

MID DEVON LOCAL PLAN REVIEW 2013 – 2033

Proposed Submission (incorporating proposed modifications) Examination

Inspector: Paul Griffiths BSc (Hons) BArch IHBC

Hearing 2: Wednesday 27th September 2017

Matters and Issues: Policy TIV16

Statement of Mid Devon District Council

ISSUE 17	If a site in Tiverton is necessary to cater for additional housing need resulting from the Policy J27 allocation, is this site the best performing?
ISSUE 18	Is the site deliverable?
ISSUE 19	Is the approach to the compensatory flood plain adequate?
ISSUE 20	Is there sufficient appreciation of the historic environment (the setting of Knightshayes in particular)?
ISSUE 21	Does provision have to be made within the policy to tie it to Policy J27?

17) If a site in Tiverton is necessary to cater for additional housing need resulting from the Policy J27 allocation, is this site the best performing?

17.1 The Blundell's School site (TIV16) is proposed for mixed use development including 200 dwellings in the existing Local Plan: Site AL/TIV/9 of the Allocations and Infrastructure Development Plan Document (adopted January 2011). The issues of flooding, conservation/archaeology, highways etc. were considered to be acceptable at that time. Whilst this pre-dates the NPPF, the issues were considered against previous planning policy statements, which contained a similar policy framework, particularly PPG25 on flood risk.

17.2 The site was included in the Local Plan Review Options Consultation (2014), but not proposed in the proposed Submission (2015) because of uncertainty at that time over its deliverability. However the Council has newer evidence to indicate that the site is deliverable (which is set out in Q18 below) and has therefore included the site as a Proposed Modification.

- 17.3 The site is located within the built up area. It is within relatively easy walking/cycling distance of a range of facilities including the town centre (which is 10-15 minutes' walk). The site is served by buses (Services 1, 1A, 1B and 22) which go to the town centre, Sampford Peverell, the current Junction 27 service area and further afield, including Exeter. Devon County have confirmed that the site can be developed, subject to safeguards (see Q17).
- 17.4 An application will need to be supported by a transport assessment that demonstrates how safe access for all road users can be achieved, and a Travel Plan to seek to encourage the use of sustainable modes of transport. The site has existing lawful uses which generate traffic, and the Council has every reason to believe that the allocation can be satisfactorily incorporated into the road network.
- 17.5 Tiverton stands at the confluence of the rivers Exe and Lowman and the settlement probably arose as a ford across the rivers. Consequently parts of the town is within a flood plain, and the Local Plan Review allocates the bulk of development on lower flood risk areas (particularly TIV1-TIV5) and proposes a higher level of development at Cullompton in recognition of this constraint. There are no unallocated unused brownfield sites of a comparable size and on a lower flood risk zone within the three main town centres in Mid Devon.
- 17.6 TIV16 contains a significant area of brownfield land and there are wider sustainability benefits of bringing forward the site, which outweigh flood risk. Policy TIV16 requires that the site be remodelled to reduce flood risk and provide green infrastructure. The redevelopment will remove uses that could potentially create contamination. Consequently the site is supported by the Environment Agency. This support also arises from a wider Environment Agency recognition that redevelopment of the site will help towards a more comprehensive approach to reducing flood risk in this area of the River Lowman. There have been several incidents of flooding at the nearby industrial estate, the continued risk of which is being mitigated as part of a flood alleviation scheme, of which the redevelopment of this site will form part. The sequential and exceptions tests are considered to have been met, and the site can be made safe for its lifetime, whilst reducing flood risk elsewhere.
- 17.7 The site is in part adjacent to, but outside of, the Blundell's Conservation Area. The Blundell's Conservation Area Appraisal and Management Plan (2014) notes that buildings on the north of the conservation area (abutting TIV16) are predominantly late C19th and C20th buildings for Blundell's School, many of which are of historic interest. The Management Plan does not identify any particular inter-visibility issues between TIV16 and Blundell's Conservation Area. However it is acknowledged that good design will be required to safeguard the conservation area's setting (as required in TIV16 (j)).
- 17.8 Moreover the redevelopment of elements of the site such as former agricultural/ industrial buildings provides an opportunity to improve the character and appearance of the conservation area to the south. Policy DM25 also sets out considerations affecting heritage assets (which replaces Policy DM27 in the existing Local Plan).

- 17.9 On this basis, the Council consider that TIV 16 is a sustainable site that should be included in the Local Plan Review irrespective of J27 (see Q21 below). It is noted that alternative sites have been promoted to the Local Plan Examination (specifically PCL Planning (4675) at Copplestone and Hemyock and Jillings Heynes Planning (4654) at Uffculme). These sites will need to be considered on their merits, but it is worth noting that neither are as sustainable as TIV16.

18) Is the site deliverable?

- 18.1 The NPPF¹ indicates that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Sites may be included in development plans if they are developable, defined by the NPPF as being in a suitable location for housing development with a reasonable prospect that the site is available and could be viably developed at the point envisaged².
- 18.2 Blundell's School (TIV16) is an available site within a sustainable town centre location which is suitable for residential development. The site is currently allocated in the adopted Local Plan (Adopted Allocations and Infrastructure DPD, Adopted 2010, site AL/TIV/9), but was deleted from earlier drafts of the Local Plan Review as it had not come forward. The owners have since confirmed that the site is still available, and have sought allocation of the site, supporting the view that the site is viable. It is acknowledged that there are a number of potential constraints, but it is considered that there is a realistic prospect that housing will be delivered within 5 years. Policy TIV18 as proposed offers greater flexibility and hence greater deliverability in comparison with the AIDPD policy as employment floor space is no longer included giving greater scope within the site to appropriately accommodate the housing in conjunction with re-profiling, compensatory floodplain and safeguarded road route. The potential constraints are assessed below in more detail:

Multiple land ownership

- 18.3 The site is in multiple ownerships, however all landowners have put the site forward and have expressed a desire to proceed with the development of the site as soon as possible. The Council received representations during the Proposed Submission (incorporating Proposed Modifications) Consultation 2017 stating that Blundell's School is actively looking to engage with the Council and other landowners to seek to facilitate delivery of the site for development. In addition representations were received on behalf of Horsdon Garage, confirming that the site is available for development and the landowner wishes to see the site come forward. The Council is aware that the owners of the former poultry processing plant wish to achieve a redevelopment of their part of the site which is becoming increasingly derelict with accompanying increase pollution risk.

¹ National Planning Policy Framework 2012 (Para 47, Footnote 11)

² National Planning Policy Framework 2012 (Para 47, Footnote 12)

- 18.4 It is now understood that a consortium is in place which consists of a housebuilder, housing association and eco-homes developer who are looking to work together to build out the allocated land. Further meetings between the consortium are due to take place in September where a clear timeframe will be established. However, it is currently anticipated that a planning application will be submitted in the second quarter of 2018.

Flooding

- 18.5 The acceptability of the site under the sequential and exceptions tests is addressed in Q17 above; as stated previously, many parts of Tiverton lie within the floodplain. The site has been the subject of discussions with the Environment Agency. The flooding issues are proposed to be overcome via mitigation. Paragraph 3.60c of the Local Plan Review indicates that the site will be remodelled to raise some areas of the site (with no overall change to the functionality of the floodplain) and lower others to provide compensatory floodplain. The development would create a total of 6 hectares of development land along the southern edge of the site, and 8 hectares of floodplain, which would be provided as green infrastructure.
- 18.6 The Environment Agency has indicated that it supports the allocation, given the opportunity it provides to assist in the provision of wider flood risk mitigation proposals in this area of the River Lowman. Consequently, this is not considered to be a significant constraint to the deliverability of the site, and indeed will bring wider environmental benefits to this part of Tiverton.

Access

- 18.7 Development of the site will need to safeguard highway access to accommodate growth beyond the plan period. The Highway Authority has confirmed that development of 200 dwellings at Blundell's would be acceptable over and above the current Tiverton Eastern Urban Extension Limit of 2,000 dwellings, if the Blundell's development is accessed off Heathcoat Way and a future highway route safeguarded.
- 18.8 An application will need to be supported by a transport assessment that demonstrates how safe access for all road users can be achieved, and a travel Plan to seek to encourage the use of sustainable modes of transport. The site has existing lawful uses which generate traffic, and the Council has every reason to believe that the allocation can be satisfactorily incorporated into the road network.
- 18.9 The site is located within the built up area within relatively easy walking/cycling distance of a range of facilities including the town centre. The site is served by buses (Services 1,1A ,1B and 22) which go to the town centre, Sampford Peverell, the current Junction 27 service area and further afield).

Viability

- 18.10 The Local Plan Review is supported by Viability Assessments by Dixon Searle (2014 and 2016), which confirm the overall viability of residential development. An addendum to the 2014 Report advised that 28% affordable housing was achievable for the urban areas. The 2016 Update found that viability was likely to have improved since the 2014 Study.

- 18.11 The submitted Draft Charging Schedule for CIL indicates that CIL will be charged on the Blundell's School site at £40 per sq m of chargeable floorspace. This is the level of CIL that the CIL Examiner recommended for adoption in the 2012 CIL Examination, which was based on 35% affordable housing in the former Local Plan, rather than the current position of 28%.
- 18.12 Policy TIV16 seeks 28% affordable housing, which is a reduction from the 35% sought in the current Local plan allocation (AL/TIV/9 point a). In addition TIV16 does not have a requirement for employment floorspace, which could have required cross-subsidy. On this basis TIV16 is likely to be a more viable proposal than the current allocation.
- 18.13 The owners have previously confirmed availability, and have sought allocation of the site, supporting the view that the site is viable. The policy stipulates a 28% affordable housing requirement as evidenced by viability assessment work undertaken for the Council, and in accordance with Policy S3. Given that affordable housing is secured through planning obligations rather than CIL, the provision to be provided onsite is negotiable to reflect other considerations such as the delivery of infrastructure and to take into account abnormal costs. Consequently, there is scope to apply some flexibility to ensure that an overall scheme for the site is viable. This would be determined through site level viability assessment, and potentially negotiations about s106/s278 requirements, which can be much more detailed than Plan level assessments.

Relocation of scrapyards and land remediation

- 18.14 The site contains a working scrapyards, adjoining the River Lowman and a former poultry factory which may be contaminated and is increasingly becoming derelict. The policy therefore requires a site contamination assessment and remediation to mitigate risks associated with the former and current land uses. The redevelopment of the site provides an opportunity to remove these 'bad neighbour' uses and to remediate the land, which will particularly help safeguard water quality.
- 18.15 It would be inappropriate to allow redevelopment of land within the site for new housing before the removal of the scrapyards, given the impact on living conditions and health of future occupiers arising from its continued operation. It is understood that there is now an overarching agreement with a consortium who are currently exploring a number of alternative site options for the relocation of the scrapyards.

Archaeology and Conservation

- 18.16 Policy TIV 16(i) requires archaeological investigation and appropriate mitigation. The Council have no reason to believe that the proposal will harm heritage assets.
- 18.17 The site is in part adjacent to, but outside of, the Blundell's Conservation Area. The Blundell's Conservation Area Appraisal and Management Plan (2014) notes that buildings on the north of the conservation area (abutting TIV16) are predominantly late C19th and C20th buildings for Blundell's school. The Management Plan does not identify any particular inter-visibility issues between TIV16 and Blundell's Conservation Area.
- 18.18 Moreover the redevelopment of elements of the site such as former agricultural/ industrial buildings provides an opportunity to improve the character and appearance of the

conservation area to the south. Policy DM25 also sets out considerations affecting heritage assets (which replaces Policy DM27 in the existing Local Plan).

19) Is the approach to the compensatory flood plain adequate?

- 19.1 The flooding issues associated with the development of this site have been examined in collaboration with the Environment Agency. The policy requires appropriate land shaping to raise areas for development above flood zone 3, including an allowance for the effects of climate change and to create additional floodplain to compensate for the loss of floodplain. The end result being no change to the functionality of the floodplain to deal with a 1:100 year return period flood event, including appropriate allowance for the effects of climate change. The remodelling would create 6 hectares of developable land and 8 hectares of floodplain.
- 19.2 The Environment Agency has indicated it is supportive of the allocation given the opportunity it provides to assist in the provision of wider flood risk mitigation proposals in this area of the River Lowman and are confident that adequate flood plain compensation works, in line with that proposed, can be delivered. These works have the potential to deliver numerous tangible environmental and sustainable benefits such as flood risk reduction and erosion control.
- 19.3 SD14 Schedule of Proposed Minor Modifications March 2017 proposes modifications 11 and 12 to reflect the Environment Agency 2017 representation (ID 6734) in which the creation of additional/compensatory floodplain should secure wider environmental and sustainability benefits. It is therefore considered that the approach to compensatory floodplain is adequate.

20) Is there sufficient appreciation of the historic environment (the setting of Knightshayes in particular)?

- 20.1 Policy DM25 sets out the council's approach towards the impact of development proposals on the historic environment. This requires any proposal likely to affect heritage assets and their settings to 'consider their significance, character, setting (including views to and from), appearance, design, layout and local distinctiveness and the opportunities to enhance them'. The policy states that where development would affect the setting of Knightshayes Court, the Council will have regard to The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment (The Parks Agency 2007). Applicants are encouraged to contact the Council to check if their site falls within the setting study areas surrounding Knightshayes and consider the implications of this at the design stage.
- 20.2 The Knightshayes setting study recognises that the historic interest and the historic character of Knightshayes are closely bound up with the views outward. The design of the registered landscape makes a feature of the nearby town as well as the pastoral landscape. The assessment also recognises the importance of views to Knightshayes from the

surrounding area. It should be noted that the whole of Grade II* registered park and garden is considered a heritage asset, as well as the house and its immediate environs.

- 20.3 The proposed allocation is not visible within the main vista south from the house and terrace (see Fig 26 in Knightshayes setting study). There are views from the house, gardens and surrounding parkland towards the east of Tiverton and the area in the vicinity of the site (see Fig 27), which are partially obscured by planned tree planting within the grounds of Knightshayes. Where views are possible in this south-easterly direction, the most prominent features lie on the ridge line running east from Exeter Hill. However TIV16 is a low-lying brownfield site within the existing built up area of Tiverton and as such it is unlikely that development here would stand out from the existing development within Tiverton, even allowing for the proposed land shaping to raise the development above the flood plain. Therefore given these factors and the distance of the site from Knightshayes, it can be concluded that in terms of visual impact, development on the proposed allocation would have no material impact on the setting of Knightshayes.
- 20.4 Any application would also need to comply with Policy DM1 'High Quality Design' which requires visually attractive places that are well integrated with surrounding buildings, streets and landscapes. This would minimise the impact of development on views from Knightshayes and elsewhere in the local area.

21) Does provision have to be made to tie it to Policy J27?

- 21.1 As set out in the answer to question 16 above, the Local Plan Review seeks generally to avoid phasing requirements unless required to ensure infrastructure provision. This is consistent with Government policy expressed in the NPPF, Housing White Paper and the Neighbourhood Planning Act 2017.
- 21.2 In this context, Policy TIV16 'Blundell's School' identifies the need for green infrastructure, flood resilience and sustainable drainage, additional junction and highways works, site remediation as well as possible archaeological mitigation.
- 21.3 The site is currently allocated for development in the Adopted Allocations and Infrastructure DPD (AL/TIV/9), and the Council see no value in imposing an additional restriction on the site coming forward, beyond those aimed at ensuring the sustainable delivery of infrastructure and mitigation measures.
- 21.4 Whilst the site has been included as a Modification in part to meet the additional need arising from J27, the Council do not consider that it should be contingent upon the delivery of J27. The site is well located to Tiverton, is within the built up area, and already allocated for development. The site is supported by the Environment Agency as it provides an opportunity to provide green infrastructure, flood resilience for this part of the town and removes potential sources of contamination from the River Lowman.
- 21.5 On this basis the Council does not see a need to link the delivery of the Blundell's Road site to J27.