

APPLICATION NO: 19/00182/FULL

RECOMMENDATION

Refuse for the following reasons:

- In the opinion of the Local Planning Authority because of the location south of West Manley Lane falling within the area identified for strategic Green Infrastructure as part of the Tiverton Eastern Urban Extension, the proposal does not meet the criteria as required by Policy AL/TIV/3b and the Adopted Masterplan SPD.
- Inadequate consideration of the wider context including buildings, scale and massing, as required by Policy DM2(a) and (e) and Policy COR2 (a) reinforcing the character of Mid Devon and its built environment.
- Insufficient archaeological information given the potential for survival and significance of below ground archaeological deposits associated with early settlement in accordance with paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (Feb 2019).

PROPOSED DEVELOPMENT

Erection of a dwelling and detached garage with associated drainage infrastructure and landscaping works at West Manley Lane, Tiverton, Devon.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location plan, block plan (existing and proposed), floor plans, elevations and street scene.

Drainage Strategy

Tree Protection Plan

Wildlife Strategy

Planning Statement

Design and Access Statement

Covering letter

Arboricultural Impact Assessment

Drainage Layout

Supporting Letter (23 April 2019)

RELEVANT PLANNING HISTORY

91/00554/FULL - REFUSE date 12th June 1991

Conversion and extension of barn to form a dwelling and alterations to vehicular access

92/00012/FULL - REFUSE date 12th March 1992

Conversion of barn to dwelling

13/00056/SCR - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 3)

19/00182/FULL - PDE date

Erection of a dwelling and detached garage with associated access, drainage infrastructure and landscaping works

OTHER HISTORY

17/00663/PREAPP - ALLOC date 11th May 2017

PROTECT: Conversion of barn or erection of dwelling following demolition of barn

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR 7 – Previously Developed Land

COR9 – Access

COR11 – Flooding

COR12 – Development Focus

COR13 - Tiverton

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

AL/IN/3 – Public Open Space

AL/TIV/1 – Eastern Urban Extension

AL/TIV/2 - Eastern Urban Extension Transport Provision

AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure

AL/TIV/4 - Eastern Urban Extension Community Facilities

AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality

AL/TIV/6 – Eastern Urban Extension Phasing

AL/TIV/7 – Eastern Urban Extension Masterplanning

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in Favour of Sustainable Development

DM2 – High Quality Design

DM8 – Parking

DM11 – Conversion of Rural Buildings

DM14 – Design of Housing

DM15 – Dwelling Sizes

DM27 - Development Affecting Heritage Assets

DM28 – Green Infrastructure in Major Development

National Planning Policy Framework

CONSULTATIONS

MDDC Public Health (27 Feb 2019)

Contaminated Land: No objection to the proposals (27.2.19).

Air Quality: No objection to this proposal (18.2.19).

Environmental Permitting: No objection to this proposal (18.2.19).

Drainage: No objection to the proposals (27.2.19).

Noise & other nuisances: No objection to the proposals (27.2.19).

Housing Standards: No comment (21.2.19).

Licensing: No comments (18.2.19).

Food Hygiene: Not applicable (18.2.19).

Private Water Supplies: Not applicable (18.02.19).

Health and Safety: No objection to this proposal enforced by HSE (18.2.19).

Highway Authority (1 March 2019)

Observations:

I have visited the site which is accessed from an existing agricultural access onto the West Manley lane. While the applicants drawing shows visibility as 43.00m it is wrongly depicted on the plan and not drawn in accordance with convention. However the observed speed of

traffic is 20mph which warrants a lower visibility splay distance along the carriageway edge, and the neighbouring properties access benefits the development in achieving an unobstructed view. The Highway Authority would therefore raise no objection to the proposal based on the non material increase in traffic from the existing use to the residential use and subject to the following conditions:

1. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

3. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in a westerly direction and Parallel to the site boundary to the east

REASON: To provide adequate visibility from and of emerging vehicles.

Tiverton Town Council (5 March 2019)

Support

Historic Environment Team (7 March 2019)

Given the potential for survival and significance of below ground archaeological deposits associated with the early settlement here and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of desk-based research coupled with the excavation of evaluative trenches.

REPRESENTATIONS

10 letters of objection. The main points outlining:

- Planning Committee confirmed in 2015 when considering the Chettiscombe Trust application (14/00881/MOUT) that there should be no development on the south side of West Manley Lane. This was then endorsed at Cabinet (Jan 4th 2018) with the removal of the planned housing clusters to the south of West Manley Lane from the Masterplan for Area A. At a previous meeting on 26th Oct 2017 Cabinet resolved that within the proposed Area B masterplan that there should be no development to the south of West Manley Lane unless in association with green infrastructure uses. The reason being to create a wide green corridor including the former railway line, which

is part of the Blundell's Conservation Area, as well as the Grand Western Canal Conservation Area and to conserve views across open countryside as well as many unique wildlife habitats.

- The comments made about the traffic on the lane are erroneous. There are three right angled bends on the lane along with narrow stretches giving very restricted visibility. There are no designated passing places. The suggestion that the traffic does not exceed 20mph is a serious underestimate. There has been little or no traffic visiting, what was a neglected copse. It is clear that a new dwelling would add to the traffic load.
- The application (P2/para5) indicates that no work has been started onsite. However the Arborial Impact Assessment was conducted after the whole site (not just the planned building area) was ravaged and cleared at the end of 2017 / early 2018. Some large trees were felled. The original nature of the site can be gauged from the applicant's own aerial view (Fig 1 – The Application Site). Prior to the clearing work the copse was home to a wide range of wild life. The Environmental Survey coming after this clearance does not give an historical view.
- The site plan illustrates only part of the former copse being used for the proposed dwelling. No agricultural access has been provided for the remainder of the site or any indication of its future use. This could suggest further development might be proposed if permission is granted for an initial dwelling area.
- The address on the planning proposal 'Coppelstone Farm' is misleading as no Farm existed on this site. Coppelstone House occupies the site originally known as Coppelstone Farm.
- The application refers to a 2 storey building when the plans show a 3 storey. No other property in the local area is 3 storey. It would be out of proportion with neighbouring properties. The proposed height in combination with the higher ground levels of the site would make it prominent and clearly visible in the local area and from the former railway line conservation area.
- Black larch weather boarding is not in keeping or sympathetic to the rural character.
- Trees have been felled no longer leaving the site with a high degree of screening. The Design & Access Statement and aerial photography submitted with the application is misleading.
- The council has twice turned down an application for a dwelling on this site. The changes the Tiverton Eastern Urban Extension has brought to the area have been clearly defined with the statement that there should be no dwellings built to the south of West Manley Lane. The lane gives a clear boundary to the building development. If the ruling is relaxed for one dwelling then the doors are opened for other similar sites dotted along the lane. The importance of 'Green Infrastructure' has been emphasised by senior planners and Councillors at the Cabinet meeting: 'This area is of such importance in providing a green undeveloped buffer to the country walk and the canal and the area should be maintained as such and not be diluted by any development small or otherwise. Any development will lead to a detrimental impact on Tiverton's treasured assets visited by a number of people'.

- The view from the Blundell's Conservation Area / Railway footpath has already been compromised by the clearance of a wooded area and would be further harmed by a large three storey house, which would now be in full view of recreational walkers.
- There was evidence of site contamination in 2013 /14 in the form of Japanese Knotweed. Thorough examination of the site / soils is required prior to commencement of works.
- This proposal would set a precedent for further development on site and neighbouring.
- Potential contamination of the Ailsa Brook and Tidcombe Lane SSSI.
- Deliveries and management therein is a concern.
- The copse on the western edge of the site is a priority habitat. Many of the trees have now been removed.
- The hedgerow bounding the length of West Manley Lane is classified as 'important hedgerow (Hedgerow Regulations, 1997) as requires particular protection.
- The Design and Access Statement is misleading. The West Manley Lane Conservation Group have not given their support to the proposal – instead reserving judgement until an application was submitted. The D&A Statement denies the existence of the Blundell's Conservation Area.
- The Wildlife Survey is disappointing on the quality of the field assessment – no use of bat detectors, camera traps etc.
- The immediate area is prone to flooding – photos submitted.

15 letters of support outlining that this area of unused land will finally be put to good use. The detailed plans make full use of the undesignated cob barn, ensuring its future retention. The property will be sympathetically designed, using materials that respect the local vernacular whilst being complimented by the contemporary use of Hardiplank. It is designed to a standard that will benefit the surrounding area. The site lies within the settlement limit of Tiverton and is in a sustainable location. Devon Highways have no objection to the proposal. Although visible from the old railway track, the proposal will be screened from most views and will not cause harm to the existing trees. The site is already benefitting from the removal of dangerous trees and restoration of hedgerows.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks planning permission for a single, sizeable, 2 and a half storey dwelling, with improved access, on a site that has evidence of former stone and cob buildings (although falling outside the definition of a brownfield site), on land south of West Manley Lane, Tiverton. Two applications have formerly been refused on this site (91/00554/FULL & 92/00012/FULL) for reasons of impact on the existing building(s), development in the countryside and highway grounds. Pre application advice (17/00663/PREAPP) indicated 'broad support for the principle of a single dwelling'. However, as indicated in the officer response, such advice does not bind the Local Planning Authority.

The main material considerations in respect of this proposal are:

- 1) Principle of development in this location

- 2) Design
- 3) Impact on the character and appearance of the surrounding area
- 4) Impact on residential amenity
- 5) Parking and access
- 6) Other

Principle of Development in this Location

The application site is located within the Settlement limit of Tiverton (Core Policy, COR13) and within the allocated site for the Tiverton Eastern Urban Extension (AIDPD, AL/TIV/1 – AL/TIV/7). The site, specific to this application, is identified in policies AL/TIV/1 – 7 as being for mixed use development. The Emerging Local Plan similarly allocates this application site for mixed use development within policies TIV1 – TIV5.

The Eastern Urban Extension benefits from an Adopted Masterplan SPD. The Adopted Masterplan SPD identifies the Eastern Urban Extension allocation south of West Manley Lane for Green Infrastructure. Whilst the applicant asserts (Supporting letter, WYG, 23 April 2019) that the Adopted Masterplan excludes the application site from the masterplanning area, the Council would assert, whilst acknowledging the need to complete the masterplanning of Area B, that the 'excluded area' which is more easily identified by the field divisions on page 30 of the Adopted Masterplan, in fact forms the greater part of Copplestone House.

Policy AL/TIV/3 of the AIDPD recognises that there are a number of key environmental requirements that arise from the Eastern Urban Extension. Policy AL/TIV/3 requires the protection of existing features of national and local importance and to ensure the Eastern Urban Extension contributes to enhancements in the local environment including Tidcombe Fen SSSI, the Grand Western Canal County Wildlife Site and Conservation Area, Blundell's Conservation Area including the former Railway Line Sustrans cycle route, and a number of species rich meadows and hedgerows within the development area.

Planning policy and guidance recognises that a development of the scale of the Eastern Urban Extension will have an impact on the character of the area. The incorporation of appropriate strategic landscaping will act to mitigate it. It is as a result of this clear rational and strength of commitment that the Adopted Masterplan (2014) was revised in 2018. Whilst the applicant asserts in their supporting letter (23 April 2019) that further masterplan work 'may lead to the refinement of the (*Area B*) plan' (Adopted Masterplan SPD, page 15) and that a different approach may be taken through the Masterplanning of Area B, Mid Devon Council has, through its Committee processes, expressed a clear commitment for land south of West Manley Lane to be allocated as Green Infrastructure.

Planning Committee (22 April 2015) awarded outline planning consent (Application No. 14/00881/MOUT) only after the red line boundary of the application site had been amended to remove the opportunity for development south of West Manley Lane. Subsequent to this, Cabinet at its meeting on the 26th October 2017 resolved that 'there should be no development south of West Manley Lane unless in association with green infrastructure'. This has subsequently been reflected in an amendment to the Adopted Masterplan SPD to remove three housing clusters that were identified south of West Manley Lane.

It is worth recording that whilst new residential development is restricted in countryside locations, a general principle is established for the reuse of redundant or disused buildings under Paragraph 79(c) of the National Planning Policy Framework, where the development would re-use redundant or disused buildings and enhance its immediate setting. Policy DM11 of the Local Plan Part 3 permits the conversion of rural buildings that are of substantial and permanent construction which positively contribute to an area's rural

character for residential, tourism or employment uses. Whilst the cob barn is proposed for retention as a domestic store, the main living accommodation associated with this application is not a conversion and does not lie within a countryside location, being within an identified settlement limit. For this reason, paragraph 79c is not relevant in this instance.

Preapplication advice provided in 2017 (17/00663/PREAP) advised that there would be broad support for a single dwelling based on the assumption it is a single dwelling, within the settlement limit of Tiverton and within the masterplan area. However, it is clear that the Local Plan policies are not rigid and unalterable. Indeed, Policy AL/TIV/1 sets out the 'general requirements for development based on evidence available to the planning authority' (para 5.90) at that time. It can therefore be concluded, that as regards to the Adopted Local Plan policies AL/TIV/2 – 7, that where new evidence or information arises which indicates an alternative approach to a particular subject, but which retains the overall strategic thrust of the proposals, then the Local Planning Authority is able to consider such proposals. Whilst Policies AL/TIV/1 – 7 identify the application site for mixed use development, the Adopted Masterplan SPD identifies the site as forming Green Infrastructure. The AIDPD policies recognise the need for a substantial green infrastructure buffer zone and Cabinet has expressed their views on what the buffer zone should be. They have done so in an updated masterplan which is a supplementary planning document. Supplementary Planning Documents provide guidance and detail on how planning policies might be applied to development proposals. They are material considerations in their own right. It is in light of this evidence, the recognised need for a substantial zone of green infrastructure and commitment expressed through Committee by means of a revised Adopted Masterplan SPD that the principle of development on this site is not accepted.

Design

Part 12 of the NPPF (Feb 2019) is concerned with good design. Paragraph 124 confirms that 'good design is a key aspect of sustainable development, creates better places and helps make development acceptable to communities'. Para 127c provides further clarity ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para 130).

The site forms part of the Tiverton Eastern Urban Extension and as such benefits from an Adopted Masterplan SPD and Design Guide. The Adopted Masterplan SPD concentrates development to the north of West Manley Lane. In conformity to para 126 of the NPPF which seeks to ensure maximum clarity about design expectations through the use of supplementary planning documents and design guides, the Tiverton EUE Design Guide identifies larger (2-3 storey) properties with generous spacing between buildings ('Parkland Edge' housing) on the land immediately north of West Manley Lane. The principle presented, a larger property within a generous plot, would not be out of keeping with the principle of development promoted through the Design Guide.

However, the scale and massing of the proposal presented is not considered appropriate to the local character and landscape setting. The proposed dwelling is a substantial 2 and a half storey house, set back from the road to the rear of a historic barn. The new dwelling will be higher than the barn and have a cross form with three gables and one hip. It is acknowledged that Copplestone House is a sizeable dwelling set within generous grounds. However, it has benefitted, historically, from a number of additions, each less substantial than the previous in height, scale and massing. Whilst providing a building with a sizable amount of accommodation, the overall impact is of a building that sits comfortably in its setting. Near neighbouring properties of Rose Barn and the listed Prawes Farm perhaps

more closely reflect the aspirations of the Design Guide being two storey properties set in generous plots.

The main dwelling proposed within this application is in excess of 9m in height. It is acknowledged that the roof line is hipped on the east elevation, perhaps making a modest contribution to minimising its overall impact in terms of scale and massing. However, the gabled projections to the front and rear extending to the height of the ridgeline (written 9.41m on Drwg No.s 18.027-02 and 18.027-03 but measuring at 9.7m on drawing No. 18.027-02) compounds the significance of the scale and massing. Copplestone House has a maximum ridge height of 9.49m over a footprint of 13.4m x 8.9m (not including the additions). The proposal presented is for 9.7m over 16m x 10.6m. This is significant in terms of the overall impact of the scale and massing of the building. Further, it does not acknowledge changes in ground levels, not available for Copplestone House, but which appear to be lower than the application site.

A mix of materials is proposed including natural stone, Midnight Black (fibre cement) Hardieplank, render and red brick and natural slate. Historically, properties have exhibited a more limited palette of materials – Rose Barn being natural stone, red brick and to a limited degree render, Prawes Farm being natural stone and render and Copplestone House being natural stone and render. Fibre cement boarding is not in keeping with the context and is not considered appropriate.

Policy DM2 of the Local Plan Part 3 states that development should be well integrated with surrounding buildings taking account of architecture, siting, scale, massing and materials. Overall, the design and materials are not considered to respect the wider context including buildings, scale and massing in accordance with Policy DM2 (a) and (e). Similarly, the proposal does not accord with Policy COR2 (a) reinforcing the character of Mid Devon and its built environment

Impact on the character and appearance of the surrounding area

The proposal is for a detached, 5 bed 10 person, dwelling, with 4 bay car port and domestic store. The ground floor of the main dwelling provides kitchen, dining, living and utility accommodation; the first floor provides 4 bedrooms (2 en-suite), a family bathroom and separate wc; the second floor provides the master bedroom with en-suite and walk-in wardrobe. The main dwelling 16m long x 10.6m wide x 9.7m to the ridge is proposed. It will be located some 135m in a direct line to the former railway line and some 300m to the Grand Western Canal, both designated conservation areas.

Applications for consent that affects a heritage asset must be able to justify their proposals. This approach is reinforced by Policy DM27 and requires development proposals likely to affect heritage assets and their settings to consider their significance, character, setting and local distinctiveness. The applicant, in their Planning Statement (para 2.2.4) appear to be unaware of the Blundell's conservation area approx. 135m to the south or the listed building 150m to the west.

The area of land within and on the eastern boundary of the application site is a designated priority habitat for its deciduous woodland. Much of this woodland has been cleared including to the south of the site. This has significantly opened up the site to views from the Blundell's conservation area; the new dwelling will be visible from the west and east from the bridge on the former railway line.

Whilst the size, design and position of the proposal is more assertive on the experience of the conservation area, overall, any harm would be at the lower end of substantial. As such, whilst the proposal would have a registerable level of harm on the conservation area, it would be low.

Impact on Residential Amenity

Given the location of the site it is not considered that the development would have an adverse impact on the residential amenity currently enjoyed by neighbouring residents. The nearest neighbour some 70m to the east and nearest neighbour some 97m to the west have varying densities of tree and hedgerow growth between them and the proposed property. Any adverse impact on the quality of amenity currently experienced by both properties would be limited. Overall, the application is not considered to cause harm to the privacy or amenity of any neighbouring property and the application therefore accords with Policy DM14 in this respect.

Parking and Access

The Highway Authority have raised no specific objection, indicating a suitable means of access and visibility on to West Manley Lane based on a non-material increase in traffic from the existing use to a residential use. For this reason the Council is able to support the proposal.

Other

Archaeology

The site was formerly a small homestead with only the cob barn surviving as a standing building. To the west lies Prowses Farmhouse, dating to the 16th century and demonstrating the settlement of the area from at least the 1500s. The former buildings on the application site could also date from this period. The Historic Environment Team, providing specialist advice, indicate that the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage asset or the impact of the proposed development on those heritage assets. As such, the Council is unable to support this application in accordance with Policy DM27, para. 5.3 and NPPF paras 189 and 190.

Public Open Space:

Policy AL/IN/3 makes clear that new housing developments will provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with the SPD. The SPD makes clear in paragraph 14 that the scheme for collecting contributions for off-site provision applies to all new housing, including single dwellings, whether built as tied accommodation, conversions of existing buildings, flats, maisonettes or permanent mobile homes. There is therefore a clear policy justification for this contribution. Normally a financial contribution of £1442 would be payable in accordance with policy AL/IN/3, for a development of this type. However, the only POS project available at the time of the submission, in Tiverton, related to the provision of youth facilities in West Exe Neighbourhood Park, Tiverton. This park was not considered to be sufficiently close or easily relatable to the proposed development. The applicant was accordingly notified at the time of their submission, that in this instance, a POS contribution could not be justified. Whilst a scheme has subsequently been identified and a request made for contributions, the applicant has not made a P.O.S contribution based on the former advice. This is acknowledged.

Nationally Described Space Standards

Policies DM14 and DM15 seek to ensure that new dwellings are of an appropriate size and have a suitable level of amenity space to suit their location. Since the publication of the dwelling size policy, the Government has produced Technical Housing Standards – Nationally Described Space Standard which supersedes policy DM15. The proposed accommodation accords with the technically described space standards.

Foul Sewage

Foul sewage will be managed by a package treatment plant on site. Surface water will be managed using a soakaway. These methods are considered to be acceptable in accordance

with Policy DM2 (f). The comments received from Environmental Health are noted. On this basis, the Council has no objection to the proposal.

Japanese KnotWeed

Reference is included within the comments received to the presence of Japanese Knotweed on the site. Managing its presence is the responsibility of the land owner. While there is no statutory requirement on the Planning Authority to ensure its control / eradication, the applicant is advised that it is notifiable as an invasive species and no soil should be transported from the site. Confirmation has been received from the agent (13 March 2019) that the scheme has been designed specifically to avoid the need for export of soils from the site.

Summary

The Council considers the likely impact of the proposal unacceptable. Whilst the proposal has the ability to provide a suitable means of access, will have limited impact on neighbouring residential amenity and a less than substantial impact on the setting of the Blundell's conservation area, the proposal is in conflict with Policy AL/TIV/3 (b) of the AIDPD and the Adopted Masterplan SPD. It is through the recognised need for a substantial area of green infrastructure and the commitment expressed through Cabinet by means of a revised Adopted Masterplan SPD that the principle of development on this site is not accepted. Further the design, scale, massing and materials do not respect the wider context in accordance with Policy DM2 (a) and (e). Neither does the proposal accord with Policy COR2 (a) reinforcing the character of Mid Devon and its built environment. Insufficient archaeological evidence is provided in accordance with Policy DM27 para 5.3 for the potential for below ground archaeological deposits.

As a result, there is a policy conflict with the AIDPD AL/TIV/3b, Core Strategy Policy COR2 (a) and Local Plan Part 3 (Development Management Policies) Policy DM2 (a) and (e), Policy DM27 para 5.3, the Adopted Masterplan SPD and NPPF.

Careful account has been taken of all the other matters which have been raised but they do not outweigh those considerations on which this decision is based. As such, it is the opinion of the Local Planning Authority that the planning application proposal because of its:

- location south of West Manley Lane falling within the area identified for strategic Green Infrastructure as part of the Tiverton Eastern Urban Extension, the proposal does not meet the criteria as required by Policy AL/TIV/3b and the Adopted Masterplan SPD;
- inadequate consideration of the wider context including buildings, scale and massing as required by Policy DM2 (a) and (e) and Policy COR2 (a) reinforcing the character of Mid Devon and its built environment; and
- Insufficient archaeological information given the potential for survival and significance of below ground archaeological deposits associated with early settlement in accordance with paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (Feb 2019).

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.