

Application No. 15/00779/MFUL

Grid Ref: 111860 : 294775

Applicant: Mid Devon District Council

Location: Land at NGR 294775
111860 Palmerston
Park Tiverton Devon

Proposal: Demolition of existing
garages and erection
of 26 dwellings with
associated works

Date Valid: 15th May 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**15/00779/MFUL - DEMOLITION OF EXISTING GARAGES AND
ERECTION OF 26 DWELLINGS WITH ASSOCIATED WORKS - LAND
AT NGR 294775 111860 PALMERSTON PARK TIVERTON DEVON**

Reason for Report:

To determine the application.

RECOMMENDATION

Grant permission subject to conditions

Relationship to Corporate Plan:

Provision of affordable housing.

Financial Implications:

None

Legal Implications:

None

Risk Assessment:

None

Consultation carried out with:

1. Devon County Education
2. Wales and West Utilities Gas Network
3. MDDC Waste Service
4. Historic Environment Service
5. Devon and Cornwall Police Authority
6. Housing Enabling and Business Support Manager
7. Natural England

8. Environmental Health
9. Lead Local Flood Authority
10. Tiverton Town Council
11. Highway Authority

1.0 PROPOSED DEVELOPMENT

The application is for the provision of 26 affordable dwellings on a site of 0.5 hectares allocated for 15 dwellings under policy AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The site is located on high ground on the south-western side of Tiverton between the Howden Industrial Estate and the existing Palmerston Park development. The site slopes steeply up from the road to the east to the western boundary and also from the north and south boundaries to a high point in the centre of the site. The site was previously an allotment site which has been redundant for some time and until recently covered in self-seeded woodland and scrub. The site has now been cleared.

There is an existing access serving a row of 10 garages which are to be removed. The existing access is to be extended to provide a new private estate road with turning head. Considerable levelling is required to provide a road with suitable gradients and it is intended to cut the dwellings into the sloping ground on the western side of the proposed new road, with one block to be located on the eastern side of the road and 3 dwellings on the northern side of the site forming a stop to the estate road.

A sloping retaining structure will be required around the southern and western sides of the site at a height of up to 13 metres at its highest point. A retaining wall approximately 2 metres high will also be required between the estate road/parking bays and the eastern boundary of the site. Two parking spaces per dwelling would be provided through a mix of off-street parking to the front of the dwellings, parking bays off the estate road and two parking courts, one at either end of the proposed development.

The proposed housing mix is to be 4 x 1 bedroom flats, 2 x 1 bedroom houses, 12 x 2 bedroom houses, 6 x 3 bedroom houses and 2 x 4 bedroom houses. Materials are to be a mix of brick and render with some weatherboarding, slate or tile roofs and UPVC windows and doors.

Existing tree screening along the boundaries is to be retained and new hedges planted along the western and southern boundaries.

2.0 APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Flood risk assessment
Arboricultural report
Drainage maps
Geotechnical investigation and land contamination assessment
Geophysical survey
Ecology report
Ecological impact assessment

Transport statement
Energy statement
Photographic assessment

3.0 PLANNING HISTORY

10/01287/PE Proposed affordable housing development - CLOSED
04/02557/OUT Outline application for the erection of 25 no. dwellings, formation of access and associated works - WD

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR3 – Meeting Housing Needs
COR13 – Tiverton

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

AL/DE/2 – Overall Affordable Housing Provision
AL/DE/3 – Affordable Housing Site Target
AL/DE/4 – Occupation of Affordable Housing
AL/DE/5 – Inclusive Design and Layout
AL/IN/3 – Public Open Space
AL/IN/5 – Education Provision
AL/IN/6 – Carbon Footprint Reduction
AL/TIV/14 – Palmerston Park

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development
DM2 – High Quality design
DM3 – Sustainable design
DM7 – Pollution
DM8 – Parking
DM14 – Design of housing
DM15 – Dwelling sizes
DM28 – Green infrastructure in major development

5.0 CONSULTATIONS

DEVON COUNTY EDUCATION – 21st May 2015 - A contribution towards education infrastructure via a Section 106 Agreement is sought. All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within 1.5 mile radius of this development do not have sufficient capacity for the 6.5 pupils expected from this development. Therefore a contribution is required to the sum of £73,856.25 which will be used to provide additional education provision at Bolham Primary School.

The secondary school within the development area is Tiverton High School which currently has sufficient capacity for the expected number of pupils this development is expected to create.

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.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

WALES & WEST UTILITIES - 28th May 2015 - No objections

MDDC WASTE SERVICE – 10th July 2015 – That the bend in the road and the hammerheads need parking restrictions to ensure vehicle access and turning with a HGV vehicle can be maintained. As this will be a Council owed road this will need to be part of the PCO so enforcement can be undertaken.

I would also recommend that units 7-12 have bin stores at the front of the properties as they have no way of bringing bin/boxes to front of property to edge of highway for collection. Waste collection points are not recommended as they often result in dumping and an inability to identify waste source for recycling enforcement.

HISTORIC ENVIRONMENT SERVICES - 29th May 2015

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

DEVON AND CORNWALL POLICE AUTHORITY - 29th June 2015 - I can confirm that the Police withdraw their objections to this application

5th June 2015

In relation to the layout the Police would request that the two paths allowing rear access between dwellings 16-17 and 12-13 be gated to deter casual access. The Police do have major concerns about the parking court with 18 parking spaces which have no culpable or natural surveillance. The maximum acceptable vehicles in a parking court would be 12 providing good surveillance by the owners. Parking areas such as proposed have been identified by a number of organisations as unsuitable and have the potential to become a crime hot spot. I have read the paragraph (3.4) on security in the DAS which seems to have overlooked this parking court. On the parking court alone the Police object to this application citing crime and disorder as a material consideration.

HOUSING ENABLING AND BUSINESS SUPPORT MANAGER - 4th June 2015 - Tiverton continues to have a high demand for affordable housing. The proposed scheme would provide 26 much needed affordable housing and the mix of housing is representative of the type of housing needed.

NATURAL ENGLAND - 22nd May 2015

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

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

Statutory nature conservation sites - no objection

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

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website

ENVIRONMENTAL HEALTH - 1st June 2015

The following conditions will be required:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - I have no objections to this proposal

Licensing - N/a

Food hygiene - N/a

Private water supplies - N/a

Health and safety - Health and Safety Executive enforced activity owing to MDDC involvement - I have no objections

LEAD LOCAL FLOOD AUTHORITY - 9th June 2015

Sufficient information has not been provided in relation to the disposal of surface water from the site to enable us to make observations on the proposal. The applicant should provide a drainage strategy which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk up or downstream of the development in accordance with Sustainable Drainage principles. In order for us to make an assessment of the suitability of any drainage strategy the information attached to this letter should be provided.

TIVERTON TOWN COUNCIL – 5th June 2015

Support.

HIGHWAY AUTHORITY

8th June 2015

The Highway Authority has visited the site as part of the local plan review process and the strategic housing land allocation assessment as well as part of this application. The Highway Authority has

previously raised concerns over the topography of this land and this is currently born out in the current design.

The Highway Authority also has the following observations to make on the submission.

The Applicant has indicated that there will be 52 spaces available to the properties based upon the redundant nature of the existing garage block. This is acceptable provided there is a safe alternative and the validity of the redundancy of their use. The Local planning Authority is advised to contact the Flood Management Authority for their statutory comment with regards to the drainage proposals, however, there does not appear to be a drainage design submitted with the application, and the required 12 months of stand pipe surveys to determine the ground water levels do not appear to be present. The existing carriageway will need to provide core survey data if the road is to be included in its current construction or the road will need to be reconstructed to the current standards for adoption.

With reference to drawing 6987-300 rev C the following observations are offered:

- Parking spaces should be a minimum size of 2.4 m by 4.8 m, but where obstructions exist to the side of the space the width should increase to a minimum of 3.0 m and where there is an obstruction to the front or rear of the space the length should increase to a minimum of 5.5m. Internal garage dimensions should be 3.0 m by 6.0 m but in this instance no garaging is being provided.
- Parking space 2 should be splayed at 45 degrees and the drop kerb facility adjacent moved to the North East. The tactile paving on this drop kerb should be removed as there is no corresponding set of tactiles. Spaces 3-9 should be minimum of 5.5 m given the obstructions to the south east and the 1st space 3 should be 3.0 m wide.
- The 1st space 10 and last space 12 should be minimum of 3.0 m wide and all spaces 10 to 12 should be 5.5m in length.
- Landscaping adjacent to spaces 15,16 and 17 should be low level at maturity as should space 20.
- Parking space 19 should be minimum width of 3.0m from the back edge of the service margin and splayed at 45 degrees from the back of the space at either end.
- The retaining structure will require approval from Devon County structures department and will require adoption where they support the highway or footways. A full AIP (acceptance in principle) should be submitted along with detail design drawings and calculations.
- Space 26 will need to be minimum of 3.0m in width and a total length of 10.0 m.
- Vegetation (e.g. at plot 20) should not be allowed to encroach onto the service margin or verges.
- Parking spaces at unit 20 should not be allowed to encroach onto the service margins, recommend one space is removed and relocated to sit alongside space 19. Alternatively the plots be moved back to accommodate this.
- The Highway Authority would need to see cross sections of the footways and carriageways at 3.0 m intervals to determine whether or not there is an acceptable fall.

- Current gradients taken from drawing 4841-RP-001 rev A are unacceptable. The minimum gradients set out in the Devon design guide adopted by the District Council are 1:10 longitudinally for vehicles and 1:12 for pedestrians, also where there are raised footways and a wall adjacent to the carriageway, the carriageway width should be widened by a minimum of 0.5 m and at bends the road should be widened to accommodate two vehicles passing. The current alignment will require additional widening adjacent to the walls and swept path analysis for a pantechicon at the bend and a car and refuse vehicle passing.

- The current vertical alignment shows 1:7 and 1:8 at the centre line of the road. This will be considerably greater at the inside of the kerb and unacceptable. In addition level shown on the plans indicate that immediately after the bend there is a rise of 5.0m in a 6.0m length this may be erroneous but if not represents 1:1.25.

Therefore on the current design the Highway Authority would recommend refusal of the application for the following reasons.

1. The gradient of the access would be likely to result in additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

2. The Local Planning Authority and the Local Highway Authority, in adopting the Devon County Council publication "Highways in Residential and Commercial Estates; Design Guide", dated January 1996 and as subsequently amended, have agreed standards for the layout of new streets. The proposed roads do not conform to these agreed standards, and are therefore not adequate to serve the proposed development.

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

A) access,

B) off-street parking,

C) road layout,

D) road construction,

E) road gradients,

F) and surface water drainage, contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph 32 of the National Planning Policy Framework.

23rd June 2015

Further to my initial letter dated 5th June 2015 I am in receipt of the amended plans detailing the levels on the road and while the gradient is still below standard the section of 1:8 is on the straight and without vehicle access onto it therefore would be acceptable given other developments with similar topography, however the other issues raised in my letter have not been addressed and do not comply with the current adoptable standards which have been adopted by both the Highway Authority and the District Council. If these are not addressed, then the reason for refusal 3 remains. The applicant has indicated that they do not wish to have the development adopted and given that the road would not meet suitable adoption standards are likely to be exempt from any APC.

It is for the Local Planning Authority to consider the standards being promoted and those adopted and weigh the housing needs and benefits of the scheme in determining whether or not a relaxation of the standards is appropriate in this instance. Therefore my refusal reason 2 and 3 still remain but reason 1 can be removed.

6.0 REPRESENTATIONS

4 objections summarised as follows

1. Palmerston Park does not have enough amenities (e.g. facilities for older children, shops) for this large development
2. Palmerston Park and surrounding woods were made a protected area some time ago
3. There is nowhere for construction vehicles to park and the site is at the entrance to a busy estate
4. Removal of the garages will result in a loss of privacy for existing houses – a solid wall or fence would be better
5. The access through the garages for removing wheelie bins will be removed
6. There will be increased pressure on local schools

7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

- 1. Principle of development**
 - 2. Layout, design and visual impact**
 - 3. Access and parking**
 - 4. Land contamination, sustainability and drainage**
 - 5. Impacts on existing residents**
 - 6. Landscape and ecology**
 - 7. Planning balance**
-
- 1. Principle of development**

A site of 0.5 hectares is currently allocated for 15 affordable dwellings under policy AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The emerging Local Plan allocates a larger site of 0.9 hectares for 25 dwellings under policy TIV11. Although the emerging Local Plan has not yet been adopted, it is considered to carry some weight in decision-taking, particularly as it has been through the public consultation process and there have been no objections to the allocation policy.

The allocation policies (both existing and emerging) require a 100% affordable dwelling scheme. Policy AL/TIV/14 requires the provision of a sustainable urban drainage system (SUDS). Policy TIV11 requires habitat and protected species reports including a programme of appropriate mitigation and compensation for loss of a protected habitat (if appropriate) and investigation of ground stability and implementation of appropriate remediation works. These considerations are addressed below.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. Policy COR13 of the Mid Devon Core Strategy (LP1) provides for the town to develop in a balanced way as a medium sized market town, including the provision of market and affordable dwellings.

Concern has been raised that the Palmerston Park development does not have the facilities to support additional housing and there will be pressure on local schools. However, the site is allocated for housing and the sustainability of the site would have been considered at the time the site was allocated. The site is within the Tiverton settlement boundary where new residential development is acceptable in principle.

Policies AL/DE/2, AL/DE/3, AL/DE/4 and AL/DE/5 of the Allocations and Infrastructure DPD set out criteria for the provision of affordable housing. These policies relate in the most part to market schemes with a proportion of affordable housing but are also partly relevant to a 100% affordable housing scheme.

The Housing Enabling Manager has confirmed that Tiverton continues to have a high demand for affordable housing and proposed scheme would deliver a mix of housing that is representative of the type of housing needed. Your officers consider that the provision of 26 affordable dwellings would make a significant contribution to affordable housing targets and carry significant weight in determining this application.

Policy AL/IN/3 of the AIDPD (LP2) requires new housing development to provide either on-site public open space or an off-site financial contribution. The constraints of the site do not allow for on-site provision and there is no requirement for a financial contribution to be made for a 100% affordable housing development. There is a playground within the existing Palmerston Park development.

Devon County Education has requested a financial contribution towards the provision of education facilities under policy AL/IN/5 of the AIDPD (LP2). However, there is also no requirement for a financial contribution to be made for a 100% affordable housing development.

The proposed dwellings would be eligible for counting toward the New Homes Bonus. If New Homes Bonus is distributed across the Council Tax bands in the same way as in 2014, the award for each affordable house is estimated to be £1,378 per year including an annual premium of £350 for affordable homes, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years is therefore estimated to be £261,768.

2. Layout, design and visual impact

Policy DM14 of the Local Plan Part 3 (Development Management Policies) sets out criteria for the design of new housing. It requires that new housing should provide high quality places taking into account local character and maximise the benefits of the site. New dwellings should have suitably sized rooms and overall floorspace which allows adequate storage and movement within the building, provide external space for recycling, refuse and cycle storage, and make provision for adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows. Amenity space should be provided which reflects the size, location and orientation of the dwellings.

The nature of the site (steeply sloping) requires that significant earthworks will be required to provide the housing and an estate road. The provision of reasonably level areas for the access, parking, dwellings and gardens requires cutting into the existing slope from a minimum of 4 metres in the north western corner to a maximum of 13 metres in the south western corner of the site, and the provision of a retaining structure to be either ground nailing or a cribblock wall. It is recommended that details of the retaining structure are submitted for approval prior to its installation as part of a landscaping plan for the site. The retaining wall would be located at the end of the rear gardens of the dwellings and whilst there will be a detrimental impact of the height /proximity of the retaining structure upon the

amenities of the proposed occupiers this is in part mitigated by usable amenity space. Units 8, 9 and 10 are relatively close to the retaining wall and have smaller gardens but despite this living conditions are, on balance, considered to be acceptable. Units 5 and 6 are closest to the retaining wall but have gardens to the side instead of to the rear. The relationship between the dwellings and retaining structure towards the western end of the site is close and awkward. The scheme would be improved by a reduction in housing numbers. However, on balance, it is considered acceptable.

The dwellings are all to be two storeys, fronting onto the estate road. Parking is to be provided to the front and sides of the dwellings where the gradients allow, in parking bays adjacent to the estate road or in a parking court at the entrance to the site. The dwellings comprise a mix of detached, semi-detached and terraced houses. There is one block of four flats, being a split level building with two flats on each floor. Materials are to be a mix of face brick and render, some with partial weatherboarding and with a mix of slate and tile roofs. Windows and doors are to be white UPVC. The designs and materials of the dwellings are considered to be in keeping with general development types in the area.

Where possible, access from bin storage areas in the rear gardens is via a pathway to the side of the dwellings. However, there are four dwellings in the centre of a terrace of six where bins have to be taken along a rear pathway and around the side of the end of terrace house. Adding bin stores at the front of these dwelling was considered but due to the gradients of the site, access to the front of the dwellings would have to be stepped and it would not be feasible to move wheelie bins up and down these steps. The applicant has confirmed that parking restrictions on the steeper part of the site and on the turning head will be provided to ensure unobstructed access for refuse and recycling vehicles.

Overall and on balance, the development is considered to comply with the requirements of policy DM14. The sizes of the dwellings are also in accordance with the minimum dwelling sizes required by policy DM15 of the Local Plan Part 3 (Development Management Policies).

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) requires high quality design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy DM2 of the Local Plan Part 3 (Development Management Policies) sets out guiding principles for new development. It requires a clear understanding of the characteristics of the site and its wider context, efficient and effective use of the site, a positive contribution to local character, creation of safe and accessible places that also encourage walking and cycling, and visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

A photographic assessment has been provided which demonstrates that the site is in an elevated position and visible from a number of vantage points across Tiverton. As the dwellings would be cut into the sloping ground, they would appear below the skyline and additional planting would further minimise any visual impact. Although the new development would be visible, there are other developments also visible within the landscape and it is not considered that the proposed development would have an unacceptable visual impact. From close to the site, in particular from the existing road into Palmerston Park, the site would experience a considerable visual change but the tree screen to the road boundary would help to filter these views.

It is considered that the applicant has demonstrated a clear understanding of the site and has designed a scheme that deals with the challenging topography and minimises the visual impact of the scheme. Although there are elements of the proposed scheme that would not be considered acceptable on a less challenging site, the design and layout of the development is considered to be broadly acceptable, bearing in mind the difficult gradients of the site which act as a significant

constraint to development. Cutting the development into the existing sloping ground so that it sits below the top of the site, retaining a tree screen to the eastern (road) boundary of the site and additional landscape planting is considered to minimise any potentially negative visual impacts, allowing the development to sit in the landscape in the same way as other development on the hillsides around Tiverton.

Taking the constraints of the site into account, the development is considered to be in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).

3. Access and parking

It is proposed to access the site from the existing road into the Palmerston Park development, the new access road being located at an existing access serving a number of garages (to be removed). The road and parking scheme has been developed through consultation with Devon County Highways and Devon & Cornwall Police.

The Highway Authority initially recommended refusal of the application for three reasons: the gradient of the access, non-conformity of the road with Devon County Design Guide and insufficient information provided in respect of access, off-street parking, road layout, road construction, road gradients and surface water drainage details.

The Highway Authority is now satisfied with the gradient of the access onto the public highway and revisions have been made to the parking areas in terms of configuration and sizes of space etc. The Highway Authority has withdrawn its objection with regard to the gradient of the estate road as there is no intention for the Highway Authority to adopt the road (which will remain in the control of Mid Devon). It is therefore for the Local Planning Authority to determine whether the proposed facilities, including a new private road, are adequate for the development.

It is proposed for Units 12-26 where the gradient is shallower, to have 2 parking spaces for each dwelling either to the front or side of these dwellings. Units 1-11 are on the steeper part of the access road and parking is to be provided in two parking courts, one for 8 vehicles within the development itself, and one for 14 vehicles at the entrance to the development. It will be necessary for residents in Units 1-7 to walk up a steep hill from the parking court to their dwellings. A continuous footway will be provided between the parking court and the dwellings. A wall is to be provided between the footway and the road to prevent parking on the footway where the gradient is particularly steep.

The parking arrangements have been reconfigured following consultation with Devon & Cornwall Police who were concerned about anti-social behaviour in a large parking court with no direct surveillance. To address the concerns raised, the parking court has been reduced in size and different surface materials proposed, and the footpath from the back of the garages into the neighbouring development is shown as being stopped up.

Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires the creation of safe and accessible places based on high quality design (which includes the layout of the development). Your officers do not consider the development to be fully compliant with policy DM2 in respect of layout and parking, however, the concerns raised by the Police have been addressed.

Policy DM8 requires a minimum of 1.7 parking spaces per dwelling and this standard has been achieved. However, Mid Devon's parking SPD sets out principles to be considered in the design of

parking. It requires car parking to be accommodated into a high quality public realm so that parking does not dominate the street scene and states that it is always preferable to locate the parking in close proximity to the property it services. For houses, car parking should ideally be provided adjacent to the property, either within the residential curtilage or in well-designed on street parking. Where unavoidable, the size of parking courts should be minimised and parking courts should be overlooked. Badly designed parking is likely to result in residents parking in unsuitable locations such as on pavements. However, the constraints of the site, in particular the steep topography, are recognised as a material constraint on the layout design.

The development is considered to comply with the levels of parking required by policy DM8 of the Local Plan Part 3 (Development Management Policies). However, your officers do not consider the development to be fully compliant with policy DM2 of the Local Plan Part 3 (Development Management Policies) with regard to accessibility or with the principles set out in the Parking SPD.

4. Land contamination, sustainability and drainage

The applicant has submitted assessments in respect of geotechnical investigation and land contamination and a geophysical survey was carried out to assess whether there were any underground workings.

The geotechnical investigation identified that ground conditions on the site were highly variable. The slope appeared to be stable but substantial earthworks may have the result of some localised destabilisation on the site itself. Building Control has considered the geotechnical report and confirmed that details of the type of retaining structure will need to be finalised once excavation works start.

The land contamination assessment concluded that due to the absence of a contamination source, the levels of contamination recorded are not potentially harmful to human health or to the water environment. No further action or specific remediation measures are required. However, Environmental Health has recommended specific conditions in relation to further risk assessment and, if necessary, remediation and it is recommended that these conditions are imposed on the grant of planning permission, in accordance with policy DM7 of the Local Plan Part 3 (Development Management Policies) which requires appropriate assessment and, if necessary, mitigation of pollution impacts.

The allocation policy AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) requires a SUDS scheme to be provided. However, initial infiltration testing has identified that the site is not suitable for a soakaway system. It is therefore proposed to connect into an existing surface water main drainage system and this connection has been agreed with South West Water.

It is proposed that the development meets Level 3 Code for Sustainable Homes. Solar PV panels will be used on the roofs to achieve a 15% carbon reduction in accordance with policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and DM3 of the Local Plan Part 3 (Development Management Policies).

5. Impacts on existing residents

The proposed development is on the northern edge of the existing Palmerston Park development and will have little effect of any existing residents in terms of loss of privacy or amenity. The proposed

development will not be visible from the majority of the dwellings on the existing development. However, concern has been raised in respect of a number of matters.

Removal of the garages would open up to view the rear gardens of 1-4 Palmerston Park. To address, this it has been agreed to erect a close boarded fence along the boundary behind the proposed new parking spaces. In addition, it has been pointed out that residents use the existing footpath to take their wheelie bins out behind the existing garages instead of taking them along the footpath to the front of the dwellings. Whilst the applicant was willing to reinstate this footpath, the Police advised that it should be closed up to make the parking area and the existing dwellings more secure. The proposal is considered to be in accordance with policy DM2 of the LP3 DMP which seeks a safe and accessible development and one that does not lead to an unacceptable impact on the privacy and amenity of neighbouring residents.

Concern has also been raised about disturbance during the construction period, particularly in respect of parking of construction traffic. The impacts of the construction period can be controlled by a Construction Management Plan and a condition requiring approval of a Plan is recommended.

6. Landscaping and ecology

The site was previously an allotment site which has been redundant for some years. The site has recently been cleared. Concern has been raised that the site is protected. Palmerston Wood Local Nature Reserve lies approximately 15 metres to the east of the site. However, the site itself does not have any national or local wildlife or habitat designation and is not covered by a tree preservation order.

The submitted ecology report notes that the site is used by up to 7 species of bats for foraging. Mitigation in the form of retaining/improving boundary hedges and ensuring these remain dark by avoiding light spill from street lighting or security lighting is recommended. Bat tubes are to be provided to provide roosting opportunities for bats.

The ecology report recommends that the existing boundary trees and hedges are retained and the site be landscaped with a mix of native and non-native flowering nectar rich species to encourage invertebrates and new species rich hedgerows formed along the boundaries of the site.

Conditions requiring a lighting plan and a planting/landscaping plan are recommended.

The site now lacks large areas of favourable reptile habitat and only a low number of reptiles were recorded during the reptile survey. The ecology report does not recommend relocation as the translocation of such a small number of reptiles is unlikely to be successful. The ecologist recommends a walkover of the site is undertaken by an ecological clerk of works to check the ground for any potential reptile refugia/hibernacula and remove any found.

New and retained boundary hedges may also provide new habitat for dormice. New nesting opportunities for birds are recommended to be provided.

Policy DM28 requires major development to incorporate green infrastructure. Although no specific green infrastructure provision has been made, the ecology report includes recommendations to include nectar rich planting within the landscaping scheme and new linkages will be provided in the form of boundary hedgerows.

7. Planning balance

Policy DM1 of the Local Plan Part 3 (Development Management Policies) seeks a positive approach in favour of sustainable development. The site is allocated for residential development and is considered to be in a sustainable location and to incorporate sustainable construction methods and renewable energy. Due to topography, the site has proved difficult to develop. It has been allocated for housing for some time, but has not come forward before now due to this constraint and its impact upon build cost. Due to the topographical constraints of the site, the development requires the use of high retaining structures to the western side of the site and the gradients of the road are steep in places. The use and location of parking courts does not reflect the policy aspirations of a high quality layout to provide a safe and accessible development. However, the dwellings are considered to be in keeping with development styles locally and the positioning of the dwellings below the skyline and the retention of planting along the eastern boundary minimises any visual impact within the landscape.

Your officers consider that the provision of 26 affordable dwellings to help meet the identified need for affordable housing in the Tiverton carries significant weight in determination of this application. The topography of the site is a significant constraint which has resulted in design difficulties, in particular through the use of high retaining structures, steep gradients and a parking court separated from the rest of the development. Effort has been made by the applicant to address these issues as far as possible and the plans have been amended to take account of consultation responses as far as practicable. The site has remained undeveloped for some time. On balance, your officers consider that the provision of 26 affordable dwellings outweighs the concerns over the design and layout of the development and approval is recommended.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:
 - (a) the timetable for the works
 - (b) daily hours of construction and deliveries
 - (c) details of any road closures
 - (d) details of the hours during which construction and delivery traffic will travel to and from the site
 - (e) identification of areas for parking, loading and unloading and storage during development
 - (f) details of wheel washing facilities, road sweeping and other measures to ensure no mud or debris is deposited on any public highway
 - (f) dust, odour, noise and vibration managementand include details of site registration with a considerate constructors scheme or equivalent. The development shall be carried out strictly in accordance with the approved details.

4. Prior to construction of any of the dwellings on the site an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

5. Subject to the findings of the investigation and risk assessment required by condition 4, a detailed contamination remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

6. The approved contamination remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report

must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

8. Before their use on the dwellings hereby permitted samples of the materials to be used for all external surfaces of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
9. Before their use on the dwellings hereby permitted working details of the new external doors/door frames/windows/rooflights, including sections, mouldings and profiles, finishes and glazing, including details of the window recesses, have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows/rooflights shall be in accordance with these approved details, and be so retained.
10. Before their provision on the site, details of the retaining walls, including height, slope, materials and planting, and details of all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls and boundary treatments shall be provided in accordance with the approved details only and shall be permanently so retained.
11. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority 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.
12. Prior to the occupation of any dwelling hereby permitted, the following works shall have been carried:
 - (a) The road and vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed.
 - (b) The road and footways which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level.
 - (c) Visibility splays have been laid out to their final level.
 - (d) Street lighting has been erected and is operational.
 - (e) The car parking and any other vehicular access facility required for the dwelling have been completed.
 - (f) The street nameplates have been provided and erected.
13. Within twelve months of the first occupation of the first dwelling all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining walls and visibility splay works shall be completed.
14. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the first occupation of any of the dwellings hereby permitted and shall be so retained.

15. No soft landscaping works shall begin until a landscaping scheme, including details of any changes proposed in existing ground levels, has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development (or phase thereof) and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be so retained.
16. The development shall be carried out in accordance with the recommendations, mitigation and specifications contained in the following submitted documents:
 - a) The arboricultural survey report by Tom Hurley dated 14 May 2015; and
 - b) The ecological impact assessment report by Richard Green Ecology dated June 2015.In addition, no external lighting shall be provided on the site unless in accordance with a lighting plan to prevent light-spill onto boundary trees and hedges, which shall have been the subject of the prior approval of the Local Planning Authority before its installation.
17. Before any of the dwellings hereby permitted are first occupied, provision shall be made so that at least 15% of the energy to be used in the development is provided from on-site renewable or low carbon energies (or such other provision as shall have been agreed in writing by the Local Planning Authority).
18. All dwellings within the development shall be occupied as affordable housing that shall meet the definition within the National Planning Policy Framework and shall be so retained unless arrangements are first submitted to and approved in writing by the Local Planning Authority to recycle the subsidy within alternative affordable housing provision. Any such alternative affordable housing provision shall take place in accordance with the approved details.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the development is carried out in a manner which minimises nuisance to existing residents and to prevent mud and other debris being deposited on the public highway in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies)
4. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM7 of the Local Plan Part 3: (Development Management Policies).
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with Policy DM7 of the Local Plan Part 3: (Development Management Policies).

6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM7 of the Local Plan Part 3: (Development Management Policies).
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM7 of the Local Plan Part 3: (Development Management Policies).
8. To ensure use of materials appropriate to the development in order to safeguard the character and appearance of the area, in accordance with Policies DM2 and DM14 of the Local Plan Part 3 Development Management Policies).
9. To ensure use of materials appropriate to the development in order to safeguard the character and appearance of the area, in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
10. To ensure the development makes a positive contribution to the character and appearance of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
11. To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
12. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
13. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
14. To ensure the development makes a positive contribution to the character and appearance of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
15. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
16. To ensure the habitats of protected species are not adversely affected by the development and the development makes a positive contribution to the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

17. In order to reduce the carbon footprint of the development in accordance with the provisions of Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
18. To ensure that affordable housing is provided as part of the development to meet the housing needs within the area in accordance with Policies AL/DE/3 and AL/DE/4 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in that the provision of 26 affordable dwellings in a sustainable location to meet an identified local need is considered to outweigh issues identified in terms of design and layout resulting from the steep topography of the site, in particular through the use of high retaining structures, steep gradients and a non-integrated parking court. The proposed dwellings are considered to be in keeping with development styles locally and the positioning of the dwellings below the skyline and the retention of planting along the eastern boundary minimises any visual impact within the landscape. Subject to conditions relating to landscaping, ecology and contaminated land risk assessment, the development is considered to comply with environmental policies. The proposal is considered to comply with the relevant Policies: COR1, COR2, COR3 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/2, AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3, AL/IN/5, AL/IN/6 and AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM3, DM7, DM8, DM14, DM15 and DM28 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Contact for any more information	Miss Tina Maryan (Area Planning Officer) 01884 234336
Background Papers	None
File Reference	15/00779/MFUL
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee