

MID DEVON LOCAL PLAN REVIEW 2013 – 2033

Proposed Submission (incorporating proposed modifications) Examination

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Hearing 2: Wednesday 27th September 2017

Matters and Issues: Policy SP2

Statement of Mid Devon District Council

ISSUE 12	If a site in Sampford Peverell is necessary to cater for additional housing need resulting from the Policy J27 allocation, is this site the best performing?
ISSUE 13	Does the proposed allocation have sufficient regard to the historic environment?
ISSUE 14	Does the proposed allocation have sufficient regard to the character and appearance of the area?
ISSUE 15	Is the proposed allocation properly accessible, for pedestrians in particular?
ISSUE 16	Is the tie to Policy J27 strong enough?

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

12.1 The Council's Housing Topic Paper shows how the Local Plan Review meets objectively assessed need for housing. Part of this assessment was to consider the effect of J27 upon overall labour demand and consequently additional housing need (based on Edge Analytics' assessment that an additional 260 dwellings (13 per year) are required in response to J27). The Local Plan Review Proposed Modifications identified allocations SP2 and TIV16 to address this potential need.

Assessment of Alternative Sites

12.2 In considering how to accommodate the additional need arising from J27, the Planning Policy Advisory Group considered a number of additional sites in autumn 2016. These had either been included in earlier stages of the Plan, considered in the Strategic Housing Land Availability Assessment (SHLAA), or had been promoted to the Local Plan review. They were considered on the basis of their overall sustainability, compliance with the Local Plan

Review's overall distribution strategy (as per Policies S1 and S2), and proximity to Junction 27. The findings were reported to full Council on 22nd September 2016.

12.3 The sites considered and a summary of the findings is set out below:

- **Cullompton** has the largest number of dwellings in the Local Plan and there were concerns that additional sites would not be deliverable due to highways and other constraints.
- **Crediton** was considered to be too far from J27 to reasonably meet the extra need arising from J27. This would also apply to other sites being promoted in representations such as at Coplestone.
- **Tiverton.** There are already significant allocations in Tiverton. However land at Blundell's School (TIV16) was reintroduced. A number of configurations of development at Hartnoll Farm, east of the proposed Eastern Urban Extension were considered. These included a smaller scheme for 200 dwellings or a larger development of around 1200 dwellings. The site was not included because of concerns about the erosion of the strategic gap between Tiverton and Halberton. In addition, the site is adjacent to the (as yet unbuilt) Eastern Urban Extension and may not be deliverable until this has been developed.
- **Hemyock** (land south west of Conigar Close) was assessed as having capacity for 22 dwellings. At this time an application was to be considered by Planning Committee and as a result, if this application were to be approved, it would be accounted for as a commitment within the housing supply calculations.
- **Kentisbeare** (south east of Village Hall). This site is included in the current Local Plan AL/KE/1 but has not come forward for development. It has a capacity for 20 dwellings, so would not meet the identified need.
- **Sampford Peverell** (see below)
- **Uffculme.** Several sites were considered but not taken forward because they were not considered appropriate extensions to the village and some are within a Minerals safeguarding Area.
- **Willand.** The proximity of these sites to J27 is noted, but not proceeded with because of Devon County Council's concerns about traffic impact and the need to provide highway improvements before development could go ahead. The site considered at the Options Stage at North Willand relates more closely to adjacent industrial development at South View Industrial Estate rather than housing.

12.4 It is noted that several of these sites continue to be promoted. There is no longer a formal 'sequential test' to prioritise brownfield sites. However, most of the areas rejected are edge of settlement, or outside settlement boundaries, and are greenfield sites. They are generally no better related to key facilities, town centres or public transport etc. than Sampford Peverell.

12.5 Therefore, whilst their acceptability could be considered on their own merits, they are not clearly superior to SP2 in locational or sustainability terms. Nor would a decision (which the Council is not advocating) that any of these sites could be developed sustainably, invalidate the identification of SP2.

Other sites in Sampford Peverell

12.6 The SHLAA considered a number of alternative sites in Sampford Peverell. The bulk of these are greenfield sites, which are no better than Higher Town in terms of promoting brownfield land or landscape designation.

12.7 Some are extensive areas of land which would represent a departure from the overall Local Plan Spatial Strategy (in S1 and S2) of concentrating the bulk of development in the three main towns. In summary these sites are:

- **Mountain Oak Farm.** In addition to Higher Town (SP2), land at Mountain Court Farm was promoted to the SHLAA (Site 2). It is also promoted to the Examination by Mr P Hart (2742). The site is on the east side of Sampford Peverell; but the benefits this has in terms of being closer to J27 is considered to be marginal. The site is also greenfield and (like SP2) has no over-riding landscape designation. However it does extend closer to the Great Western Canal than SP2. It is also not contiguous to the town boundary, being separated from the built up area by a sports field. It would be to the rear of 'ribbon development' along the road frontage, and access does not appear straight forward: although Mr Hart's representation of 13th February undertakes to carry out necessary works to provide a satisfactory access. The submission to the SHLAA suggests multiple ownerships, but the representation indicates that the site is deliverable.

Without prejudice to the acceptability or deliverability of Mountain Oak Farm, it is also a greenfield site outside of the settlement boundary and therefore is not demonstrably better than SP2.

A more extensive area was also promoted (site 5) which extends to the Grand Western Canal. This would represent a much larger urban extension into the open countryside, and is also divorced from the main settlement area.

- **Whitnag Road, (Site 2).** This site was considered by the SHLAA, but rejected as unsuitable. It abuts the A361 to the north and Grand Western Canal to the south. The proximity of the site to the A361 would present amenity issues, whilst the SHLAA identifies landscape and archaeological constraints on the site. It is divorced from the settlement boundary with no clear relationship to the village.
- **Morrells Farm, (Site 3, 4).** A small number of dwellings could come forward as windfall development adjacent to the built up area. However there would be conservation and listed building issues which would require resolution. Wider development would represent a more significant development outside the village boundary into the open countryside.
- **Venn Farm and Morrells Farm (Site 6).** A much larger area of about 40ha of open country to the south of Sampford Peverell was promoted to the SHLAA. The area does not adjoin the

town and would significantly change the area of the town. It would in effect be a new settlement.

- **Huntland Hill (Site 7).** This is a standalone rural site between Sampford Peverell and Holcombe Rogus. It is unrelated to settlements or facilities and would have an adverse impact in the landscape and could adversely affect listed buildings on the site.

Higher Town, Sampford Peverell (SP2, SHLAA Site1)

- 12.8 The site at Higher Town Sampford Peverell (SP2) was included as a consultation site in the Local Plan Review Options Consultation (2014), but not carried forward into the Proposed Submission. However, it was included as a Proposed Modification in response to the additional need likely to arise out of the J27 proposal.
- 12.9 The Council recognise that it is a sensitive site in terms of landscaping. However the land has no formal landscape designation. The Grand Western Canal Conservation Area is some way to the south, albeit with a dog leg towards the site. Sampford Peverell Conservation Area abuts the northeast part of the site. There is a grade 2 listed building and several unlisted buildings of historic interest in this part of Higher Town. Landscaping, sensitive design and boundary treatment will be necessary to safeguard the integrity of the conservation area and setting of historic buildings.
- 12.10 The northern portion of the site is raised and therefore indicated as green infrastructure in the Local Plan allocation in order to reduce landscape impact.
- 12.11 An application will need to show how safe access can be provided, and how pedestrian access to the village is achieved. These matters will need to be addressed through site design and a transport assessment at planning application stage. Nevertheless, there is no reason to believe that they could not be resolved satisfactorily. Policy SP2 identifies the need to improve access onto the A361, and ongoing advice from DCC is sought on this.
- 12.12 There is no hard and fast policy on the number of homes in relation to settlement size, and such a policy is likely to be antithetical to the presumption in favour of sustainable development. However, the Council's assessment did consider that 60 dwellings would be proportionate to the scale of the village. Based on a household size of 2.1 persons per dwelling, Policy SP2 equals around 126 residents, which is just under a 10%* increase in the village's population (of around 1300 people). Combined with Policy SP1, the increase in population is still only about 11%*. This order of growth is considered to be a reasonable addition to the village without fundamentally changing its character. The village has a good range of facilities including a convenience store and other local shops, primary school and a surgery. The site is served by bus (1/1A and 1b) and is within about 30 minutes walking distance of the main line railway station. It is within easy reach of Junction 27.
- * Please note these figures have been corrected since the MDDC hearing statements were made public; earlier versions of this document may include incorrect figures.*
- 12.13 The site appears to be available and deliverable. Its inclusion in the Plan is supported by the landowners (Harcourt Kerr, 6790 on behalf of), who indicate that the site is deliverable; albeit that they wish to see restrictions on numbers and delivery relaxed (see Q21 below).

- 12.14 The site would be attractive to the market, as well as providing valuable affordable housing for the village and helping sustain village facilities.
- 12.15 On this basis, whilst the Council accepts the sensitivities surrounding the site, it is a sustainable location and impacts can be satisfactorily mitigated.

13) Does the proposed allocation have sufficient regard to the historic environment?

- 13.1 It is considered that the proposed allocation has sufficient regard to the historic environment. Prior to the Proposed Submission (incorporating proposed modifications) Consultation, a Historic Environment Appraisal (HEA) was prepared which identified the following known heritage assets in reasonable proximity to the site:
- Sampford Peverell Conservation Area
 - Grand Western Canal Conservation Area
 - 42 Higher town (Grade II)
 - 44 + 46 Higher Town (unlisted)
- 13.2 The HEA concluded that any new buildings in close proximity to these heritage assets should be respectful in design to avoid adverse effects on their setting. As such, the policy requires landscaping and design which respect the setting and character of the area, conservation area and listed building. The policy also requires that the highest ground should remain as undeveloped green infrastructure. SD14 Schedule of Proposed Minor Modifications March 2017 also proposes modification 24 to increase the area of green infrastructure (as shown in appendix 1 of SD14). This amendment was proposed to further limit the impact on the setting of the listed building and minimise any potential impact on the Grand Western Canal Conservation Area.
- 13.3 Any planning application for the site would also need to comply with Policy DM1 'High Quality Design' which requires designs of new development to provide a positive contribution to local character including any heritage assets and the setting of heritage assets.
- 13.4 In addition, the HEA notes that the site occupies an area enclosed in the medieval period and archaeological remains associated with the earlier field system and archaeological remnants may be affected by development here. The policy requires appropriate archaeological investigation and mitigation.

14) Does the proposed allocation have sufficient regard to the character and appearance of the area?

- 14.1 The allocation proposed is for a low density residential development of no more than 60 dwellings. There are a number of low density detached dwellings on the opposite side of

Turnpike and it is therefore considered that the proposed allocation would respect the existing character of edge of village housing, the conservation areas and listed building.

- 14.2 The policy requires appropriate landscaping and design which respect the setting and character of the area, conservation area and listed building. It is acknowledged that the site is elevated and therefore the policy requires that the highest ground should remain undeveloped as green infrastructure. SD14 Schedule of Proposed Minor Modifications March 2017 also proposes modification 24 to increase the area of green infrastructure (as shown in appendix 1 of SD14). This is considered to further minimise any impact on the character and appearance of the area.
- 14.3 Any planning application for the site would also need to comply with Policy DM1 'High Quality Design' which requires designs of new development to provide a positive contribution to local character and create visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

15) Is the proposed allocation properly accessible, for pedestrians in particular?

- 15.1 In the vicinity of the proposed allocation there are a number of pedestrian and cycle routes, such as along the Grand Western Canal, which provide a good level of connectivity within the village of Sampford Peverell and the wider area, including links to Tiverton and Tiverton Parkway station. Sampford Peverell currently benefits from bus services to Tiverton, Exeter and nearby villages which are regular by rural standards. Sampford Peverell is also proximate to Tiverton Parkway station which is on the Exeter – London Paddington/Bristol mainline.
- 15.2 The two most direct pedestrian routes from the centre of Sampford Peverell to the site are via Turnpike and Higher Town. Turnpike is the busier of the two routes in terms of vehicular traffic; a footway runs from the centre of the village to the cemetery opposite the proposed allocation, with a short break (approximately 20 metres) after the canal bridge. An alternative pedestrian route from the site to the village centre and the main walking route to the primary school will be via Higher Town; this is a narrow minor road with low levels of traffic and characteristics that typically keep traffic speeds low. As such, despite footway provision being limited, it offers a relatively safe 'shared' route for pedestrians, motorised and non-motorised vehicles. The Highway Authority considers that this pedestrian route is acceptable given the size of the allocation. A third, less direct pedestrian route to the centre of the village is available via the canal path which can be accessed at Battens Bridge to the south west of the site.
- 15.3 Development on the proposed allocation would facilitate the enhancement of existing pedestrian facilities, ensuring safe access to the village centre and nearby primary school. The Council is proposing a further minor modification to policy SP2, adding a criterion to ensure "improved access to the village for pedestrians and cyclists". This proposed change is supported by the Highway Authority.
- 15.4 A planning application will need to include a transport assessment specifying proposed improvements to meet the requirements of all modes of transport. This will include

consideration of specific enhancements to the pedestrian infrastructure along Turnpike as well as measures to enhance safety on the pedestrian route between the site and the primary school (along Higher Town). The Highway Authority has also recommended that prospective developers investigate the potential to provide a direct, segregated footway between the development and the canal path, to the south of the site. Further details are provided in the Highway Authority's response to this question.

- 15.5 The site layout proposed at the application stage will need to consider safe pedestrian, cycle and vehicular access to and within the site. An important aspect for consideration will be ensuring appropriate gradients for wheelchair access. The proposed Green Infrastructure offers the potential to provide a pedestrian link between the northern part of the site and Higher Town.
- 15.6 In conclusion, Mid Devon District Council believes that safe and appropriate pedestrian access to the proposed allocation can be achieved, enabling the site to benefit from existing good levels of connectivity in the wider network. Further work will take place in conjunction with the Highway Authority and prospective developers to provide details on suitable improvements to the key pedestrian routes.

16) Is the tie to Policy J27 strong enough?

- 16.1 The site at Higher Town Sampford Peverell (SP2) was considered in the 2013 SHLAA (p132-33). Whilst the site was noted to be in a (locally) sensitive landscape location, it was assessed that "a limited development would not be unacceptable". The SHLAA suggests that a low density development of 20 dwellings per hectare (dph) would allow a layout and design that respected the area's landscape sensitivity.
- 16.2 The site was included in the Options Consultation (January 2014) for 60 dwellings (which equates to a density of 16.66 dph on the net developable area of 3.6ha; or 10 dph on the entire 6ha site). However the site was not included in the Proposed Submission (February 2015). It was reintroduced in the Proposed Modifications stage (January 2017) in response to the need for additional housing arising from J27 (identified by Edge Analytics¹).
- 16.3 Policy SP2 states that development shall not come forward until J27 has been commenced. The Policy also identifies the need for careful landscaping, design and siting to minimise visual intrusion into the countryside, conservation area, and setting of the nearby listed building. An application will need to show how safe access for all road users can be achieved, through a Transport Assessment.
- 16.4 The Council has not generally sought to phase the provision of housing other than for infrastructure reasons (which are identified in Policy SP2 as set out above). The approach of keeping phasing restrictions to a minimum necessary to ensure infrastructure provision is consistent with the presumption in favour of sustainable development and core planning

¹ www.middevon.gov.uk/media/206859/mid-devon-policy-on-scenario-update-final-v3-august-2016-2.pdf

principles set out in the NPPF. It is also noted that although the details are not yet finalised in Regulations, the Government has set out in the Neighbourhood Planning Act 2017 that pre-commencement conditions on applications should be minimised.

- 16.5 Harcourt Kerr (6790) acting for various landowners (Messrs Cottrell, Burns, Pearce, Upholm and families) argued that the tie to J27 should be removed, as the Local Plan Requirement is a target and not an upper limit. They also argued that the site has capacity for around 120 dwellings.
- 16.6 However, Members considered that Higher Town Sampford Peverell is an exception to the principle of limiting phasing to infrastructure delivery considerations. Policy SP2 was included as a Modification in order to meet the additional housing need arising from J27. Although not the only determining factor, the site's proximity to Junction 27 was a consideration when including the site in the Proposed Modifications.
- 16.7 It will be noted that there were objections to Policy SP2 on a range of grounds. Some objectors expressed a concern that development of SP2 could come forward even if J27 does not proceed (e.g. Uplowman Parish Council (0069)). Given the proximity of the Higher Town site to J27, and that the need arising for additional homes comes from J27, the Council considers that a tie in between the two proposals is justified. It will not satisfy all of the objections raised to Policy SP2, but provides a safeguard concerning the site's need.
- 16.8 If the wording becomes part of the Adopted development plan it will carry legal weight² in the determination of subsequent planning applications. There is little more that the LPA can do to give the tie-in additional weight; nor would this be proportionate to the wider approach taken by the NPPF.

² i.e. Under Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the 2004 Planning and Compulsory Purchase Act.