

Local Plan Part 3

Development management policies

Adopted October 2013



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Introduction

01

The Mid Devon Local Plan

Mid Devon District Council is required by legislation to produce a development plan for Mid Devon. The Mid Devon Local Plan is made up of three parts:

Part 1: Core Strategy (adopted 2007)

Includes strategic policies such as targets for housing, employment and retail development.

Part 2: Allocations and Infrastructure Development Plan Document (adopted 2010)

Allocates land for development and sets strategic policy on affordable housing and infrastructure provision.

Part 3: Development management policies

This document forms Part 3 of the Local Plan and provides detailed policies to manage individual development proposals in a way that meets local needs, both economic and social, while also protecting the environment.

This document has been prepared in accordance with the National Planning Policy Framework (NPPF) and operates a ‘presumption in favour of sustainable development’ (see Policy DM1). The NPPF states that the pursuit of sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- Making it easier for jobs to be created in towns and villages;
- Moving from a net loss of biodiversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high quality homes

The policies within this document have undergone Sustainability Appraisal and Strategic Environmental Assessment, running parallel to policy formulation. A screening assessment under the Habitats Regulations has also been carried out. These documents were published alongside the Local Plan Part 3.

02

The Local Plan Part 3 underwent examinations in 2013. An independent inspector determined that the plan was sound subject to specified modifications. The Council adopted the modified plan in October 2013.

Superseded policies

The Local Plan Part 3 replaces and supersedes the remaining policies of the previous Local Plan that was adopted in 2006. Only two of these previous policies are retained unaltered in the Local Plan Part 3.

Table 1: Schedule of 2006 Local Plan policies

2006 Local Plan Policy	Subject	Notes
S5	General development requirements	Replaced by topic-based policies: DM2 High quality design DM7 Pollution DM11 Conversion of rural buildings DM20 Rural employment development DM23 Equestrian development DM24 Tourism and leisure development DM26 Protection of recreational land and buildings DM27 Development affecting heritage assets DM28 Green infrastructure in major development DM29 Protected landscapes DM30 Other protected sites
S6	Design of new development	Replaced by: DM2 High quality design DM3 Sustainable design DM14 Design of housing DM15 Dwelling sizes DM28 Green infrastructure in major development
S7	Vehicle parking	Replaced by: DM8 Parking
S9	Agricultural land	Deleted Replaced by National Planning Policy Framework paragraph 112
S11	Surface water drainage	Replaced by: DM2 High quality design
H4	Extensions	Replaced by: DM13 Residential extensions and ancillary development
H9	Flats	Replaced by: DM2 High quality design DM14 Design of housing

2006 Local Plan Policy	Subject	Notes
H10	Subdivision of dwellings - non self-contained accommodation	Delete Unnecessary
H11	Town centre housing	Replaced by: DM16 Town centre development
H12	Replacement rural dwellings	Replaced by: DM12 Replacement dwellings in rural areas
E1	Town centres	Replaced by: DM16 Town centre development
E2	Out-of-centre developments	Replaced by: DM17 Development outside town centres
E3	Town centre changes of use	Replaced by: DM16 Town centre development
E5	Shop fronts	Replaced by: DM18 Fronts of shops and business premises
E6	Local and rural shopping	Replaced by: DM19 Rural shopping
E7	Shopping outside settlements	Replaced by: DM19 Rural shopping
E8	Expansion of existing business	Replaced by: DM20 Employment rural development
E9	Loss of employment land	Replaced by: DM21 Protection of employment land
E10	Employment in residential areas	Replaced by: DM2 High quality design DM7 Pollution
E11	Rural employment development	Replaced by: DM20 Employment rural development
E12	Rural employment conversions	Replaced by: DM11 Conversion of rural dwellings

2006 Local Plan Policy	Subject	Notes
E13	Farm diversification	Replaced by: DM19 Rural shopping DM20 Employment rural development DM24 Tourism and leisure development
E14	Agricultural buildings	Replaced by: DM22 Agricultural development
E15	Tourism proposals within settlements	Replaced by: DM24 Tourism and leisure development
E16	Tourism proposals outside settlement limits	Replaced by: DM24 Tourism and leisure development
E17	Advertisements	Delete Separate legislation and the National Planning Policy Framework (paragraph 67) apply
C1	New community facilities	Replaced by: DM26 Community facilities
C2	Protection of existing community facilities	Replaced by: DM26 Community facilities
C3	Protection of open space	Replaced by: DM26 Protection of recreational land and buildings
C6	Horse riding and riding establishments	Replaced by: DM23 Equestrian development
C7	Golf courses and driving ranges	Delete Unnecessary
C8	Allotments	Replaced by: DM25 Community facilities
ENV1	Areas of Outstanding Natural Beauty	Replaced by: DM29 Protected landscapes
ENV2	Renewable energy	Replaced: DM5 Renewable and low carbon energy

2006 Local Plan Policy	Subject	Notes
ENV4	Telecommunications	Delete: Replaced by National Planning Policy Framework paragraphs 43-46.
ENV5	Nationally important archaeological sites	Replaced by: DM27 Development affecting heritage assets
ENV6	Sites of regional or county significance	Replaced by: DM27 Development affecting heritage assets
ENV7	Archaeological investigation	Replaced by: DM27 Development affecting heritage assets
ENV8	Buildings of special architectural or historic interest	Replaced by: DM27 Development affecting heritage assets
ENV9	Demolition of listed buildings	Replaced by: DM27 Development affecting heritage assets
ENV10	Historic parks and gardens	Replaced by: DM27 Development affecting heritage assets
ENV11	Conservation areas	Replaced by: DM27 Development affecting heritage assets
ENV12	Demolition of unlisted buildings in conservation areas	Replaced by: DM27 Development affecting heritage assets
ENV14	Sites of Special Scientific Interest	Replaced by: DM30 Other protected sites
ENV15	Other protected sites	Replaced by: DM30 Other protected sites
ENV16	Protected species	Partially replaced by: DM11 Conversion of rural buildings DM30 Other protected sites Separate legislation applies
ENV17	The wider countryside	Replaced by: DM1 Presumption in favour of sustainable development DM3 Sustainable design DM28 Green infrastructure in major development

2006 Local Plan Policy	Subject	Notes
TIV2	Primary shopping frontages	Replaced by: DM16 Town centre development
TIV8	West of Park Road	Delete Unachievable
CRE1	East Town	Delete Recent supermarket development in Crediton supersedes this allocation and includes permission for additional mixed uses
CRE2	Primary shopping frontages	Replaced by: DM16 Town centre development
CRE5	Bow Belle	Delete Employment element of the allocation has not come forward. No evidence of demand. Long-term protection of the allocation would be contrary to paragraph 22 of the National Planning Policy Framework
BA1	Bampton stone crushing works	Retain A small part of the employment element of the site has not yet been implemented. Review allocation alongside review of Allocations and Infrastructure Development Plan Document (Local Plan Part 2)
TP1	Motorway service area	Delete Permitted
WI1	Willand Industrial Estate	Retain Part of the site has been developed and demand remains for employment land in the area. Review alongside review of Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

1.0

Sustainable development principles

DM1

Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach in favour of sustainable development. It will work proactively to find solutions which allow proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without unnecessary delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against national policy taken as a whole; or
- b) Specific national policies indicate that development should be restricted.

- 1.1 Sustainable development has been defined as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.” National policy requires local authorities to operate a ‘presumption in favour of sustainable development’ throughout Local Plan policies and decision-making. This means the Council must take a positive approach to development that meets the needs of the area and improves economic, social and environmental conditions. Policies and decisions should be based on objectively assessed evidence of development needs, but be flexible enough to adapt to any rapid change in circumstances. Opportunities for development are to be sought and facilitated without delay unless there would be adverse impacts that significantly and demonstrably outweigh the benefits, taking into account all national policy. National policy recognises that development affecting protected habitats and species, Areas of Outstanding Natural Beauty, designated heritage assets, flood risk areas or sites designated as Local Green Space should be restricted. Mitigation measures will be sought where appropriate, to achieve neutral or positive effects on the environment. For example, ecological measures may have a positive impact on local water bodies, helping to deliver Water Framework Directive objectives.

- 1.2 Applications for planning permission must be determined in accordance with the development plan unless material (including relevant financial) considerations indicate otherwise. This Local Plan has been prepared in accordance with national policy and is the starting point for decision-making. The plan should be read as a whole. In many cases a planning application will be assessed against a range of policies that manage various aspects of sustainable development.

09

High quality design

DM2

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - i) Architecture
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration
 - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Major residential development proposals will be required to achieve 'green' status under at least 8 of the 12 Building for Life criteria.

- 1.3 National policy recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and ensures that new development contributes positively to making places better for people. The Core Strategy (Local Plan Part I) sets out the Council's strategic objectives for locally distinctive, high quality development, including design which reinforces the character and legibility of the built environment and creates attractive places. Policy DM2 builds on this by setting out detailed criteria to guide high quality design on individual development sites.
- 1.4 The Mid Devon Town and Village Character Assessment identifies and evaluates the settlement character of the district, including patterns and similarities, distribution of land use, materials and key features of interest. The Devon and Mid Devon Landscape Character Assessments provide the equivalent information pertaining to landscape in the district. While the level of information expected to accompany a planning application will vary depending on the development being proposed, applications for new buildings within or adjacent to towns and villages should demonstrate an understanding of the surrounding built environment. Where available, Conservation Area Appraisals will also provide an essential source of information for proposals within conservation areas. In addition to an understanding of local character and heritage, development proposals must respect the needs of neighbouring residents and the community, through the design of safe, accessible and attractive places that preserve general quality of life.
- 1.5 In creating visually attractive places that incorporate landscaping and green infrastructure, applicants are advised to consult *Biodiversity by Design*, published by the Town and Country Planning Association (www.tcpa.org.uk) for examples of how green infrastructure has been used to enhance the quality of development.
- 1.6 Designs should maximise opportunities for the use of sustainable transport modes for the movement of goods or people. National policy states that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; prioritise pedestrian and cycle movements; have access to public transport; deliver safe and secure layouts that minimise conflicts between cars and pedestrians/ cyclists; incorporate facilities for plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport.
- 1.7 Major development can have a significant effect on the visual quality, character and long-term function of a place. Major residential applications will be expected to demonstrate a well thought out design process, taking account of all the principles in Policy DM2 and the detailed design criteria of the Design Council's Building for Life standard. This standard allows development to be assessed against categories of 'integrating into the neighbourhood', 'creating a place' and 'street and home'. The Council will define which criteria are relevant according to different categories of development, and will expect development to achieve 'green' status against all categories wherever possible.

Sustainable design

DM3

Development proposals involving the construction of new buildings must demonstrate how sustainable design and construction methods will be incorporated to achieve energy and water efficiency and resilience to climate change. Designs must use landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Major housing developments will be required to meet Level 3 of the Code for Sustainable Homes from 2013, rising to Level 5 from 2016.

Major commercial development will be required to achieve BREEAM ‘Very Good’ standard from 2013 and ‘Excellent’ from 2016.

If evidence demonstrates that meeting the minimum standard under the Code for Sustainable Homes or BREEAM would render the development unachievable, the Council will balance the overall benefits of the development against the objectives of this policy.

- 1.8 The construction and use of buildings has major implications for the use of non-renewable resources. 50% of the UK's carbon emissions come from the construction and operation of the built environment. As the population increases and climate changes, there is a clear need to mitigate and adapt to climate change through effective carbon reduction, protection of biodiversity and landscape, water and flood management, and urban design.
- 1.9 The most common method of assessing the sustainability of non-residential buildings is the Building Research Establishment Environmental Assessment Method, known as BREEAM. This assesses development against various criteria and gives an overall rating of Pass, Good, Very Good, Excellent or Outstanding. The requirement for a BREEAM rating will apply to major commercial development, comprising use classes A1-A5 (retail), B1-B8 (employment), C1-C2a (hotels and residential institutions), D1-D2 (non-residential institutions and leisure) and ‘sui generis’ uses which do not fall within any other use class.
- 1.10 The Government’s Code for Sustainable Homes achieves the equivalent rating for dwellings, with a six-star rating (Code Level 6) representing the highest achievement.

- 1.12 Changes to the Building Regulations in 2013 and 2016 will reduce the energy use and carbon emissions associated with new development. From 2016 the emissions from regulated sources such as heating, hot water and lighting should be reduced to zero in new housing developments. Policy DM3 supplements the transition to zero carbon development by employing additional sustainability criteria under the Code for Sustainable Homes or BREEAM, such as categories for water management, ecology and materials. Policy DM3 matches the Government's timetable for revisions to the Building Regulations and will be implemented from the date on which revised Building Regulations come into effect. In the event that revisions to the Building Regulations are delayed, the implementation of Policy DM3 will be postponed to ensure the planning policy and Building Regulations are aligned.
- 1.13 The Council will require a BREEAM or Code for Sustainable Homes pre-assessment to be submitted with any relevant planning application. Planning permission will be subject to a condition requiring that a design stage assessment BREEAM or Code for Sustainable Homes is submitted to the Council before the development is started. For non-major development proposals BREEAM or Code for Sustainable Homes assessment will not apply, but general compliance with Policy DM3 should be demonstrated as part of the Design and Access Statement where one is required.
- 1.14 There is flexibility within Policy DM3, to allow for cases when the strict application of the BREEAM or Code for Sustainable Homes requirement would render the development unachievable. In these cases the Council will require the applicant to provide detailed information to demonstrate any alleged impact to development viability or feasibility.
- 1.15 Major developments must also take account of Policy AL/IN/6 of the Allocations & Infrastructure Development Plan Document (Local Plan Part 2), which states:

Carbon Footprint Reduction

Development of 10 or more dwellings or 1000 square metres or more of non-residential floorspace will make provision for at least 10% of the energy to be used in the development to come from decentralised on-site renewable or low-carbon sources rising incrementally to 20% by 2020. A Carbon Reduction Strategy outlining this and other methods to reduction development carbon footprint will need to accompany planning applications.

Waste management

Development proposals must demonstrate that the construction and operation of the development will accord with sustainable waste management principles. A waste audit statement will be required for all major development proposals, to set out how waste will be managed according to the following hierarchy (in descending order of preference):

- a) Prevention
- b) Preparing for re-use
- c) Recycling;
- d) Other recovery
- e) Disposal

- 1.17 The long-term behaviour of occupants with regard to waste management cannot be controlled by the planning system but it can be influenced. The construction process will be expected to minimise waste as much as possible, and the design of the proposal should enable and encourage the most sustainable methods of waste management. Development proposals should demonstrate this as part of the Design and Access Statement, where applicable. This is an essential step in the district's transition to more sustainable resource management, with the long-term aim of zero-waste or resource-neutral construction.

DM5

Renewable and low carbon energy

The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals for renewable or low carbon energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments within the parish or adjoining parishes. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering renewable and low carbon energy. Development must consider:

- a) Landscape character and heritage assets;
- b) Environmental amenity of nearby properties in accordance with Policy DM7;
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a);
- d) Biodiversity (avoiding habitat fragmentation).

1.18 Policy DM5 is designed to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. Examples of development considered under this policy include wind turbines, hydropower or solar installations, and energy systems associated with other development such as combined heat and power (CHP) or district heating. Major developments must also take account of Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), which states:

Carbon Footprint Reduction

Development of 10 or more dwellings or 1000 square metres or more of non-residential floorspace will make provision for at least 10% of the energy to be used in the development to come from decentralised on-site renewable or low-carbon sources rising incrementally to 20% by 2020. A Carbon Reduction Strategy outlining this and other methods to reduce development carbon footprint will need to accompany planning applications.

The Council will support community-led initiatives for renewable and low carbon energy where possible.

- 1.19 These developments, especially when they are of commercial scale, have the potential to cause harm through degradation of landscape character or heritage, impact to neighbouring properties and loss of productive agricultural land and biodiversity. Long-term climate change is likely to put additional pressure on water resources and food supply, with associated changes to biodiversity and landscape. Renewable and low carbon energy development mitigates the effects of climate change by reducing carbon emissions, but should not be approved at the expense of essential ecosystem services. Evidence will be required to support planning applications where appropriate, such as Landscape and Visual Impact Assessments, or ecological reports evaluating any biodiversity impact. These will only be required where there is a potentially significant impact.
- 1.20 In some cases, Devon County Council will act as the Local Planning Authority in dealing with an application for planning permission. For instance, the County would determine an application for waste-to-energy development involving the movement of waste from one site to another.

DM6

Transport and air quality

Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment. The traffic pollution assessment must consider the impact of traffic-generated nitrogen oxides on environmental assets including protected sites listed in Policy DM30, and propose mitigation measures where appropriate. The Low Emission Assessment shall include the following:

- a) **Assessment of the impact on existing Air Quality Management Areas, or an impact likely to result in the declaration of an additional Air Quality Management Area, in cases where a demonstrable negative impact on ambient concentrations of air pollutants is considered likely;**
- b) **Modelling of local residual road transport emissions from the development without mitigation measures; and**
- c) **Onsite mitigation measures to reduce negative impacts on local air quality.**

- 1.21 A Transport Assessment is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures should be taken to deal with the anticipated transport impacts of the development.
- 1.22 A Travel Plan is a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives. Travel plans should encourage the use of alternatives to single-occupancy car use by prioritising pedestrian and cycle movements through the site, providing appropriate facilities, and implementing initiatives that encourage sustainable travel. Clear outcomes should be set out that link to an appropriate package of measures which should where suitable, include the promotion of:
- Walking and cycling
 - Rail services
 - Eco-driving such as low emission vehicles
 - Car clubs
 - Public transport
 - Car sharing
 - Motorcycle safety
 - Flexible working practices

Travel plans should include details of how the progress of the travel plan will be monitored and reported.

- 1.23 Applicants are advised to engage in pre-application discussions with the Council and Devon County Council as Highway Authority if the development is likely to generate significant levels of vehicular movement, to discuss the scope and detail of the information required. Whether or not an application's traffic impact is considered 'significant' will depend on a range of factors such as the location of the development, its relationship to an Air Quality Management Area, its intended use and the capacity of the road network. The requirement will not usually apply to small-scale development, but occasionally a development not classed as 'major' may still have a significant impact. Where an integrated assessment is required, the Council will usually require an analysis of traffic flows at key periods and the 'mass emissions' or total emission footprint to be expected from the development. Where criterion (a) of the policy applies, the assessment should also focus on key road links. The Council will require development proposals to demonstrate that they will not cause significant harm to people or the environment through an increase in traffic-related pollutants. A traffic pollution assessment should consider the effects that additional emissions from vehicles will have on any environmental assets, including important wildlife habitats. This may be combined with an assessment under Policy DM7, if appropriate. In particular, development that increases traffic along the A361 will have an impact on the Special Area of Conservation at Rackenford, which adjoins the Mid Devon boundary. Where a development would cause significant harm to this site and adequate mitigation would not be possible, planning permission will be refused.
- 1.24 Developments affecting the Special Area of Conservation could include:
- Intensive farming
 - Commercial riding stables
 - Employment development
 - Tourism
 - Gypsy and traveller sites
 - Any other developments that increase cross-traffic along the A361

- 1.25 The Transport Assessment should identify the boundaries of the Low Emission Assessment, which evaluates the effect of the development on local air quality. The main routes of travel will be assessed for their residual road transport emissions after development, with and without mitigating measures to reduce emissions. The Low Emission Assessment must also take account of existing Air Quality Management Areas (Cullompton and Crediton), and include air quality exposure modelling for specified residential properties or other sensitive properties either within or adjoining an Air Quality Management Area or in a location at risk of being designated as one if a demonstrable harm has been identified. There are a number of standard models used for air quality exposure modelling, which should be carried out by a suitably qualified person. Procedural guidance for carrying out a Low Emission Assessment is contained in Annex II.
- 1.26 Tiverton is at risk of being designated an Air Quality Management Area. Any relevant development proposal in or adjoining Tiverton, Cullompton and Crediton should consider the significance of its impact on the most congested routes within the town and the properties most directly affected by the development. Where mitigation measures are necessary, these should be designed to reduce both the direct impacts to nearby properties and an Air Quality Management Area, and indirect impacts to local road transport.
- 1.27 Mitigation measures might include:
- Use of low-emission vehicles and fuels during construction
 - Onsite infrastructure for charging and fuelling low emission vehicles
 - Parking management (differential rates, priority or dedicated parking for low emission vehicles)
 - Low emission vehicle or bicycle rental/purchase schemes
 - Car clubs
 - High quality public transport services
- 1.28 Some measures to reduce emissions and encourage sustainable modes of travel may be designed and built into the development. Other measures are less straightforward and refer to activities and choices made by residents. To ensure that the measures included in a Low Emission Assessment and Travel Plan are implemented and continued in the long-term, the Council may require the applicant to enter into a planning obligation under Section 106 of The Town and County Planning Act 1990. The obligation would require the establishment of a management company which would administrate differential charging levies, rental/purchase schemes or car clubs, as appropriate. Where rental or purchase schemes for bicycles or electric vehicles are proposed, the developer would be expected to pay a financial contribution as a start-up fund, which would be transferred to the management company to subsidise low emission transport for the people living or working at the site. The basis for calculating any such developer contribution will be set out in a Supplementary Planning Document.

Pollution

DM7

Applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

- 1.29 When the location or characteristics of a proposed development give rise to concern that the development would cause pollution or nuisance to surrounding people, properties or the environment, the Council will require an appropriate impact assessment to be undertaken by a suitably qualified person so that the potential effects can be properly understood. This may include cases where the site is already unstable or contaminated due to its former use, requiring mitigation or remediation to be carried out so as not to harm the health and wellbeing of future occupiers of the development. The Council will also have regard to the River Basin Management Plan (RBMP) and, where appropriate, seek to achieve measures which will achieve the objectives of the RBMP and the Water Framework Directive (WFD). Under the WFD there should be no deterioration in the status of a water body. If planning permission is granted, a planning condition should be used to ensure that any mitigation measures set out in the assessment are implemented.
- 1.30 The subject and scope of assessments will vary depending on the scale and type of development being proposed. For instance, where there is concern regarding the effect of additional traffic emissions on nearby residential properties, a Low Emission Assessment should include air quality exposure modelling for affected properties, and any mitigating measures that would reduce the impact. In this case the Council would discuss with the applicant or agent the level of information required and the methodology to be used.
 - Assessments required under this policy include:
 - Contamination and subsidence reports
 - Noise assessments
 - Low Emission Assessments
 - Hydrological or drainage reports
 - Any other technical assessment required to enable sustainable development

DM8

Parking

Development must provide an appropriate level of parking, taking into account:

- a) The accessibility of the site, including the availability of public transport;
- b) The type, mix and use of development;

Design must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and low-emission vehicles. Within the towns of Tiverton, Cullompton and Crediton, infrastructure for electric vehicles should be built into development. The Council will seek parking provision and electric vehicle infrastructure according to the following standards, the variation of which must be justified on a case-by-case basis.

Residential					
Use class	Description	Location	Minimum car parking standard	Minimum cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
C3, C4	Dwellings	General	1.7 per dwelling	1 or 2 beds – 2 per dwelling 3+ beds – 4 per dwelling	1 charging point per 10 units
Non-residential					
Use class	Description	Location	Car parking standard	Cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
			Per sqm gross floor area unless otherwise stated		
A1	Non-food retail	General	1 per 20	1 per 200	2 charging points per 200
A1	Food retail	General	1 per 14	1 per 140	2 charging points per 200

Non-residential					
Use class	Description	Location	Car parking standard	Cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
A2	Financial and professional	Within Tiverton, Cullompton, Crediton & Bampton	1 per 30	1 per 300	2 charging points per 200 (exc. Bampton)
		Elsewhere	1 per 20	1 per 200	N/A
A3	Restaurants	General	1 per 5.5sqm of eating area	1 per 55sqm of eating area	2 charging points per 200
A4	Public houses	General	1 per 3sqm of drinking area	1 per 20sqm of drinking area	2 charging points per 200
B1, B2	Business and general industry	General	1 per 30	1 per 300	2 charging points per 200
B8	Warehousing and distribution	General	1 per 46.5	1 per 46.5	2 charging points per 10 parking spaces (employees visitors)
C1	Tourist accommodation	General	1 per bedroom	1 per 10 bedrooms	2 charging points per 30 rooms or per 10 parking spaces
C2	Residential institutions	General	1 per bedroom	1 per 10 bedrooms	2 charging points per 30 rooms or per 10 parking spaces
D1	Non-residential institutions (exc. Schools and health facilities)	General	1 per 40	1 per 400	2 charging points per 200
D2	Indoor and outdoor sports	General	1 per 2 players and 1 per 10 spectator seats	1 per 20 players and 1 per 100 spectator seats	2 charging points per 200
	Indoor entertainment	General	1 per 5 seats	1 per 50 seats	2 charging points per 200

- 1.31 Road transport accounts for over a third of end-user carbon emissions in Mid Devon, at a time when European and national policies set increasingly challenging targets for reduction of carbon emissions. However, research by the RAC in 2009 showed that, while car usage is reducing, this does not correspond to a reduction in car ownership. Research carried out on behalf of the Department of Communities and Local Government in 2007 forecast an increase of approximately 18% in car ownership between 2001 and 2026. In view of local levels of car ownership and the rural nature of the district, there is clearly a need for development in Mid Devon to provide sufficient parking.
- 1.32 Accepting that people will continue to own cars, there is a need to make the transition to a low carbon economy through the promotion of low emission transport. Policy DM6 refers to transport and low emissions. Policy DM8 introduces a minimum standard for provision of electric vehicle infrastructure. These standards are recommended by the Low Emission Strategies Partnership, and set out the necessary infrastructure for single, 3-phase or accelerated electricity supply. The necessary infrastructure will depend on the prevailing vehicle technology requirements, but capacity should also be built into new development to allow for upgrading and advances in technology. Cabling to 40/50% of parking space provision is recommended, to allow for future requirements. Known as 'future proofing', this sort of provision allows for long-term climate change mitigation as well as improvements in local air quality. Within housing developments, it is expected that individual properties will often have their own charging points. Where electric vehicle infrastructure serves shared areas, long-term maintenance should be carried out by a management company established by the developer. The Council will be flexible about the ways in which infrastructure for electric vehicles should be incorporated.
- 1.33 Policy DM8 applies a minimum residential parking standard of 1.7 spaces per dwelling based on car ownership levels in Mid Devon. This figure will be used to calculate the minimum number of parking spaces for the whole development site, with a minimum of one parking space to be allocated for the sole use of each property. The remaining parking provision (and more if preferred) should be distributed appropriately throughout the development, in accordance with principles set out in the Council's Supplementary Planning Document (SPD) on the provision of parking in new development. Other principles in the SPD should also be adhered to when drawing up development proposals, including the allocation of appropriately located motorcycle, visitor and disabled spaces with sufficient manoeuvring space. For developments comprising one or two dwellings the standard will be rounded up to two spaces per dwelling. For non-residential development, parking should be provided in accordance with Policy DM8 except where alternative provision can be justified on the basis of existing parking provision or other factors.

2.0

Residential development

23

Cross subsidy of affordable housing on exception sites

DM9

The Local Planning Authority will consider the inclusion of some market housing within exception sites where there is evidence of local need for affordable housing. The amount of market housing must be lower than the amount of affordable housing and at the lowest proportion that will ensure the delivery of significant affordable housing.

- 2.1 To encourage the delivery of affordable housing in rural areas exceptions can be made to the normal restrictions on housing development outside specified settlements. Several exception sites are allocated in the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and policy AL/DE/6 allows for other unallocated sites to come forward where evidence of need has been established. As set out in the policy and supporting text exception sites will adjoin a settlement and be of a scale proportionate to the scale of local need for affordable housing. However, the funding and land for exception sites can be difficult to secure, given the low values of affordable housing land compared to that for market housing. National policy allows the inclusion of some market housing on exception sites to facilitate the provision of significant additional affordable housing to meet local needs. This means that the proportion of affordable housing on a site will need to outweigh the amount of market housing which is only being included to secure much needed affordable housing. Developers will be expected to submit financial evidence to demonstrate that the proportion of market housing proposed is the lowest proportion required to deliver significant affordable housing. This is to ensure that the principle of resisting open market housing development outside specified settlements is not overridden without securing the delivery of significant amounts of much needed affordable rural housing. Evidence of local need for the affordable housing will also be required for cross-subsidy exception sites. The Council will have regard to any up-to-date local housing needs surveys, and information from Devon Home Choice. The new policy overrides the reference in AIDPD policy AL/DE/6 to achieving 100% affordable housing on exception sites.

DM10

Rural workers dwellings

Applications for rural workers dwellings will be permitted where:

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available at most times;
- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site;
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

Where a rural business is not yet established a mobile home may be permitted for a temporary period, on the basis of criteria b) and c) above, and evidence of:

- (i) An essential need for one or more workers to be readily available at most times
- (ii) A firm intention and ability to develop the enterprise
- (iii) Sound financial planning

Permissions for rural workers dwellings will be subject to an occupancy condition. Removal of such a condition will only be permitted where there is clear evidence that there is no need for the condition to remain in place.

- 2.2 With the majority of Mid Devon's population living outside its main towns the contribution of rural areas is a very important part of the district's overall economy. Therefore, it is important that the Council's planning policies support rural enterprises. To promote sustainable patterns of development rural workers will usually be expected to find housing in existing rural communities. However, an exception to this approach can be justified where it can be shown that a rural worker has an essential need to be available at most times as part of the operation of a rural business in accord with national policy. Essential need means a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance. Such need would relate to any particular event or combination of events that could lead to adverse animal welfare, crop or product quality, or health and safety consequences which might threaten the stability and economic well-being of an enterprise. In all cases, these would be events which could not be properly managed within normal working hours. Security concerns on their own will not be sufficient to justify a new dwelling. On working family farms, the Council recognises that retired farmers may continue to live on the farm and there could be a need for additional accommodation to meet the needs of the next generation. In these cases the existing dwelling will not be treated as available alternative accommodation pursuant to criterion b) of the policy, though the Council may require a Section 106 Agreement to ensure the existing dwelling remains occupied by agricultural workers.
- 2.3 Applications for rural workers dwellings will need to be accompanied by evidence which conclusively demonstrates the essential nature of the need and that suitable accommodation can only be provided through the construction of a new dwelling. In order for such dwellings to remain affordable for rural workers and to protect the intrinsic beauty of the countryside proposed dwellings will need to be of a size which matches the scale of the operation and other buildings on the site. As such development will take place in areas where the development of new houses would not normally be permitted, it will also be important to ensure that its design reflects its immediate context and its wider rural setting. Permitted development rights may be removed to prevent further enlargement of the dwelling without planning permission, to keep the dwelling at a size and value that will be affordable for rural workers.

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- 2.4 Where a rural business is not yet established, the Council will consider granting a temporary mobile home, subject to appropriate evidence of essential need, a firm intention to develop the enterprise and sound financial planning. A ‘firm intention’ and sound financial planning might be demonstrated by the construction of new buildings; the purchase of stock needed to operate a rural business; appropriate agricultural or rural business training and qualifications; work experience; and evidence of sufficient finances to establish the enterprise.
 - 2.5 Consent is granted for rural workers dwellings as an exception to normal policy to support the rural economy. Therefore such planning permissions will be made subject to an occupancy condition which ensures the dwelling remains tied to the agricultural or other appropriate occupational use and is not sold or rented to unsuitable occupants. To prevent abuse of the exception for rural workers dwellings the removal of such conditions will need strong evidence to show that the occupancy by a rural worker is no longer justified, such as evidence of marketing at an appropriate price for a period of at least 18 months and an assessment of the demand for rural dwellings in the area.
 - 2.6 In appropriate circumstances the Council will also seek Section 106 Agreements to ensure that a temporary dwelling is not put in place until associated development or infrastructure has been completed, and to tie the rural workers dwelling to the operation and associated land which has the essential need to prevent the splitting of the dwelling from the operation.

Conversion of rural buildings

DM11

The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;
- b) The building can be converted without significant alteration, extension or rebuilding;
- c) The design will retain the original character of the building and its surroundings;
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

- 2.7 The buildings within Mid Devon's countryside are an essential part of its character and when they become redundant or disused they can provide a useful resource to allow the delivery of sustainable economic or residential development. Such developments can support the expansion of employment in rural areas or in the case of residential conversions they can help to meet the housing needs of rural areas without increasing new development in the countryside. It is, however, important to ensure that such conversions take into account their rural setting and the need to deliver good design.
- 2.8 National policy supports the sustainable re-use of rural buildings for economic and residential uses, requiring development to be sustainable and recognise the intrinsic beauty of the countryside. Development must be well designed and achieve a good standard of amenity for all existing and future occupants of land and buildings. Specifically in relation to residential conversions national policy states that they should lead to an enhancement to the immediate setting.

- 2.9 To ensure a conversion does not have an impact on the countryside and is sustainable, it is important that its development does not involve works that will have a harmful impact. Negative impacts could include the creation of a new access across an open field or light pollution in areas away from existing development. In order to ensure highway safety it is also important that a suitable access can be provided and the road network can support the proposed use. The rural nature of Mid Devon's highway network means that traffic intensive uses such as distribution or the movement of heavy and or bulky goods will not be appropriate in many locations. Further, rural buildings' role in the character of the countryside means that buildings in a ruinous state should not be re-used, the visual impact of the converted building should be no greater than that of the original building and local vernacular architecture should be retained. The Council will require a structural survey to be submitted to demonstrate that the building can be converted without significant alteration, extension or rebuilding, and may impose a planning condition which restricts permitted development rights for subsequent extensions and alterations.
- 2.10 Redundant rural buildings often serve as bat roosts or habitats for other protected species. The Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan and a number of other Regulations and Directives designate 'protected species' with legal protection. It is an offence recklessly or deliberately to kill, injure, capture or disturb protected species, which includes carrying out works which obstruct, damage or destroy access to that species' habitat. The Council will require a habitat survey to accompany any planning application for the conversion of a rural building, to identify protected species within the application site, set out any mitigation measures where appropriate and include recommendations for the enhancement of biodiversity.

Replacement dwellings in rural areas

DM12

The construction of replacement dwellings outside defined settlement limits will be permitted where the replacement dwelling's floorspace will be no greater in size than the existing dwelling, taking into account any unspent permitted development rights.

2.11 Situations can arise where a replacement dwelling is sought because the cost of repairing or altering an existing building exceeds the cost of its total replacement. As the principle of development is established by the existing dwelling its replacement will generally be acceptable. However, to ensure that the character and amenity of the area are not harmed, and the rural dwelling stock remains affordable for local residents, the size of the new dwelling should be restricted to that of the previous dwelling except where there are any unspent permitted development rights. In all circumstances, the permitted development rights for the replacement dwelling will be removed. The relocation of a building within a plot will generally be acceptable provided it is in keeping with the placement of nearby houses in their plot. Policy DM12 refers to the replacement of existing dwellings, the use of which has not been abandoned.

DM13

Residential extensions and ancillary development

Extensions to existing dwellings and other ancillary development will be permitted provided that they:

- a) **Respect the character, scale, setting and design of existing dwelling;**
- b) **Will not result in over-development of the dwelling curtilage; and**
- c) **Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.**

- 2.12 Rather than moving house to gain extra space many people extend their existing property and permitted development rights allow many extensions to be built without the need to apply for planning permission. However, there are still situations where planning permission is required and where extensions needing planning permission are proposed it is important that the design of the extension is suitable for the building it will extend and for its immediate surroundings. For example it would not be acceptable for an extension to dominate the existing dwelling or to block light into principal rooms in an adjacent dwelling. The living conditions of neighbours should not be significantly harmed, and the Council will have regard to a number of factors affecting living conditions, such as light, privacy and overbearing or over-dominating effects. However, there is no right to a view across someone else's land, so the loss of a view will not in itself be a reason for refusal of planning permission. There are also occasions where ancillary development to a dwelling may need planning permission and in such cases it will also be important to ensure that the design and location of ancillary development is acceptable.
- 2.13 Policy DM2 will also be applied.

Design of housing

DM14

New housing development should be designed to deliver:

- a) High quality local places taking into account physical context, local character, density and land use mix;
- b) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- c) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stairlift installation or space for the provision of a lift in homes with more than one storey;
- e) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- g) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;
- h) Car parking in accordance with Policy DM8.

2.14 National policy states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is particularly important for the design of the homes that people live in and the spaces that surround those homes. The aim in Mid Devon is to deliver high quality buildings and spaces that meet the needs of users, taking account of an aging population whilst ensuring compatibility with surrounding development and uses. The implementation of this policy will require interpretation of its requirements in relation to individual planning applications. Therefore this policy will be supplemented by a Supplementary Planning Document (SPD) on housing design which will provide guidance on such matters as garden sizes, garage sizes, parking, density and layout.

DM15

Dwelling sizes

Newly constructed dwellings should meet or exceed the following minimum internal floorspace requirements.

* Bed spaces that can be accommodated in bedrooms	Internal floorspace of property (excluding garages)
1 bed space	30 to 35 sq m
2 bed space	45 to 50 sq m
3 bed space	57 to 67 sq m
4 bed space	67 to 75 sq m
5 bed space - 1 storey	75 to 85 sq m
5 bed space - 2 storey	82 to 85 sq m
5 bed space - 3 storey	85 to 95 sq m
6 bed space -1 storey	85 to 95 sq m
6 bed space - 2 storey	95 to 100 sq m
6 bed space - 3 storey	100 to 105 sq m
7 bed space - 2+ storey	108 to 115 sq m
7+ bed space	108 to 115 sq m plus 10 sq m per bed space over 7

** Source -*

Housing Quality Indicators (HQI) Form Version 4 updated April 2008

2.15 Homes should be designed so that there is sufficient space for activity, privacy, circulation and storage for the expected number of occupants. The Homes and Communities Agency (HCA) operates a set of standard floorspaces for affordable housing. Often market housing is built to lower floorspace standards. It is not considered to be equitable that occupiers of open market housing are expected to accept a lower standard than that required for affordable housing. Therefore the above standards which are drawn from the HCA standards will be used when assessing the adequacy of internal space under criterion c) of Policy DM15 (Housing Design). Bed-spaces do not equal bedrooms but the number of beds that a dwelling's bedrooms are designed to contain. For example a 3 bed semi with two double bedrooms and a single bedroom would be defined as a five bed space over two storeys. Further details on how the standard will be applied will be contained in a Supplementary Planning Document which will be based on the provisions applied by the Homes and Communities Agency when it assesses affordable housing. In the event that HCA standards are updated, or adapted as part of a comprehensive national standard, the Council will review the implementation of this policy and apply the most up-to-date standard.

3.0

Retail, business and tourism

DM16

Town centre development

The Council will promote the sustainable growth and regeneration of Tiverton, Cullompton, Crediton and Bampton. Within defined town centres, development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development will be supported where they:

- a) Retain or enhance the town centre's historic character and appearance, vitality and viability;
- b) Sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible; and
- c) Are readily accessible by public transport, walking and cycling.

Within defined primary shopping areas, the shopping function will be safeguarded and enhanced. Development and change of use of ground floor premises to alternative uses will not be permitted where:

- i) The primary retail role and character is undermined, causing unacceptable fragmentation and isolation of the remaining shops;
- ii) The proposed use would harm the vitality and viability of the primary shopping area;
- iii) There would be a detrimental effect on the visual character and amenities of the surrounding area.

Within primary shopping frontages, at ground floor level the proportion of A1 retail uses will not be permitted to fall below 65% of all units.

- 3.1 The town centre is at the heart of a market town's community. The Core Strategy (Local Plan Part I) distributes development according to the relative size, role and function of the towns of Tiverton, Cullompton, Crediton and Bampton. Other Local Plan policies will also apply as appropriate, for instance Policy DM2 on high quality design.

- 3.2 Retail markets change quickly and it is important that local planning policies are flexible enough to respond to rapid change. For this reason, Policy DM16 sets out a wide range of permissible uses in town centres, seeking to diversify customer choice while protecting and enhancing the viability of the town centre, its historic character and its accessibility by the most sustainable modes of transport. This applies to change of use applications as well as new-build development.
- 3.3 Primary shopping frontages have been defined within Tiverton and Crediton town centres, showing where retail development is concentrated. The primary shopping frontage (identified on the Proposed Policies Map) should include a high proportion of retail uses which may include food, drinks, clothing and household goods. These are the core town centre retail uses and should be protected, while other uses such as takeaways and professional services may be located elsewhere in the town centre.
- 3.4 Planning applications within the primary shopping areas will not be permitted if any of criteria i-iii of Policy DM16 apply. The assessment of such applications will include consideration of:
- The location and prominence of the premises within the shopping frontage
 - The floorspace and length of frontage of the premises
 - The number, distribution and proximity to other premises within use classes A2-A5, or within planning permissions for such use
 - The particular nature and character of the use proposed, including the level of pedestrian activity associated with it
 - The level of vacancies in ground floor properties
 - Whether the proposed use would give rise to noise, smell or other environmental problems

DM17

Development outside town centres

Within Tiverton, Cullompton, Crediton and Bampton the Council will apply a sequential approach to planning applications for main town centre uses, according to the following descending order of preference:

- a) Town centre
- b) Edge of town centre
- c) Out of town centre

Edge of centre and other out of centre proposals must be well related to the town centre and accessible by public transport, walking or cycling. Proposals in these locations must also demonstrate that no suitable sites are available in a more sustainable location according to the order of preference given above.

The Council will require an impact assessment to be submitted for any proposals for retail and leisure development outside of town centres, where the proposed gross floorspace would exceed 500 square metres. The impact assessment must include an assessment of:

- i) The impact of the proposal on existing, committed and planned public and private investment in the town or other centres in the catchment area of the proposal; and
- ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made, or ten years in the case of major development, taking into account the cumulative impact of recently completed developments, planning permissions and development plan allocations.

- 3.5 National policy requires local authorities to apply a sequential approach to retail development in towns, to ensure the vitality and viability of town centres are not harmed by out-of-centre development. A proportionate, locally set threshold may be applied to retail floorspace proposed outside of town centres, over which an impact assessment should be required. The Mid Devon Retail Study recommends a threshold of 500 square metres gross floorspace.

- 3.6 In considering development proposals in edge of centre or out of centre locations, the Council will assess whether there are suitable sites in a more sustainable location according to the order of preference and apply a flexible approach where justified. The nature, scale, car parking requirements and market demands of the proposal will be taken into account.
- 3.7 National policy defines 'edge of centre' as follows:

For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

- 3.8 A retail impact assessment submitted in accordance with Policy DM18 should have regard to the findings of the Retail Study 2012. The assessment should consider the effect on existing stores and centres of committed and allocated developments and the development being proposed, based on:
- the turnover of existing facilities in the catchment area (including any completed since the Retail Study 2012)
 - the expected trade diversion from these facilities to any retail sites under construction, with planning permission or allocated for development
 - the trade diversion resulting from the proposed development

Applications for leisure development over 500 square metres floorspace should use a similar approach based on the Tourism Study and any other appropriate evidence.

Where proposals are predicted to have a likely adverse impact (including cumulative) on town centre health, planning permission should be refused. The Mid Devon Retail and Tourism Studies are available at <http://www.middevon.gov.uk/evidence>.

- 3.9 Other Local Plan policies will also be applied as appropriate, such as:
- Policy DM2 High Quality Design
 - Policy DM3 Sustainable Design
 - Policy DM6 Transport and Air Quality
 - Policy DM7 Pollution
 - Policy DM8 Parking
 - Policy DM18 Fronts of shops and business premises
 - Policy DM28 Green infrastructure in major development

DM18

Fronts of shops and business premises

Proposals for the alteration, replacement or construction of fronts for shops or business premises must be well proportioned and suited to the character of the building, adjacent buildings and the surrounding street scene. Where security measures such as grilles or shutters are proposed, these should be designed as an integral part of the building's front, maintaining the visibility of the building's interior and minimising visual impact. Independent ground floor access to the upper floors must be retained.

- 3.9 The fronts of shops and business premises visually dominate town centres and have a considerable impact on the town centre's character and appearance. Attractive shop fronts that respect their surroundings have a positive effect on the overall quality and attractiveness of a town centre. This policy should be read in conjunction with Policy DM2 on high quality design and Policy DM27 on heritage assets.
- 3.10 National policy emphasises the importance of residential development in bolstering the vitality of town centres. Policy DM16 therefore promotes residential development in town centres where possible, and Policy DM18 supports this further by ensuring that access to accommodation above ground floor commercial units is not lost through redevelopment of the building's ground floor front.
- 3.11 Advertisements including fascia and projecting signs often go hand-in-hand with the design of shop fronts and other business premises. Applications for Advertisement Consent are determined outside of the Development Plan, under the 'Control of Advertisements' regulations. Such applications are determined on the basis of public amenity and highway safety. National policy provides additional guidance.

Rural shopping

DM19

Retail development will be permitted within defined villages, where it will meet local needs and is accessible by a range of transport modes.

Adjacent to defined villages and elsewhere in the open countryside, proposals for retail development must demonstrate that:

- a) **The location and scale of the development would not harm the vitality and viability of town centre or village shopping facilities;**
- b) **The development would not lead to an unacceptable impact on the local road network; and**
- c) **There would not be an unacceptable adverse impact to the character and appearance of the countryside.**

3.12 The Core Strategy (Local Plan Part 1) defines the villages in Mid Devon that are considered suitable for limited growth, due to their physical characteristics and the availability of a range of facilities and services. The Council supports the sustainable growth and expansion of business and enterprise in rural areas, while protecting the predominance of town centres for meeting the district's retail needs. Policy DM19 refers only to retail development, while Policy DM20 will be applied to non-retail business development. Policy DM2 (High quality design) also applies.

Employment development within settlement limits

- 3.13 The Core Strategy (Local Plan Part 1) sets out the amount of employment development to be expected in Tiverton, Cullompton, Crediton, Bampton and elsewhere in the district. While employment development has traditionally been taken to mean use classes B1 (business), B2 (general industry) and B8 (storage and distribution), there is also scope for other uses to be considered as 'employment' if they provide jobs. The Council will take a flexible approach towards the meaning of employment within Mid Devon.
- 3.14 Employment development on allocated sites and within defined settlement limits is acceptable in principle, including change of use and expansion of existing businesses. However, the Council will require high quality development that does not have an unacceptable adverse impact through loss of residential amenity, pollution, degradation of air quality or traffic safety. Proposals for employment development will be considered as appropriate against the following policies:
- Policy DM2 High Quality Design
 - Policy DM3 Sustainable Design (for major developments)
 - Policy DM6 Transport and Air Quality
 - Policy DM7 Pollution
 - Policy DM8 Parking
 - Policies DM16 and DM17 for retail proposals in and outside town centres
 - Policy DM28 Green infrastructure in major development

Rural employment development

DM20

In countryside locations, planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

3.15 The Council recognises the importance of retaining and providing rural employment opportunities outside settlement limits as a means of ensuring a diverse and healthy rural economy. There is a range of employment activities, particularly those associated with tourism, recreation and rural diversification that can be accommodated in countryside locations, without any adverse effects upon the character of Mid Devon's rural areas or existing development. It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment. It is also important that development outside settlement limits only occurs where there are insufficient alternatives available otherwise such development would not be sustainable. The policy is not intended to relate to large scale strategic development which would be contrary to policy COR 12 in the Core Strategy.

3.16 Policy DM20 refers to new-build developments and expansion of existing businesses. Proposals for conversion of existing buildings to an employment use will be assessed against Policy DM11. Other policies in the Local Plan will also be applied as appropriate, including:

- Policy DM2 High Quality Design
- Policy DM19 Rural shopping
- Policy DM3 Sustainable Design (for major developments)
- Policy DM23 Equestrian development
- Policy DM6 Transport and Air Quality
- Policy DM24 Tourism and leisure development
- Policy DM7 Pollution
- Policy DM28 Green infrastructure in major development
- Policy DM8 Parking

DM21

Protection of employment land

Non-employment use or development of employment land or buildings, including sites that are established, allocated or have planning permission, will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Alternative uses will be permitted where it is demonstrated that:

- a) **Firstly, there is a sufficient range of suitable and available employment sites in the local area; then**
- b) **There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months;**
- c) **A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing:**
 - i) **Mixed use of the site that incorporates an employment-generating use, then**
 - ii) **Non-employment use**

- 3.17 One of the Council's five key objectives is a thriving economy. The Allocations and Infrastructure Development Plan Document (Local Plan Part 2) provides significant allocations of employment land to address a long standing shortfall of developable employment land in Mid Devon. Employment land is therefore a scarce and valuable resource which needs to be retained to ensure that the Council can deliver one of its key objectives. National planning policy discourages the long-term protection of allocated employment sites where there is no reasonable prospect of a site being used for that purpose, and requires local planning authorities to have regard to market signals. Policy DM21 sets out local requirements that help to establish whether individual sites can provide employment. In assessing the range of suitable and available alternative employment sites in the local area (Criterion a), the Council will have regard to the specific and wider conclusions of the Employment Land Review (ELR), which describes a shortage in small employment allocations in Mid Devon and suggests the retention of the majority of allocated employment sites. All employment allocations will be reconsidered as part of the

forthcoming review of the Core Strategy and Allocations and Infrastructure Development Plan Document (Local Plan Parts 1 and 2) in co-operation with other local planning authorities. The Local Plan review will utilise the current ELR and further ELRs will be undertaken as part of future reviews. For the purposes of Policy DM21, the 'local area' means the Mid Devon district and, if an application site is in a parish adjacent to the district's boundary, a neighbouring district.

- 3.18 Applicants will also be required to demonstrate that there is no commercial interest in the re-use of the site for employment purposes. In view of the on-going fluctuations in the national economy, an 18 month marketing period is considered appropriate and will be kept under review in subsequent local plans. In relation to the appropriate price referred to in criterion (c) the price should reflect the price of similar employment sites or buildings which have been marketed within the previous two years or result from an independent assessment of the value of the land or buildings where this is not feasible. If there is no interest in the site as a result of marketing, the potential of the site for mixed use development including employment must be considered in preference to the total loss of employment. This will involve determining whether the site still has the potential to be a developed viably for mixed use development or can only be viable if the whole site is developed for non-employment uses. In all cases, the proposed use must not significantly harm any other existing uses in the area, or be harmed by those uses. For example, housing development may not be acceptable in close proximity to general industry, depending on the nature and scale of the industrial use.

DM22

Agricultural development

Agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

- 3.18 Agriculture is an important element of the Mid Devon economy. Agricultural development is essential to support modern farming and ensure a sustainable rural economy. This policy permits new agricultural development outside of the defined settlements, whilst seeking to balance the needs of modern farming with protecting the countryside and residential amenity.
- 3.19 Proposals for the development of new buildings for livestock need to take account of waste product storage or removal, and the effect this can have on the amenity of local residents and the environment. Such proposals will need to be accompanied by a Waste Management Plan, which sets out how the development limits any adverse effects. Where the development is likely to cause demonstrable harm to the environment, for instance where drainage from the site threatens the ecological integrity of a water body, a hydrological or drainage report will be required in accordance with Policy DM7. A planning condition may be imposed to ensure that appropriate mitigation measures are implemented.

Equestrian development

DM23

Horse-related facilities and equestrian enterprises in the countryside will be permitted where they are well integrated with their surroundings, being of appropriate location, scale, design and materials so as not to harm the character and landscape of the rural area or the amenity of nearby residents.

Equestrian development must not result in an unacceptable increase in traffic on the local highway network.

- 3.20 The use of land for horse keeping is a common feature of the Mid Devon landscape. Equine activities are an established part of the rural economy, providing opportunities for recreation and employment. Equestrian activities are typically located in the open countryside, away from settlements, where most forms of development are restricted.
- 3.21 New equine facilities can have a negative impact on the rural nature of an area, adversely affecting landscape character and natural beauty, by their appearance, scale, materials or design. Individually, equestrian developments may seem inconsequential, but cumulatively they may, over time, significantly alter the character of an area. It is therefore important that any new developments are designed and located as to minimise their impact, taking account of local character and landscape. Where proposals are part of an existing agricultural development, any new facilities should be integrated with, or located near to existing farm buildings or structures.
- 3.22 Commercial establishments or large scale domestic including racing stables, horse riding centres and liveries will have a greater impact on a local area, through their size, associated traffic generation and greater use of local roads for exercising of horses. Such establishments should demonstrate how they will not result in an unacceptable increase in traffic on local roads.

DM24

Tourism and leisure development

Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:

- a) Respect the character and appearance of the location;**
- b) Where possible, involve conversion or replacement of existing buildings; and**
- c) Demonstrate that the need is not met by existing provision within nearby settlements.**

- 3.23 Tourism plays an important role in generating income for local residents. Devon is a very popular tourist destination, providing leisure and recreation activities for its own residents and those visiting the county. Despite a number of small scale attractions and places to stay across Mid Devon, tourism is less developed than within other parts of the county, partly reflecting the district's inland location and distance to the coast.
- 3.24 Tourism and leisure development, therefore, is generally welcomed, providing employment and a means of supplementing rural incomes. However, it can have negative impacts on the surrounding area if located insensitively, being out of scale with its context or by failing to take account of local character and appearance. The policy seeks to locate most development within or close to defined settlements, where local shops and facilities are most accessible and stand to benefit the most. Sustainable development will be approved in accordance with Policy DM1.

3.25 Applications for tourism and leisure development in the countryside will need to be fully justified by the applicant. The Council will require a marketing strategy and business plan to be submitted, to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure development should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside settlement limits, applicants should have regard to the Council's Tourism Study, available at <http://www.middevon.gov.uk/evidence>. Evidence supporting a countryside location should be proportionate to the scale and nature of the tourism proposal being considered. For instance, the conversion of a barn to tourist accommodation is permissible in principle under Policy DM11 and is often dependent on an agricultural character which would not be found in a nearby town or village. Larger tourism attractions such as animal sanctuaries, museums, outdoor activity centres or hotels may have a significant impact on the countryside and the local road network, so in these cases more comprehensive supporting evidence will be required.

4.0

Community facilities

DM25

Community facilities

The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

Proposals involving the loss of community facilities such as local shops, public houses, allotments, cultural and recreational facilities and other important local services will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.

- 4.1 Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They include pubs, post offices, shops, village halls, allotments, places of worship and various recreational facilities. National policy seeks to retain and develop local services and community facilities and guard against their unnecessary loss. Policy DM26 therefore builds on this guidance and seeks to protect those existing services whilst permitting some redevelopment where it is necessary to ensure viability.
- 4.2 The Council will guard against the unnecessary loss of valued community facilities and services. In circumstances where a community facility is proved to be no longer economically viable in a particular location, the Council will consider an alternative use. Assessment of viability will require the submission of detailed evidence relating to trading accounts, valuation considerations and the marketing of the business or property at a reasonable price for a minimum of 12 months.
- 4.3 The Localism Act 2011 introduced the provision of 'community assets', whereby local communities can nominate buildings of community value to be added to a register held by the Council. Once on the register the owners of a facility will need to notify the Council if they intend to sell the asset, at which point the community will be offered the opportunity to purchase it. Mid Devon District Council will compile this list as community assets are brought forward. Applicants should contact the Council for further advice should they wish to apply for planning permission or change of use on a community facility that has been included on the register. The Council cannot refuse planning permission purely on the basis that a community asset is on the register.

Protection of recreational land and buildings

DM26

Open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development unless:

- a) An assessment has been undertaken which demonstrates that the site is surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, prior to the commencement of the development; or
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 4.4 The Green Infrastructure Assessment identifies known sites of public open space, sports and recreational land in the district, with sites amended or added as information becomes available.
- 4.5 This policy aims to protect all open space, sport and recreational land or buildings from redevelopment, with the exception of any sites allocated for alternative use in a strategic local plan policy. Sites which are particularly important to local communities may also be designated as Local Green Space. These sites may be designated through local or neighbourhood plans, during the preparation or review of those plans. Local Green Space must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character and not cover an extensive tract of land. National policy sets out the criteria for designating Local Green Space, and applies a level of protection equivalent to Green Belts.

5.0

Environment

DM27

Development affecting heritage assets

Heritage assets and their settings are an irreplaceable resource.
Accordingly the Council will:

- a) **Apply a presumption in favour of preservation in situ in respect of the most important heritage assets**
- b) **Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.**
- c) **Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of requirements of paragraph 133 of the National Planning Policy Framework are met.**
- d) **Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.**
- e) **Require developers to make a proportionate but systematic assessment of the impact on setting as set down in the guidance from English Heritage: “The Setting of Heritage Assets”.**

- 5.1 The historic environment is an asset of great cultural, social, economic and environmental value. It contributes significantly to our quality of life and to the character of the district, representing a non-renewable resource that once lost is gone forever. Heritage assets are defined as those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest over and above their functional utility and covers both designated and non-designated assets.

- 5.2 A heritage asset is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. This includes designated heritage assets such as listed buildings, scheduled monuments, registered parks and gardens and Conservation Areas, and undesignated sites that can include archaeological sites, locally listed assets and any asset included on the County Historic Environment Record.
- 5.3 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. This may take the form of an appropriately detailed desk-based assessment and, where necessary, a field evaluation. The level of detail required should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. If physical preservation of a heritage asset in situ is not appropriate or feasible, "preservation by record" may be acceptable and implementation required by a condition attached to planning permission. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to a scheduled monument, will be considered subject to the policies for designated heritage assets.
- 5.4 Proposed development that would lead to substantial harm or total loss of significance of a designated heritage asset will be assessed against national policy, which requires that such proposals should be refused unless there are substantial public benefits that outweigh the harm, or all of the following considerations apply:
- The nature of the heritage asset prevents all reasonable uses of the site
 - No suitable viable use of the heritage asset can be found in the medium term through appropriate marketing
 - There is no possibility of conservation as a result of grant-funding or charitable or public ownership
 - The harm or loss would be outweighed by the benefit of bringing the site back into use

- 5.5 Balancing the importance of conservation with the challenge of tackling climate change represents a priority for the district. Proposals for measures to mitigate the effects of climate change that affect listed buildings or buildings in a conservation area can sometimes conflict negatively with the principles of conservation. Therefore prior to determination, the Council will work with applicants to identify feasible solutions that deliver climate change mitigation with less or no harm to the significance or setting of the heritage asset. Where conflict is unavoidable, the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of the heritage assets affected.
- 5.6 Further background information in relation to Mid Devon's historic environment can be found within the Town and Village Character Assessment and Conservation Area Appraisals. Where these are available, applications should make reference to how the proposed development contributes towards the priorities set out in these documents. Specific studies may also be relevant to development proposals depending on their location. For instance, where development would affect the setting of Knightshayes Court or Killerton Park, the Council will have regard to *The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment* (The Parks Agency; Sept 2007), or the *Killerton Park Setting Study* (Land Use Consultants; final report, April 2013), as appropriate. These documents will be a material consideration when planning applications are determined. Applicants are encouraged to contact the Council or check the Public Access system on the website (<http://planning.middevon.gov.uk/online-applications>) to check if their site falls within the setting study areas surrounding Knightshayes or Killerton, and consider the implications of this at the design stage. It should also be noted that the areas covered by setting studies do not represent a finite limit of setting.
- 5.7 Details of Mid Devon's designated and non-designated heritage assets are held by a variety of national and local organisations, in particular in the Devon County Historic Environment Record held by the Historic Environment Service at County Hall. The Council will publish a local register of non-designated heritage assets. The register is not an exhaustive list of heritage assets, but will be regularly reviewed to take account of new information. A development proposal might draw attention to a heritage asset that had not previously been identified or assessed. The absence of an asset from the heritage asset register at the time an application is submitted does not indicate that the asset has no heritage value. The register will be published on the Council's website and made available for view in Council offices.

Green infrastructure in major development

DM28

Major development proposals must demonstrate that green infrastructure will be incorporated within the site as follows:

- a) **Biodiversity mitigation where warranted, resulting in a net gain in biodiversity;**
- b) **Flood and water resource management;**
- c) **Green corridors and public rights of way to link the site to the wider GI network, provide walking and cycling opportunities and avoid habitat fragmentation;**
- d) **New green infrastructure such as the creation of native woodland where possible;**
- e) **Public open space within housing developments.**

Where evidence demonstrates that meeting these criteria would render the development unachievable, the Council will consider offsite provision in lieu of one or more of the policy criteria. The Council will balance the benefits of the development against the objectives of this policy. Housing proposals that do not include public open space within the application site must demonstrate that this will be in the public interest, have no significant adverse impact on the amenity of residents within or adjoining the development, and provide appropriate compensation through design, such as the provision of larger private gardens.

5.8 Green infrastructure is a network of multi-functional green space with recreational, visual and ecological value. It includes:

- Natural and semi-natural green spaces such as grassland and nature reserves
- Green corridors such as hedgerows, verges and public rights of way, or 'blue infrastructure' such as watercourses and other water bodies
- Public or private spaces such as gardens, parks, village greens and allotments

- 5.9 Biodiversity is in long-term decline, with habitats becoming increasingly fragmented and degraded as a result of changing land use and agricultural practices. National policy seeks to reverse this trend, halting overall biodiversity loss and reintroducing well-functioning and coherent ecological networks for the benefit of all. There is an opportunity for development in Mid Devon to play its part in improving the quality and connectivity of green infrastructure.
- 5.10 Major applications (defined in the glossary) should be accompanied by a habitat survey describing what flora and fauna are present on the site, with particular regard to protected species. In permitting the development, the Council must be satisfied that onsite biodiversity mitigation, where required, is sufficient to make the development acceptable in planning terms.
- 5.11 Green infrastructure provided within major development sites should normally serve a variety of purposes such as flood attenuation, leisure and recreation, provision of natural habitats, and shading and cooling of buildings and public areas. Green infrastructure functions can co-exist in one place, so the land coverage does not have to be extensive in every case. Green infrastructure within the site should be achieved as part of the broader objectives for sustainable design contained in Policy DM3 and high quality design (Policy DM2). Applicants should have regard to the Town and Country Planning Association document, *Biodiversity by Design*, and should explore opportunities for green infrastructure to deliver wider environmental measures, such as those set out in the SW River Basin Management Plan.
- 5.12 There is no set standard for the amount of green infrastructure to be provided, but the policy should be read alongside Policy AL/IN/3 of the Allocations & Infrastructure Development Plan Document (Local Plan Part 2), which states:

Public Open Space

New housing developments will provide at least 60 square metres of equipped and landscaped public open space per market dwelling, to include children's play areas, sports areas, informal open space and allotments in appropriate proportions, with safe and convenient access on foot or cycle.

Where it would be more appropriate for open space to be located off the site, contributions from development will be sought per dwelling based on the normal cost of providing public open space elsewhere, in accordance with the Council's Supplementary Planning Document. The application of this paragraph will be reviewed upon implementation of the Community Infrastructure Levy.

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- 5.13 Policy DM28 replaces the second paragraph of Policy AL/IN/3, allowing for off-site provision when clearly justified. Generally speaking, it will always be preferable for green infrastructure, including public open space, to be provided within the development. This will be the Council's default position, and only in exceptional cases will offsite provision be considered to better serve the public interest.
 - 5.14 The Council will expect public open space provision within an application site to be maintained by a Management Company, set up by the developer and funded in perpetuity by residents of the development. A planning obligation will be required to control this matter before planning permission is granted.
 - 5.15 Most housing developments must contribute to offsite infrastructure through the Community Infrastructure Levy. In exceptional cases or where development is not subject to the Community Infrastructure Levy, a planning obligation may be required to deliver an offsite green infrastructure project in exchange for onsite provision. In these cases the project would be specifically excluded from the list of relevant infrastructure that might be funded by the Community Infrastructure Levy. Such a project must be identified, costed and agreed between the Council, the applicant and any relevant landowner before planning permission is granted. The developer should demonstrate that the cost of delivering the project would be broadly equivalent to the cost of onsite provision. Each planning obligation of this sort will relate to a standalone project, as the Community Infrastructure Levy regulations prohibit the pooling of monies from multiple planning obligations to pay for a single green infrastructure project or type of green infrastructure. The Council will only pursue this option if it is necessary to make the development acceptable in planning terms, provides a form of green infrastructure that is directly related to the development site (such as a replacement habitat in a connected location), and is fairly and reasonably related in scale and kind to the development.

DM29

Protected landscapes

Development proposals within or affecting the Blackdown Hills Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:

- a) Cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and
- b) Biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.

Major developments within or adjoining the Area of Outstanding Natural Beauty and Dartmoor or Exmoor National Parks will only be permitted in exceptional cases.

- 5.16 National policy accords the highest status of protection to the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and National Parks. The Mid Devon district incorporates a very small part of Dartmoor National Park in the Cheriton Bishop parish, for which Dartmoor National Park Authority is the Local Planning Authority. The district shares boundaries with both Dartmoor and Exmoor National Parks.
- 5.17 The Blackdown Hills Area of Outstanding Natural Beauty (AONB) is a nationally important landscape designation, aiming to preserve and enhance the natural and historic landscape features, flora and fauna of the AONB. The Blackdown Hills Management Plan outlines measures for the protection and management of this landscape. Development should not in any way undermine the special qualities that led to the designation of this landscape as AONB.

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- 5.18 Part of the western side of the district falls within the transition area for the North Devon Biosphere Reserve. Biosphere Reserves are areas nominated by national governments and designated under UNESCO's 'Man and Biosphere Programme.' These areas are recognised for their high biodiversity value combined with sustainable use of natural resources for the benefit of local communities. The purpose of the biosphere reserve is to reconcile the conservation of biodiversity with human development needs. The part of the reserve within Mid Devon is known as a 'transition area'. This does not benefit from the very high level of environmental protection found in the 'core area' at Braunton Burrows, but contains agricultural activities and local communities that are recognised for their progress towards achieving this environmental and economic balance.
 - 5.19 Further information on the cultural heritage, character, appearance and setting of the district's landscapes may be found in the Mid Devon Landscape Character Assessment, the Devon Landscape Character Assessment and Devon County Council's Historic Environment Record, which the Council may use as a background to decision-making. Where a development proposal would have potentially significant landscape impact, a Landscape and Visual Impact Assessment and ecological report will be required. For applications not supported by specific studies, such as small-scale proposals with no likely significant effects on the landscape or biodiversity, the requirements of the policy should be met through the Design and Access Statement where one is required.
 - 5.20 Where major developments are proposed within protected landscapes or adjoining the National Parks, it must be demonstrated that they are sufficiently in the public interest to overcome any detriment to the landscape in question. National policy criteria will be applied.

DM30

Other protected sites

Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites and Local Nature Reserves, the Council will balance the overall benefits of the proposal against the impact. Sufficient information must be provided for the Council to assess the significance of the impact against the importance of the protected site and the species which depend upon it. Planning permission will be granted only where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;
- b) The development could not be located in an alternative, less harmful location; and
- c) Appropriate mitigation measures have been put in place.

Where development proposals would lead to an individual or cumulative adverse impact on Natura 2000 sites, planning permission will be refused unless the proposal complies with criteria b) and c) above, and the fundamental integrity of the features of the Natura 2000 site would not be affected.

- 5.21 Natura 2000 sites include habitats protected under European Legislation, such as Special Areas of Conservation and Special Protection Areas for birds. There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation. However, there is a European-designated Special Area of Conservation (SAC) adjacent to the district's boundary on the A361 road near Rackenford, within North Devon district. While the development management policies in this plan incorporate counter-acting measures to reduce effects on the SAC, the protection of European sites is of the utmost importance. Development that would adversely affect a Special Area of Conservation will not normally be permitted.

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- 5.22 Within the Mid Devon district, the Council accords the highest degree of importance to Sites of Special Scientific Interest, as these are sites of national importance with regard to flora, fauna, geological and physiographical (landform) features. They are statutorily protected from harmful operations under the Wildlife and Countryside Act 1981. Proposed development that has an adverse effect on a Site of Special Scientific Interest, whether individually or in combination with other developments, will not normally be permitted.
- 5.23 Ancient woodland will be accorded the same level of importance as Sites of Special Scientific Interest, as it comprises a number of woodland habitats that are a national priority for improvement under the UK Biodiversity Action Plan. Ancient woodland and trees are irreplaceable. As such, the opportunities for mitigation under criterion c) of the policy are limited, and planning permission is likely to be refused for development that would result in the loss of ancient woodland or trees unless the need for, and benefits of, the development in that location clearly outweigh the loss. Where the Council becomes aware of ancient trees not previously identified and under threat from development, a Tree Preservation Order will be considered.
- 5.24 Regionally Important Geological Sites, being of regional significance, are also accorded a high degree of importance. Mid Devon only has six such sites, within the parishes of Crediton, Crediton Hamlets, Zeal Monachorum, Kentisbeare and Uffculme. More information is available in the glossary. Any development proposal that impacts upon one of these sites would need to be extremely well justified.
- 5.25 County Wildlife Sites are undesignated sites selected because of the presence of important habitats or species. There are over 200 such sites in Mid Devon, representing a variety of habitats. Development proposals adversely affecting a County Wildlife Site will be considered on a case-by-case basis, according to the amount of information available about the site and its significance, relative to the type, scale and benefits of the development being proposed. The same position will be taken on proposals that impact on Local Nature Reserves.
- 5.26 Where adverse impacts are likely, planning permission will be refused unless there is particular justification that clearly outweighs the impact in that case. The Council will consider the wider implications of any adverse impact to a protected site, such as its role in providing a vital wildlife corridor, attenuating flood risk or ensuring good water quality in a catchment. National policy criteria will be applied.

- 5.27 Policy DM30 affords protection to specific sites of significant wildlife or geological importance. The Council will also have regard to whether the application site is a priority habitat as defined in the UK Biodiversity Action Plan, including certain classifications of grassland, heathland, woodland or marsh. While the loss of irreplaceable habitats will not normally be permitted, the Council will seek the replacement of a priority habitat where it is significantly affected and its replacement can be achieved, through a planning obligation as appropriate. The Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan and a number of other Regulations and Directives also designate particular ‘protected species’ with legal protection. It is an offence recklessly or deliberately to kill, injure, capture or disturb protected species, which includes carrying out works which obstruct, damage or destroy access to that species’ habitat. These provisions are set out in law and apply in addition to relevant policies in the Local Plan.
- 5.28 The protected sites listed in Policy DM30 are identified on the Proposed Policies Map where they are within or adjoining a defined settlement. Larger sites are also identified on the district-scale map. Up-to-date mapping and information for County Wildlife Sites are held by Devon Biodiversity Record Centre (DBRC). Applicants are advised to contact DBRC when the full extent of a County Wildlife Site is in question.

Planning enforcement

DM31

The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.

- 6.1 Investigating suspected breaches of planning control is an important function of a Local Planning Authority. Unauthorised development can be detrimental to the local environment and be a source of social tension. Failure to enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.
- 6.2 When undertaking investigations, the Council will act in proportion to the scale of the suspected breach to which it relates. The Council will then take enforcement action where it deems such action to be appropriate, having regard to the scale of the breach and the impact on public amenity.
- 6.3 To ensure that enforcement is managed proactively and in a way that is appropriate to Mid Devon the Council will publish a Local Enforcement Plan. This document will set out the Council's approach to enforcement, including timescales for action and stating in detail how the Council will respond to suspected breaches of planning control.

7.0

Retained policies

The following site allocations are retained from the 2006 Local Plan. These will be reviewed when the non-strategic allocations of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) are reviewed. Since their allocation, parts of these sites have been developed. Reasons for their retention are outlined in Table 1 in the Introduction. The following policies represent the original wording from the 2006 Local Plan.

BA1 – Bampton Stone Crushing Works

A site of 3.4 hectares at the former Stone crushing Works, Bampton is allocated for a mixed use development to include the following elements;

- I) Housing – up to 35 dwellings, 25% of which should be affordable housing, and all being appropriately protected from any noise and other nuisance from employment uses.
- II) Employment – B1, B2 and B8 uses on the remaining 0.45 hectares of land. Any proposals for mixed use development on this land will be determined using Policy DM21
- III) A pedestrian and cycle link across the disused railway bridge to Station Road
- IV) Extensive strategic landscaping

WI1 – Willand Industrial Estate

A site of 11.7 hectares is allocated for Business, General Industry and Storage and Distribution uses (classes B1, B2 and B8), subject to the provision of;

- I) Adequate access into the site for existing units immediately adjacent to the proposal; and
- II) Provision of a cycle link from Muxbeare Lane to the existing Industrial estate; and
- III) Provision of a footbridge along the north side of the South View Road bridge over the former railway line.

Glossary

Adopted Policies Map (Proposals Map):

A map showing the areas or sites to which local plan policies and proposals apply. It will contain Inset Maps, showing particular areas in more detail.

Affordable Housing:

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Allocations:

Proposals that a certain site or area of land should be developed for particular uses and/or buildings. They are shown on a Policies Map, contained within the Local Plan or Local Development Framework. There will be a related policy setting out any parameters and criteria for the site, contained within the local plan.

Building for Life:

A national standard for housing and neighbourhood design. Development projects are scored against Building for Life criteria covering social wellbeing, quality of life through reducing crime, improving public health, easing transport problems and increasing property values.

Building Research Establishment Environmental Assessment Method (BREEAM):

An environmental assessment method and rating system for buildings, to evaluate a building's specification, design, construction and use.

Car Club:

An organisation that owns cars that are shared by its members. People arrange in advance when they want to use a car, and pay to use it. The advantage is that members do not have to pay the whole cost of owning a car, but are able to use one when they need to.

Code for Sustainable Homes:

A national standard to guide industry in the design and construction of sustainable homes. The code includes minimum standards for energy and water efficiency, with increasing efficiency requirements as the code levels rise. The highest standard is Code Level 6.

Community Infrastructure Levy:

A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.

Core Strategy:

A local plan which sets out the vision and strategy for the district, including the amount and distribution of new housing, employment and retail development. The Core Strategy is a Development Plan Document.

Curtilage:

The extent of the land around a property (particularly a dwelling) that often, but not always, delineates the amount of land associated with the property. For larger, particularly country properties, the curtilage may often only refer to an immediate cultivated garden and associated forecourt, rather than any other land included within the overall 'planning use'.

Development Plan Document:

A local plan which forms part of the Development Plan and is therefore a primary consideration in decisions on a planning application. It forms part of the Local Development Framework.

Devon Biodiversity Record Centre (DBRC):

An online database of over two million wildlife records, hosted by the Devon Wildlife Trust.

Ecosystem services:

The products of natural systems from which people derive benefits, including goods and services, some of which can be valued economically and others which have a non-economic value. Ecosystem services include: provisioning services (products from land and water); regulating services (processes such as pollination; water purification and climate regulation); cultural services (heritage, recreation, health and wellbeing); and supporting services (essential functions such as soil formation and nutrient cycling).

Embodied carbon:

The amount of CO₂ emitted during a product's entire lifecycle, including raw material extraction, transport, manufacture, assembly, installation, maintenance, disassembly or demolition and decomposition. A complete assessment of embodied carbon is often termed 'cradle to grave', while an assessment limited to the early phases (up to the point the product leaves the factory) is called 'cradle to gate'.

Lifetime Homes Standard:

A national standard for homes whereby design features are incorporated into new buildings that allows for later flexibility and adaptability. Homes are designed so that they can be altered or adapted as people's circumstances change, for example to help with raising small children, or coping with mobility later in life.

Local Development Framework:

A suite of planning policy documents which together cover the whole of a district (except for any areas within a National Park) and give comprehensive policy coverage at a detailed level. They include the Local Development Scheme, Statement of Community Involvement, local plans (Development Plan Documents) and Supplementary Planning Documents.

Local Development Scheme:

A project plan for the preparation of local plans.

Local Green Space:

The designation of locally important land for special protection, ruling out development other than in exceptional cases. Local Green Space is designated when a local or neighbourhood plan is prepared or reviewed. It must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character and not cover an extensive tract of land.

Low Carbon technologies:

Includes energy for heating and cooling as well as generating electricity. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Major development:

Applications for residential development with a minimum of 10 dwellings or a 0.5 hectare site area, and planning applications for non-residential development with a minimum of 1000 square metres gross floor area, or a 1 hectare site area.

Minor development:

Planning applications which are not any of the following types: a major application, a change of use application or a householder application.

Neighbourhood plans:

Plans and Development Orders produced by parish councils or other designated neighbourhood forums with the support of the local community, including Community Right to Build Orders.

Planning obligation:

A legal agreement or undertaking under Section 106 of The Town and Country Planning Act 1990. Planning obligations provide a means of ensuring that developers contribute towards the infrastructure and services that are necessary to facilitate proposed development. The use of Section 106 Agreements is affected by the Community Infrastructure Levy Regulations.

Primary shopping area:

Defined area where retail development is concentrated (generally comprising the primary and secondary shopping frontages which are adjoining and closely related to the primary shopping frontage).

Primary and secondary frontages:

Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses. Mid Devon towns do not have defined secondary frontages but these are generally located within the primary shopping area, outside of the primary shopping frontage (see Policies Maps).

Priority habitat/species:

Priority species and habitats are those that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan.

Regionally Important Geological Sites (RIGS):

These are the most important sites for geology and geomorphology outside of statutorily protected land such as Sites of Special Scientific Interest. They are designated according to criteria set at regional or county level. The following table details the six Mid Devon RIGS:

Grid_Ref	Parish	Description
SS789022	Crediton Hamlets	Quarry with exposures of Permian volcanic lava
SS714032	Zeal Monachorum	Quarry with exposure of Upper Carboniferous Bude formation
SS820005	Crediton	Road cutting with exposure of Crediton Breccia
SS817002	Crediton Hamlets	Exposure of Newton St.Cyres Breccia on the sides of a deeply sunken lane
ST096090	Kentisbeare/Uffculme	Scarp hillside covered in bracken & woodland
SX823985	Crediton Hamlets	Quarry with volcanic lava resting on soft reddish Knowle sandstone

Renewable energy:

Includes energy for heating and cooling and electricity generation. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat.

River Basin Management Plan (RBMP):

A plan produced by the Environment Agency in order to meet the requirements of the EU Water Framework Directive. Each plan sets out the environmental objectives for all water bodies in the region and how they will be achieved. The South West RBMP can be downloaded at <http://www.environment-agency.gov.uk/research/planning/125027.aspx>.

Rural workers:

are people whose place of work is located within the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprises.

Sites of Special Scientific Interest (SSSI):

SSSIs are the country's very best wildlife and geological sites. SSSIs are important as they support plants and animals that find it more difficult to survive in the wider countryside. The protection of SSSIs is a shared responsibility between landowners, local authorities and Natural England.

Statement of Community Involvement:

a statement within the Local Development Framework that sets out the Council's policies for the public involvement in the preparation of Local Development Documents and planning applications.

Supplementary Planning Document:

a document within the Local Development Framework that sets out more detailed policies in support of those contained in a local plan. It does not form part of the Development Plan, but is a material consideration on planning applications.

Sustainable Development:

is development which meets the needs of the present while not preventing future generations meeting their own needs. The sustainability of local plans must be assessed through Sustainability Appraisals and Strategic Environmental Assessment (SA/SEA).

Telecommunications development:

Operational development and change of use of land to provide buildings, instrumentation and other equipment necessary for telecommunications (telegraph, cable, telephone, radio, or television). The National Planning Policy Framework sets out the requirements for decision-making on telecommunications proposals.

Water Framework Directive (WFD):

European Union legislation that requires all countries throughout the EU to manage the water environment to consistent standards.

Zero carbon:

A set of standards prepared by the Government for the construction of new homes which are intended to ensure zero net carbon emissions from on-going use and maintenance from the building. Regulated emissions such as a building's energy efficiency and onsite renewable or low carbon heat and power supply will be controlled through the Building Regulations, while any remaining emissions may be offset through 'allowable solutions' (to be determined by Government).

Low Emission Assessments (LEA):

Procedural guidance

Policy DM6 sets out the requirement for development to provide an integrated Transport Assessment, Travel Plan, Environmental Statement and Low Emission Assessment, in cases where the development would lead to a significant increase in levels of movement.

The text supporting Policy DM6 provides some general information about Low Emission Assessments and what is required.

A Low Emissions Toolkit provides the basis for calculating residual road transport emissions from development. Produced by the Low Emission Strategies Partnership, this toolkit is available free of charge from the Council. Updated versions or equivalent toolkits will be provided as and when they become available.

The following procedure for carrying out a Low Emission Assessment is recommended.

Steps	Information required	Notes
Step 1	<ul style="list-style-type: none"> • Overview of development proposal. • Summary of pre-application discussions. • Identify boundaries of the assessment according to the proximity to an Air Quality Management Area, expected routes of travel, properties most affected and years of interest, to determine whether a concentrations-based air quality assessment is required under Policy DM6 criterion a). • Set out the assessment methodology used to comply with criterion a) of Policy DM6 if necessary, including sources of data and assumptions used. 	Years of interest will be influenced by the anticipated operational commencement and lifespan of the development; the timescale to achieve specified national targets for emissions; and the availability of robust emissions data projected forward to 2020 or beyond.

Steps	Information required	Notes
Step 2	<ul style="list-style-type: none"> • Using the Low Emission Toolkit (or equivalent), calculate the baseline residual road transport emissions from the development, for the first operational year and specified future years after development trips have been reduced as far as possible. The calculation should be based on a ‘without measures’ scenario, i.e. not including any low emission mitigation measures. • If an air quality assessment has been identified as necessary under Step 1, summarise: all impacts (during and post-construction) on identified properties or other local receptor locations; any exceedences of the air quality objectives resulting from the development; any effect on the delivery of the relevant Air Quality Action Plan; the significance of the results; and the options for measures to reduce, mitigate or compensate an air quality impact. 	Display data as annual emissions.
Step 3	<ul style="list-style-type: none"> • Consider whether additional trip reduction measures can be incorporated. • Using the Low Emission Toolkit (or equivalent), evaluate the impact on residual road transport emissions of applying low emission mitigation measures, both on and offsite, against ‘business as usual’ baseline levels, for the specified years of interest. • Evaluate any trade-offs that occur as a result of mitigation measures, for instance where one pollutant would decrease but another increase, or where there is a net increase in the road traffic emissions in Mid Devon but a decrease within the Air Quality Management Area. • If an air quality assessment is included (see Step 1), summarise the effect that mitigation measures will have on: identified properties or other local receptor locations; any exceedences of the air quality objectives resulting from the development; and any effect on the delivery of the relevant Air Quality Action Plan. 	Steps 2 and 3 may be combined as a site emissions mitigation plan, with clear links to the Travel Plan.

Steps	Information required	Notes
Step 4	<ul style="list-style-type: none"> Calculate the remaining residual road transport emissions after mitigation measures have been incorporated, using a 'mass emissions' approach (Low Emissions Toolkit) and in addition a concentrations-based approach in cases where criterion a) of Policy DM6 applies (see Step 1). 	<p>The Local Planning Authority may wish to negotiate further/alternative mitigation measures, requiring a revised LEA to be submitted.</p>
Step 5	<ul style="list-style-type: none"> Translate the calculated remaining residual road transport emissions into damage costs for the pollutants of concern. (Information on calculating damage costs is available from DEFRA: http://www.defra.gov.uk/environment/quality/air/air-quality/economic/damage/) 	<p>If damage costs are significant, the Local Planning Authority will consider whether a Section 106 Agreement is required and feasible to make the development acceptable in planning terms, to deliver a cost-equivalent air quality improvement identified in the relevant Air Quality Action Plan. In this case the identified project would be excluded from the Council's list of infrastructure funded by the Community Infrastructure Levy (CIL). CIL would remain payable for all other generic offsite infrastructure. The Council may take legal advice before deciding on this approach, where a Section 106 Agreement would deliver off-site infrastructure.</p>

