodiversity, for flood and water resource management, and to provide green corridors to link the site to the wider GI network.

- 7.2. An ecological appraisal (EA) has been submitted as part of this application which has been submitted as part of the ES - Technical Appendix 5.1. The EA outlines that the site contains no designated wildlife sites or important habitats.
- 7.3. The application form states that no trees are proposed to be removed. However, it would appear a number of trees would need to be removed to provide the proposed access. A number of trees would also be removed because of the employment extension and part removal of an existing bund. A tree report has not been provided with the application.
- 7.4. The site is adjacent to the Tidcombe Lane Fen, Site of Special Scientific Interest (SSSI), which is located to the west of the site. The development is however unlikely to have any direct adverse effects on designated sites. Natural England have confirmed that they have no objections to the impacts on the SSSI subject to a mitigation condition to ensure connection to mains sewer to deal with foul water and a detailed sustainable drainage scheme (SuDS) to deal with surface water.
- 7.5. The EA notes that the majority of the site is currently occupied by habitats of low ecological value and measures have been suggested to ensure that as a result of the development the landscaping and green spaces proposed will provide enhanced opportunities for wildlife in comparison to those already provided by existing habitats.
- 7.6. The EA sets out that a site verification survey was first conducted on 21st April 2020. Considering the site location, context and habitats it contains, the report considers the following protected species: badgers, bats, breeding birds, dormice and reptiles and details the results of the surveys undertaken and mitigation measures to ensure protection of retained habitats onsite, and increased opportunities for biodiversity. Such measures can be detailed further in a Construction and Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) as part of a condition to any permission.

However, the EA does not address the matter of Biodiversity Net Gain (BNG) and no BNG assessment has been undertaken; which should be carried out using the Natural England Metric. As such a compliance with Policy DM26 (a) cannot be demonstrated and BNG is a reason for refusal.

8. Environmental health matters

- 8.1. Policy DM3 requires that development proposals that give rise to significant levels of vehicular movement must be accompanied by a Transport Assessment; Traffic Pollution Assessment; and, Low Emission Assessment; and, should propose mitigation measures where appropriate, including impacts on local air quality. Policy DM4 requires development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution to be accompanied by a Pollution Impact Assessment and mitigation scheme where necessary.
- 8.2. A Stage 1 contaminated land report was prepared by Geoconsulting Ltd in February 2015 (this has been re-submitted in the ES as Technical Appendix 5.1). This identified potential

contamination in several areas, associated with an old landfill, a filled gravel pit, localised deposits in made ground and the adjacent disused railway, all of which are either on or close to this site. An intrusive geotechnical and contaminated land survey has been carried out. There were no findings of significant contamination across the site but the investigation was limited and further work would be needed. Public Health therefore recommend that the full contaminated land condition is included on any approval.

- 8.3. A noise vibration impact assessment has been submitted with the application which has also been submitted with the ES - Technical Appendix 12.1. A number of noise mitigation measures have been suggested which will provide broadscale protection to residents from noise generated at the associated business park. These include an enhanced bund, a green space buffer and boundary residential road. Public Health recommend a noise mitigation condition. Public Health also consider that any proposal for plant, air conditioning or ventilation equipment should be subject to separate planning applications in due course in order that appropriate noise mitigation measures can be incorporated and conditioned.
- 8.4. The Environmental Statement has also considered and predicted air quality and concludes that no unacceptable impacts on the pre-existing air quality will occur as a result of this development. Public Health agree with this finding.
- 8.5. Concerns have been raised about the impact of construction works, however this would only be a short term impact. In order to reduce this impact, a Construction and Environmental Management Plan (CEMP) would be required, which shall detail measures such as construction hours and other mitigation measures. This will be combined with the Construction Management Plan requested by the Highway Authority. Public Health have also recommend that the standard CEMP condition is included on any approval, and have confirmed that they have no outstanding concerns relating to this outline application.
- 8.6. DCC Waste have stated that this application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place. DCC Waste have also requested a contribution towards a new Household Waste Recycling Centre in the Cullompton area.
- 8.7. The proposal, subject to conditions and contribution, is considered to accord with Policies DM3 & DM4.

9. Residential amenity

- 9.1. Policy DM2 e) states that new development should create “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...”
- 9.2. The nearest residential properties are on the western boundary of the site with Manley Lane and Post Hill (Barnsclose and no's 55 & 57 Post Hill).
- 9.3. The submitted indicative framework plan indicates that the nearest development proposed would be a residential perimeter block approximately 23m to the east of the nearest garden boundaries on Post Hill, approximately 35m from the side elevation with no.57 Post Hill. The

link road would be located some 70m to the south of Barnsclose, 35m from its side boundary. Further residential parcels are indicated set back on the southern side of the link road circa 78m from Barnsclose.

- 9.4. It is considered that the indicative framework plan indicates that suitable separation distances can be achieved that would ensure that the residential amenity of existing residential properties, in terms of loss of light, loss of privacy or overbearing impact, would not be adversely harmed.

10. Environmental Impact Assessment

- 10.1. The ES comprises three volumes. Volume 1 is the Non-Technical Summary. Volume 2 provides the main body of the ES. It explains the baseline conditions for the application site, the method statement for the assessment, and the findings of the assessment. It should be read in conjunction with the accompanying Technical Appendices that are set out in Volume 3.
- 10.2. The appendices are largely resubmissions of the documents originally provided with the outline application. The submitted LVA is not a full impact assessment as formally required as part of an Environmental Impact Assessment (EIA), and is a less formal appraisal. Furthermore, the LVA also only assesses residential development up to 120 dwellings rather than the 150 dwellings proposed.
- 10.3. The primary reason for the LPA requiring an EIA was in relation to cumulative effects with the EUE and other local development. The ES contains an assessment of two types of effect:
1. The combination of individual effects (e.g. noise, dust, traffic, visual) from the development on a particular receptor; and
 2. Effects from several developments, which individually might be insignificant, but when considered together would create a significant cumulative effect.

11. Conclusions and planning balance

- 11.1. The proposed market housing with no provision of affordable or custom build units on land designated as countryside, subject of Policy S14, on Grade 1 BMV land, is unacceptable in principle contrary to Policies S1 S2, S3, S4, S13 of the Mid Devon Local Plan 2013-2033 and guidance within the NPPF. The LPA can demonstrate a 5YHLS in accordance the strategic policies and national guidance. This strongly weighs against granting consent for the scheme.
- 11.2. There would also be harm to landscape character which would not preserve or enhance the character or appearance of the countryside contrary to Policy S14.
- 11.3. Furthermore, insufficient information has been provided in the form of archaeology, biodiversity net gain, impacts on the town centre and viability.
- 11.4. The proposed extension to the existing employment site is considered to be acceptable in principle subject to appropriate landscape mitigation which weighs in favour of the proposed development.

- 11.5. The use of CHP from the nearby AD unit weighs in favour of the development but at this time it can only be afforded limited weight as it is not certain if this can be delivered due to constraints on the existing AD planning permission.
- 11.6. The LPA does not have powers to issue a split decision and in any case the housing, employment and link road are intrinsically linked. Whilst the benefits of the spine road for the delivery of the EUE are recognised, the provision of housing in a countryside location are not acceptable and within the planning balance are considered to weigh in favour of a refusal of this application.

REASONS FOR REFUSAL

1. By reason of the site's location, which is defined as countryside, on Grade 1 BMV agricultural land, beyond a settlement boundary identified within strategic policies S10-S13 of the adopted Local Plan, and because the Local Planning Authority can demonstrate an up-to-date housing 5 year land supply, the proposed development of 150 dwellings is contrary to Policies S1, S2, S3, S4 & S14 of the Mid Devon Local Plan 2013-2033 and guidance within the National Planning Policy Framework.
2. By reason of the adverse harm to landscape character, as outlined in the submitted LVA, which concluded a moderate adverse impact, the proposed development would not preserve or enhance the character and appearance of this countryside location contrary to Policies S1, S9 & S14 of the Mid Devon Local Plan 2013-2033.
3. By reason of insufficient information to demonstrate a biodiversity net gain, the development is contrary to Policy DM26 (a) of the Mid Devon Local Plan 2013-2033.
4. No s106 legal agreement to secure affordable housing and custom build units or education, transport infrastructure and waste contributions has been submitted with the application and no viability assessment has been provided to demonstrate that they cannot be provided. Therefore the development is contrary to Policies S1, S3, S9, TIV2, DM1, DM3 & DM4 of the Mid Devon Local Plan 2013-2033.
5. By reason of a lack of information with regard to the submission of a Town Centre / Retail Impact Assessment it is not possible to assess the impacts on Tiverton Town Centre contrary to Policy DM15 of the Mid Devon Local Plan 2013-2033.
6. By reason of insufficient archaeological investigations it is not known what harm may be caused by the development to archaeology, contrary to Policies S1, S9, DM1 & DM25 of the Mid Devon Local Plan 2013-2033 and guidance within the National Planning Policy Framework.

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.

