

## **Start Date of the Plan**

5. Can the Parish Council explain how it arrived at a start date of 2013, which is now almost a decade ago. I appreciate that it coincides with the Local Plan Review, but what is the value in using this historic start date? Does the District Council have a view on whether it would be better to have a more current start date?

We note the Neighbourhood Plan period is from 2013 – 2033 and seemingly this has been to coincide with the period for the adopted Mid Devon Local Plan. The start date of 2013 does not cause an issue for the Council. Note, the Mid Devon Local Plan was itself not adopted until July 2020. Both plans have been subject to lengthy periods of preparation.

## **Mid Devon Local Plan Review**

6. With regard to the adopted Local Plan Review, can the District Council identify which of its policies are to be considered strategic policies for the purpose of the basic conditions test. Is it just those set out in the Development Strategy and Strategic Policies Chapter of the document or are there any other policies that it considered should be treated as “strategic”?

The adopted Mid Devon Local Plan was prepared in the context of the March 2012 NPPF and was examined under transitional arrangements.

The March 2012 NPPF makes clear local planning authorities should set out the strategic priorities for the area in the Local Plan (paragraph 156) and include strategic policies. This should include strategic policies to deliver:

- The homes and jobs needed in the area;
- The provision of retail, leisure and other commercial development;
- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater. Flood risk and coastal change management, and the provision of minerals and energy (including heat);
- The provision of health, security, community and cultural infrastructure and other local facilities; and
- Climate change mitigation and adaption, conservation and enhancement of the natural and historic environment, including landscape.

Paragraph 184 states “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area.”

Strategic policies in the adopted Mid Devon Local Plan will include all policies in:

- Chapter 2 Development Strategy and Strategic Policies S1 – S14
- Chapter 3 Site Allocations - Policies TIV1 – TIV16, CU1 – CU21, CRE1 – CRE11, J27, BA1 – BA4, BO1 – BO2, BR1, CH1, CB1, CF1 – CF2, CO1, CL1 – CL2, HA1, MO1, NE1, SP1 – SP2, SA1, SI1 – SI2, TH1, UF1, W11 – WI2. These site allocations are required to deliver the strategic priorities for the district.

Site allocations SI1 Land at Old Butterleigh Road, and SI2 The Garage are at Silverton. These will help meet identified local housing need and also form part of meeting the overall district housing requirement to be delivered through the Local Plan. Both sites have been granted planning permission.

### **Strategic Environmental Assessment**

7. Can Mid Devon clarify whether the SEA was formally submitted by the Parish Council under the provisions of Regulation 15, as it was amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015 and was the Environment Report advertised as a submission document at Regulation 16 consultation stage. I could only see reference to the screening opinion on the Council's website.

Yes, SEA document was formally submitted by the Parish Council at the Regulation 15 stage. It was, however, not advertised as a submission document at Regulation 16 consultation stage on MDDCs website. MDDC website did make a reference and provided a link to the Silverton Neighbourhood Plan website where the document is published.

9. I am particularly anxious to understand whether Historic England have had an opportunity to comment on the latest heritage conclusions within the document.

Historic England were sent an email at the start of the Regulation 16 consultation. We have not received their representation and therefore we assume they had no further comments to make.

### **Policy BE01: Local Character and Design Standards**

14. Can Mid Devon clarify whether its Local Validation Checklist requires the submission of a Design and Access Statement in respect of all planning applications or does it relate to major housing schemes and development in a Conservation Area as required by the Town and Country Planning (Development Management Procedures) Order 2015?

Local Validation Checklist requires major development schemes and applications in Conservation Areas to submit Design and Access Statement.

[design and access statement shane 2013.indd \(middevon.gov.uk\)](#)

### **Policy BE02: Local Heritage**

15. Again, can Mid Devon confirm which categories of applications are required to submit a Heritage Statement?

Applications required to submit a Heritage Statement are set out in Policy DM25 Clause b):

**Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them.**

Where proposed development will have the potential to impact upon a heritage asset or its setting, the Council will require the applicant to submit sufficient information to enable a description of a heritage asset affected and a consideration of the impact of the development upon it.

### **Policy HS03: The Glebe Housing Development Site**

24. Can the Parish Council confirm whether its rationale in proposing this policy, is that any harm to the Conservation Area and the setting of the Grade 1 listed building, is outweighed by the public benefits of acquiring this area of open space for the village and that, as this is less than substantial harm, this balanced judgement is triggered by paragraph 202 of the National Planning Policy Framework (NPPF)? Can Mid Devon offer its views as to whether it shares the conclusions, set out in the most recent version of the SEA that the level of harm to the heritage assets is of medium significance and does it have any concerns regarding the additional work carried out by AECOM? Does Mid Devon have any concerns regarding the loss of best quality agricultural land which was identified in the SEA as an adverse impact?

#### Comment by MDDC Conservation Officer:

Summary: The Glebe site would not be supported by conservation officers at application stage, nor as an allocated site.

The site is outside the village envelope in a part of the area that has not been developed previously. Well into the 20th century, it was part of the series of historic orchards surrounding the village. The site is noted on the Historic Environment Record (HER) as 'Orchard Banks south of Silverton' and earthwork banks are visible. The site provided a verdant space between the village and the southern building complexes now known as Burley House and Elbury House, with only small structures relating to the agricultural work within that space.

The approach to the village from the south is rural, along a single carriageway road lined with mature hedging and trees. To create an access along this road for vehicular egress would impact negatively on the experience of arrival in the village, as it would need to be compliant with modern highway standards, requiring a large vision splay.

The conservation area has protection under legislation and the NPPF, and its setting also has protection under the NPPF. The amount of harm to heritage assets does not alter the need to apply great weight to their conservation. Properties erected on this site would be unconnected to the village either physically or visually, thereby appearing as an incongruous development within the rural area. Together with the erosion of the conservation area through the loss of historic landscape, this isolation would not be considered to be either preserving or enhancing the conservation area, and would therefore not be supportable. No heritage benefit would arise from such a proposal either, therefore the social, economic and environmental benefits would need to outweigh the harm.

It is currently unknown exactly how significant this site is as an asset in its own right, as no excavation has taken place there. Development might offer the opportunity to explore it, but it would also eradicate it. Using the methodology put forward by the Strategic Environmental Assessment, I would consider the site to be of low/medium significance to the village as it provides the historic green area surrounding the village. Without further invasive investigation, this significance cannot be properly determined. However, I agree that the development of the site would be a medium adverse impact on that significance, as it would result in a loss of a large part of that historic area.

It is acknowledged that not all elements of a conservation area can contribute positively to its significance; however the desirability to preserve or enhance should be the Council's aim. NPPF 206 would require the Council to look at this as an opportunity for enhancement, but the argument laid out above would suggest that any development on that site would not be considered to fulfil this requirement.

In regards to the loss of best quality agricultural land:

We note the allocation would lead to the loss of Grade 2 agricultural land but that this is a small area and we do not wish to raise concerns at this loss.

25. Does the Parish Council and indeed the District Council have a view that the proposed housing site, if made, should be included within the settlement boundary?

We agree that if the proposed housing site is made, it should be included within the settlement boundary. However, we do not agree with the allocation of this site, due to its potential to significantly harm the setting of the church and the character and appearance of the conservation area.

**Policy HS04: Tiverton Road Housing Site**

27. Do the Parish Council and Mid Devon have a view as to whether the settlement boundary should be extended to include the site?

We agree that if the proposed housing site is made, it should be included within the settlement boundary.

28. Also, I am aware that a planning appeal has been granted on land which I assume is to the north of Applemead. Can Mid Devon send me a copy of the appeal decision and could the Parish Council offer a view that, whilst it was opposed to the development, once granted, this development should at least be referenced in the plan, possibly as a planning commitment, with a change in the settlement boundary to reflect the consent. I would also appreciate Mid Devon's view on the implications of that appeal decision, for the neighbourhood plan.

I will attach the appeal decision in the email.

**Policy HS06: Parking Spaces on Housing Developments**

32. Can Mid Devon confirm that electric car charging is now covered by Part S of the Building Regulations?

Yes.

**Policy HS06: Parking Spaces on Housing Developments**

31. Can I have the Parish Council's opinion as to what garage size would be acceptable to be able to accommodate a family sized car and bicycle. I note that the District Council does not include garages as part of the parking calculation, as they are unlikely to be used for car parking?

Is there any anecdotal evidence that Silverton should be treated differently to the rest of the district as to how garages are actually used?

Yes, the garages do not count towards meeting the parking standard because a low proportion of garages are actually used for parking. [Parking SPD june cabinet 2013 Portrait.indd \(middevon.gov.uk\)](#)

32. Can Mid Devon confirm that electric car charging is now covered by Part S of the Building Regulations?

Yes, electric car installation and charge point requirements are covered by Part S of the Building Regulations.

### **Policy BJ03: Home Working**

36. Is the reference to conversion of *outbuildings* making reference to the conversion to residential outbuildings and if it is, could the District Council comment on whether from a development management perspective, it would be possible to prevent those outbuildings covered by iv), from returning to uses which are incidental to the enjoyment of the dwelling?

#### Comment by MDDC Development Management Area Team Leader:

In general, it will depend on how the policy is applied. If the use of the outbuilding is essentially a home working type use that would otherwise be ancillary, it would not need permission in the first place.

If approving as a new building office/employment use, in someone's garden, a use by a third party is likely to cause amenity issues to the occupier of the dwelling, in which case we may restrict its use to be in connection with the occupation of that house. That may then present difficulties in being occupied by a different user in the future as there may be a reluctance to approve use by another user that may disrupt the occupier, may require additional parking, etc.

The main concern therefore would be the presence of a business use in the garden of a dwellinghouse, separate to the main occupation. It makes sense that the use would revert back to ancillary residential should the business use cease. However, there are reservations about the marketing part. It is not really clear how another business would be compatible, so it may end up being a futile exercise.

In the event that a new building business unit/barn conversion can be developed that wouldn't have an adverse impact on the principal dwelling, and therefore wouldn't need strict control, it may be more difficult to require that it reverts back to the original use, as that would not usually be reasonable, and it would likely fail the tests of conditions. It may however be reasonable to require the marketing, similar to the current requirements of DM19 for existing/allocated employment land. There is however inconsistency with DM19, which only requires 18 months, which itself is quite a long time. If it is considered reasonable, it might be better to align with DM19.

### **Policy TR03: Traffic Management**

37. Can Mid Devon confirm under what circumstances an applicant would be expected to have to submit a Transport Assessment?

Policy DM3 of Mid Devon Local Plan Review 2013-2033 dictates that “**Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, [...].**”