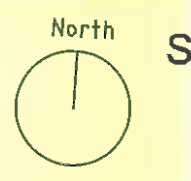


Contractors to check all dimensions on site. Any discrepancies must be reported to the supervising officer before proceeding.

Do not scale from this drawing: work from figured dimensions only.

This drawing must be read in strict conjunction with all construction details, specifications of works, and all relevant structural and other consultants drawings.

This drawing © Kensington Taylor Architects.



A march 2014 issue for local plan review
 Rev Date Amendment

EW AC
 Drawn Checked

Tiverton - Lowmans Site

DETAIL
 Site Location

SCALE 1:1000 @ A3 DATE march 2014

DRAWN BY EW CHECKED BY AC

DRAWING NO 1140 SK 030

REVISION A

Kensington Taylor
 QUALIFIED ARCHITECTS • URBAN PLANNERS

Kensington Court
 Woodwater Park
 Exeter EX2 5TY
 T 01352 360338 F 01352 360384
 E info@kensingtontaylor.com
 W www.kensingtontaylor.com



Two Acres . Under Lane . Newmills . Launceston . Cornwall . PL15 8SN

Forward Planning
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

Our Ref: 0035

Date: 24th March 2014



Dear Sir/Madam

Mid Devon District Council, Local Plan Review, Options Consultation, January 2014

We refer to the above.

We act on behalf of Lowman Manufacturing Company Ltd ("LMC") and wish to make representations on the Local Plan Review, Options Consultation as published in January 2014.

The representations made in this letter relate to land currently in the ownership of LMC and situated in Tiverton. The extent of the land is shown on the attached plan (Ref: 1140 SK 030 A).

In preparing the representations, consideration has been given to the contents of the Plan; supporting evidence; and other considerations including, in particular, national planning policy guidance and the requirements set out in para. 182 of the National Planning Policy Framework (NPPF) relating to tests of soundness and the legal and procedural requirements of Plan making.

The land in terms of its general description is situated north of Blundells Road and to the east of the existing Tesco foodstore. The postcode for the site is EX16 4JX. It is currently in use for a variety of purposes although the site is not currently utilised to its fullest extent. LMC sees however that there will be an opportunity to redevelop the site within the lifetime of the Plan as the business rationalises and renews the ageing accommodation for existing and potential future occupiers of the site. In that context, the site is appropriate for a variety of uses which may include, in isolation or as a mixed use scheme, the following:

- Employment (B1, B2 and B8);
- Hospitality and leisure (A1, A3 and A4); and,
- Retail provision (A1 – convenience and comparison goods).

With respect to the employment uses, the site is already occupied by a number of businesses using the existing land or buildings for sawmill equipment manufacturing, agricultural and horticultural machinery distribution and repair, engineering supplies distribution, bare land storage of scaffolding, bare land storage of building materials, parking and temporary

Company Reg. No. 07804734

Registered Address : Two Acres . Under Lane . Newmills . Launceston . Cornwall . PL15 8SN

www.heynesplanning.co.uk

accommodation of a building contractor. Much of this is not in intensive use and therefore to insist that site redevelopment has to be for similar uses falling within the 'traditional' employment use classes would not be necessary although it may be appropriate depending upon market interest. In our view, the fact that the site has a history of employment uses suggests that it should continue to be earmarked for such purposes but that a range of employment opportunities should be created which can only be achieved through diversity and flexibility in the type of uses that can be accommodated on the site.

The Plan sets out the strategy for employment provision at Policy S7. The future employment needs of the District are set out in general terms. The Council suggests that 154,000 square metres of commercial floorspace will be delivered and within that definition of 'commercial' uses this includes, amongst other things, general employment uses (criterion a) and retail, tourism and leisure uses (criterion b). We support the inclusion of the 'non-traditional' employment uses within the headline statement regarding employment provision because it is now widely recognised that employment uses may be generated from a range of sources e.g. retail, leisure, education and public facilities etc. This is reinforced in para. 2.30 where it states that *"Whilst the majority of commercial land allocations comprise B1, B2 and B8 uses, the plan has a positive approach to other uses that provide jobs in a sustainable manner"*

The Council's primary source of evidence to support the level and spatial distribution of employment uses is the Employment Land Review (2013). In para. 2.32 it states that the evidence suggests that the market is unable to support the delivery of all employment sites allocated in the current Plan. It is acknowledged that the large employment sites can be hard to deliver due to high infrastructure costs and that there is a current shortage of smaller sites to meet the needs of the District.

It is clear therefore that the Council needs to focus on two issues in terms of ensuring suitable sites are delivered and that is i) location and ii) flexibility in terms of delivery on site to ensure schemes are viable and deliverable as required by para. 173 of the NPPF.

In respect of i), the Council needs to balance its strategic planning objectives in terms of ensuring that development that comes forward to create sustainable patterns of development while at the same time meeting the needs of the market. In respect of i), it is accepted that employment sites will be identified (and protected) where they can contribute to meeting certain objectives. Inevitably this means that they should, in general terms, be within the built up areas of the major towns of the District.

In respect of ii) however, the Council will be aware that allocating land for such purposes does not mean that it will "automatically" come forward or that jobs will be created. It is the suitability of employment land that is critical to its delivery, having regard to various factors including:

- location, both in terms of access to good transport routes at a local and national level and its suitability of the environment for the type of employment proposed;
- access to available labour supply
- access to local and national markets; and,
- the quality of existing buildings and facilities, especially where a proposed use is low margin and cannot necessarily justify expenditure on new building stock.

The market and business communities are, more often than not, the best placed to understand these requirements. The NPPF recognises this fact in para. 160.

Paras. 2.33 and 2.34 of the Plan deal with the issues raised in the preceding two paragraphs by stating that the towns are the most sustainable locations (para. 2.34) and that available and achievable employment site allocations will be retained in the towns where possible. In respect of the site that is the subject of this representation it would fit these two important criteria.

However, in respect of ii) it is important that the Council builds in flexibility so as to ensure that jobs are actually created. As is acknowledged in para. 2.32, high infrastructure costs (particularly on the larger sites) have meant that sites have not come forward. Therefore consideration must be given, in some instances, to allowing a mixture of employment generating uses that may not all sit in the same Use Class to come forward, for example, a B1 use mixed with, for example, a hotel/public house restaurant (A4/A5) which complement each other because i) each is an employment generating use in its own right and ii) the 'traditional' employment uses provides customers to the other non-traditional uses. Providing other objectives and policies relating to employment provision are not compromised (together with development management policies) then this approach should be supported.

It is clear therefore that the sites that are being brought forward as realistic propositions by landowners should be carefully examined as they are the sites that are likely to make a genuine contribution to the employment land supply. The Council must seek to make a realistic provision of employment land in the Plan but the choice of sites and flexibility in delivery is key if the Council is not to face the prospect of unacceptable under provision.

As to this site, as stated above, we consider that it may be appropriate to provide for some retail uses on this site (A1) both in the form of convenience and/or comparison goods. We note that the Council commissioned a Retail Study (through consultants) and that 14,580 square metres of comparison retail floorspace is identified as needed up to 2026. No reference is made to the amount of convenience floorspace that is required. Attached to this letter is a representation made by Mango on behalf of Chelverton Developments Ltd which focuses on the potential of the site to be used for retail/commercial purposes. The fact that Chelverton have submitted the representation is important because clearly there is an expectation on their part that the site has potential for redevelopment for the uses described which is important in the context of para. 173 of the NPPF.

In respect of the use of this site for retail purposes, the Council will have to consider how the site may contribute towards its objectives for delivery of the strategies and policies in the Plan but, again, the key here is going to be making sure that any sites that do come forward are both deliverable and viable. We comment on this further below.

It is clear that the site must be considered favourably for the uses proposed given that it sits within the urban area of Tiverton. As stated in Policy S11, the strategy (of the Plan) is to maintain Tiverton's status as the largest urban area in Mid Devon and increase the self sufficiency of the town and its area by improving access to housing, employment and services for its population and the surrounding rural areas.

We note that criterion a) states the Council will guide high quality development and other investment to manage the town centre so that economic success and heritage reinforce each other promoting a range of uses to ensure vitality and viability including an additional 14,000 sq. metres of commercial floorspace in accordance with the requirements of DM17. At this point, we consider that if these objectives are to be met then consideration must be given to the function of the centre itself and the role it plays (in its current state having regard to its existing defined area) in meeting the needs of local communities. This could mean extending the town centre to include sites which i) already have a close relationship with it and ii) which could, if regenerated successfully, could contribute towards meeting its needs. The site the subject of this representation could, conceivably, be included in this context given the existing role it plays plus commercial opportunities that could come forward through regeneration.

Within the more detailed analysis of Tiverton (starting at para. 3.4), para. 3.9 states that four sites have been identified in Tiverton (Table 12) which have potential to deliver employment up to 2033 being existing allocations and new land. We consider that this site could be included as a redevelopment/regeneration opportunity. If the Council views the site as continuing to contribute towards the future supply as an existing commitment (given the

existing uses on the site) it may not be deemed appropriate for it to be an allocation. However we consider that the site could support a wider range of uses (as set out at the beginning of the letter) which in turn could support the Council's objectives of creating new jobs.

We note that there are two draft policies for Tiverton relating to commercial/employment uses (draft Policy TIV16 and TIV17). In both cases we wish to make the following observations:

- Both allocations introduce a range of commercial uses plus other development which indicates that the Council is content with introducing a range of commercial uses on sites where employment uses play a key role;
- In both cases there are pre-requisites for development. At Phoenix Lane, the bus station is required to be relocated while at Bampton Street/William Street a hall, the Constitutional Club and the public car park also need to be relocated which could hinder delivery;
- Both sites appear to involve multiple ownerships which can lead to difficulties in terms of delivery; and,
- Reference is made to the fact that part of both sites are already allocated under the existing Local Plan. That being the case, then there must be issues about delivery otherwise the sites would have come forward for development by now?

The site the subject of this representation can be viewed as a reasonable alternative to the two sites put forward under TIV16 and 17. This is because:

- The site is in single ownership;
- The site already accommodates a significant amount of employment/commercial development;
- The introduction of a policy allocation would reinforce the existing commercial/employment status of the site;
- A mix of uses or, potentially, a stand alone foodstore, would be a viable option for the site and would link in well with other uses around the site;
- The site offers good frontage in the context of being suitable for hospitality/leisure/retail uses;
- The types of development identified would ensure consistency with the objectives of para. 173 as development is deliverable and viable; and,
- There are no technical constraints to development being delivered on the site.

We would be more than happy to discuss how a suitable policy for the site may be worded/framed. Further, technical analysis could be prepared in due course if required to supplement these representations.

In the context of other parts of the Plan relevant to the representations above we wish to make the following representations.

- Para. 1.31 – We support reference to the NPPF and the presumption in favour of sustainable development. That said it may be appropriate to highlight other key aspects of the Framework at the relevant Chapters in the Plan. For example, in para. 17 it states that plan making should, amongst other things, proactively deliver sustainable economic development responding to wider opportunities for growth. Plans should be succinct setting out a positive vision for the area. Paras. 18 to 22 make it clear that the Government is committed to securing economic growth and that local planning authorities should have a clear and economic vision and strategy for their area and support existing business sectors. Reference should also be made to the recently published NPPG if necessary;
- Policy S1 – Support;

- Policy S2 – Support;
- Policy S6 – The Policy should be amended to recognise circumstances where the “standard” rate of provision as identified in the Policy is not appropriate;
- Policy S9 – The first sentence should be amended to make reference to the fact that the principal factor in guiding the location of development is the need to create sustainable patterns of development as set out in the NPPF. The policy suggests in the first sentence that development will be guided towards locations where there is a need for community facilities and where there are existing shortages. Surely it is the case that development should be located i) where the evidence base supports local needs being met and ii) where local infrastructure can withstand additional development albeit with improvements proposed where appropriate;
- Para. 3.13 – We support the approach being taken by the Council that there is scope for other uses (other than traditional employment uses) to be considered as employment if they provide jobs;
- Policy DM21, criteria b) - The requirement for market testing of a site for 18 months is considered to be too long. Landowners/employment site operators may need to rationalise/re-organise operations on a particular site to respond to fluctuations in the market. A period of 6 months (12 months maximum) would be more suitable.
- Policy DM24 – Support.

Finally the Council will be aware that the National Planning Policy Guidance was published in March 2014 and before the Options document was published for consultation. The Plan should be reviewed to ensure that it is consistent with that guidance.

Please can you acknowledge receipt of the representations. If you have any queries please do not hesitate to contact Ed Heynes of this firm.

Yours faithfully

Ed Heynes
Heynes Planning Ltd

Enc. Accompanying documentation

