

Development Management

Mid Devon District Council

Phoenix House

Tiverton

EX16 6PP

24/08/2021

Dear Mrs McCombe

**21/01576/MOUT Outline for extension of business park for up to 3.9ha of employment and up to 150 dwellings**

I **object** to this Planning Application for the following reasons:

1. The site is located outside the settlement boundary within the open countryside and is not allocated for development. It does not therefore accord with Policy S14 of the Local Plan or Draft Policy T1 of the emerging Tiverton Neighbourhood Plan. Manley Lane forms the settlement boundary of Tiverton and, once it is breached, the next natural/man-made boundary feature is the Canal. Therefore, the consenting of this proposal would open the door to successive waves of development up to the Canal, thereby impacting the setting of the heritage and tourism asset and resulting in the continued erosion of the gap between Tiverton and Halberton;
2. The Council is able to demonstrate a robust 5 year housing land supply, is performing well against the Housing Delivery Test, and has an up to date Local Plan. There is therefore no justification for bringing forward additional housing on a non-allocated site outside the settlement boundary and no case has been put forward for it to be classed as a rural exception site;
3. There is no need for a new link road to open up the Tiverton East Sustainable Urban Extension as the SUE is now being delivered, with a decision on application 21/00454/MARM Reserved Matters for 166 dwellings pending;
4. The Employment Statement does not use up to date evidence of supply and demand. It refers to the Employment Land Review and other evidence that was prepared well before the Covid Pandemic hit. The Pandemic has significantly altered patterns of working and hence demand for floorspace. The district has a vast supply of employment land that is allocated, the delivery of which could be undermined by a speculative application of this nature. Furthermore, quick analysis of property websites like Rightmove suggests that there is a good supply of small to medium sized business units within a 10 mile radius of the site that are available to rent. I would, at the very least, have expected to see up to date evidence of demand, including letters from local businesses and supporting letters from commercial agents;

5. The Applicant makes reference to Policy DM18 'In countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, providing the development is an appropriate use and scale for its location'. At 3.9ha, this proposal is strategic in scale. In combination with the existing business park at Hartnoll, this would become one of the largest strategic employment sites in Mid Devon. Any argument that it would be supporting the diversification of the rural economy is therefore incorrect. Indeed, if this scheme were consented it could soak up any remaining latent demand for commercial floorspace in the short to medium term, thereby undermining the viability of other strategic employment sites across the district. This in turn could leave the Council vulnerable to speculative applications on strategic employment allocations for more lucrative land uses i.e. housing;
6. Without a Landscape and Visual Impact Assessment (perhaps the most important of all requirements) and photomontages (both summer and winter) it is not possible to appraise the impact of the proposed development on the setting of the Great Western Canal Conservation Area, surrounding villages and hamlets, or Manley Lane. The LVIA is referred to in the Planning Statement so should be included in the Application pack on the website;
7. Without the Biodiversity Net Gain Calculation it is not possible for residents or planning officers to ascertain the full extent of damage that will be caused to habitats. Of particular concern is the damage that will be caused to the species rich hedgerows bordering both sides of the historic Manley Lane. Significant hedgerow removal to create link road and pedestrian linkages will ruin habitat and species corridors and destroy the setting and function of a historic country lane;
8. The Heritage Statement and accompanying Geophysical Survey identify 20 possible buried archaeological deposits across the site, including a Pre-historic Ring Ditch. As a result of this, Cotswold Archaeology clearly state that 'additional information will be required to inform further on the significance of the remains in the area, and any influence they may have on design proposals, and required mitigation measures'. Based on this recommendation it would suggest that trenching is required prior to determination, even at Outline stage, unless clear instruction has been provided by the County Archaeologist that it can be carried out as a watching brief under planning condition. I cannot find reference to such liaison with the County Archaeologist having been undertaken in the Planning Statement. It is also clear from the assessment of impact on heritage receptors that the site visit was undertaken during the spring/summer months when vegetation screening is at its best;
9. The Statement of Community Involvement is very disappointing. The Applicant has not even engaged in formal pre-application discussions with the Planning Department. A token leaflet drop to 59 properties, a chat with the Economic Development Officer and a few ward Councillors is far from comprehensive. Furthermore, the opportunity for attending public exhibitions post application submission shows complete disregard for local residents and removes any opportunity for them to work with the Applicant to shape the proposals and address concerns;
10. Transport – the main purpose of the location of the strategic employment allocation within the Tiverton East SUE is to enable HGV and commercial vehicle trips to access the site directly from the North Devon Link Road, thereby reducing flows through the residential

areas of the SUE and along Blundell's Road. The expansion of Hartnoll Business Park would run against this aspiration by channelling increased HGV and commercial vehicle movements through residential areas, along Blundell's Road and through Halberton and other surrounding villages;

11. The Applicant presents the 'network of multi-functional green corridors' as a significant new community benefit not just for residents within the site but for the wider area. It does beg the question – why would residents of the wider area want to go for a walk by a business park when the Canal and Old Railway line and remaining sections of country lane are on their doorstep?
12. EIA Screening – I cannot find reference to the EIA screening letter nor the Council's response in the Planning Statement. Given the obvious sensitivities of the site, it is important that the public are able to see that the correct procedures have been undertaken;
13. Manley Lane flooding – Manley Lane floods on an annual basis where the Canal Breach crosses. It is difficult to see how the situation can be resolved when the slopes leading into it are urbanised. I would encourage the LLFA to consider this and the proposed SUDs very carefully;
14. Soil quality – Analysis of the DEFRA South West Agricultural Land Classification Map highlights that the site comprises a large proportion of Grade 1 (Excellent) and Grade 3 (Good to Moderate) soil quality. Policy S9 of the Local Plan discourages development in areas of Best and Most Versatile (BMV) Soil. Unless the Applicant submits a Soil Assessment that proves the DEFRA classification is wrong, this will weigh heavily against the proposals in the planning balance test;
15. Tree Survey – Although the Application is in Outline I would expect the Applicant to have at least submitted a Tree Survey (and ideally an Arboricultural Impact Assessment) so that decision makers can see how different categories of mature trees and hedgerows have been taken account of in the design layout. This is particularly important with regard to the protection of root systems and also to ensure that the proposed routing of the link road does not impact some of the high quality oak trees along Manley Lane.

In paragraph 4.2 of the Planning Statement the Applicant highlights that 'it is well established that slavish compliance to the letter of each and every DP policy is not required for a development to be judged in accordance with the development plan'. However, this statement is not valid when an application, such as this one, is not in accordance with any of the policies set out in a Local Plan. If this Application were consented it would make a mockery of the Plan-led system.

Taking all the above into account it is difficult to understand why the Application has been submitted. Given the missing documentation, lack of community engagement, and numerous spelling mistakes it is clear that the Application has been assembled in haste. The Applicant has done the complete minimum to get the Application validated, and the absence of key information makes it difficult for the Council to determine it.

There is no basis for consenting the proposed development. It is clear that the Applicant wants to achieve a refusal as soon as possible so that they can take it to Appeal. Thankfully, even if the 5 year

housing land supply and Housing Delivery Test results were to fall, the Application would still fail on the planning balance test.

Yours sincerely

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