

Ward Ottery St Mary

Reference 19/1794/VAR

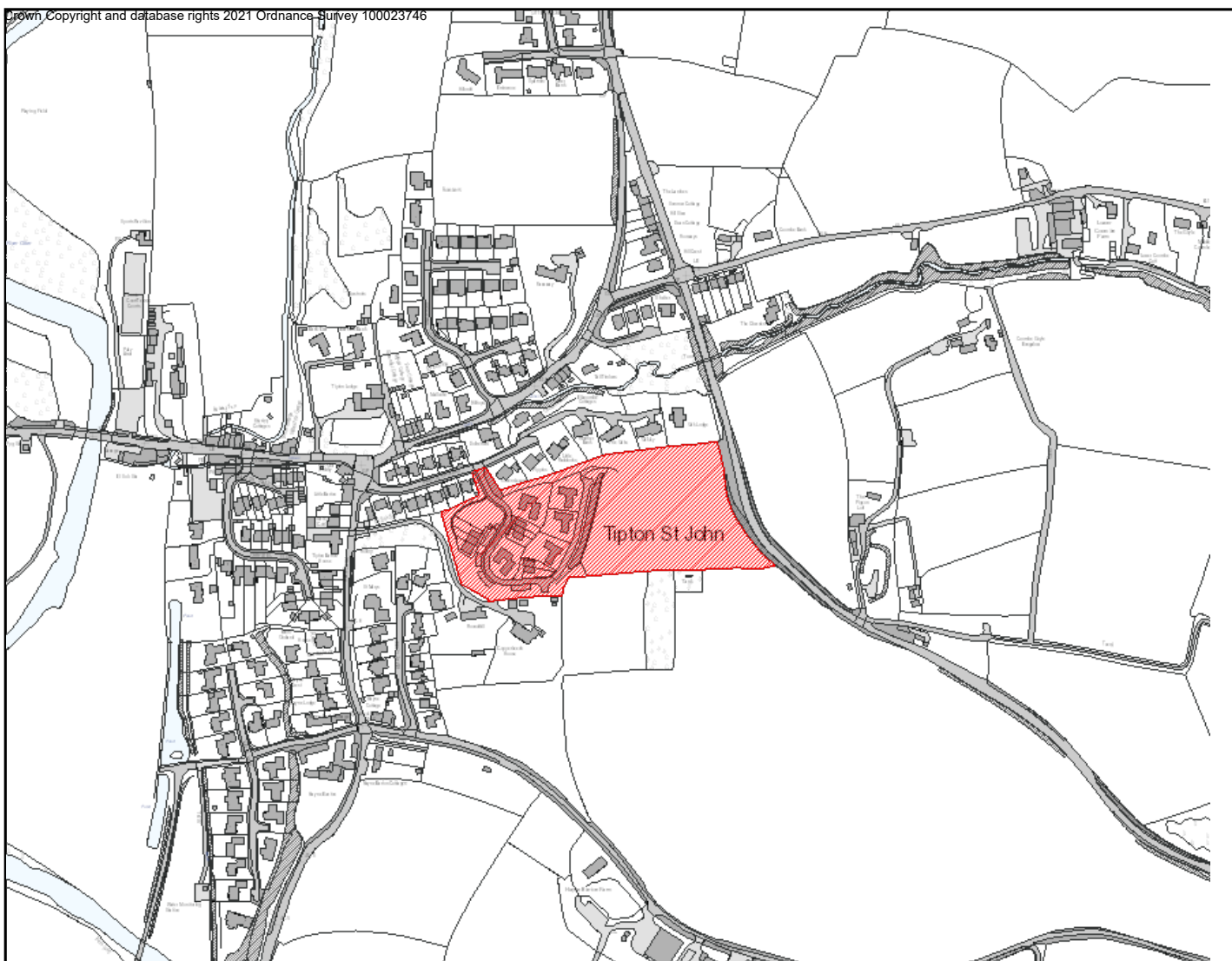
Applicant Mr M German

Location Land At Barton Orchard Tipton St John

Proposal Variation of Condition 2 (plans condition) to regularise changes made to the built development and variation of Condition 6 (landscaping scheme) of permission 15/2753/VAR (development of 15 no. houses).



RECOMMENDATION: Retrospective Approval (with conditions) subject to a legal agreement linking the decision to the original S106 agreement (and previous variations), amending the open space plan and providing for maintenance of the drainage system.



		Committee Date: 9th June 2021
Ottery St Mary (Ottery St Mary)	19/1794/VAR	Target Date: 06.12.2019
Applicant:	Mr M German	
Location:	Land At Barton Orchard Tipton St John	
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EXECUTIVE SUMMARY

This application is before the Committee because it is a major application and the recommendation is contrary to the views of Ward Members and the Town Council.

The proposal is for adjustments to an exception site development which has already delivered ten affordable houses that have been occupied for some time. The five open market houses approved as part of the scheme have yet to be fully occupied but are finished or nearly finished.

The adjustments relate to the elevation treatment of the dwellings and the landscaping of the site. A further proposal to replace green roofs with pebbles was withdrawn and the green roofs have now been installed.

Part of the approved scheme was the installation of green walls to parts of the three highest dwellings within the site. The revised proposal is to paint the walls dark green and train ivy up them. Having regard to the purpose of the green walls, which was to mitigate the visual impact of the buildings, the revised proposal would have a similar effect. Subject to the wall treatment being maintained, the revision is acceptable.

The adjustments to the landscaping have arisen largely because of the sloping nature of the site. The introduction of retaining walls and changes in boundary layouts have necessitated this application. Subject to a condition to secure its implementation, the revised layout and landscaping would still achieve the

integration of the scheme within the AONB that was secured in previous applications and prevent flood risk.

Subject to conditions to secure the implementation of the landscaping and other matters, the amendments to the previously approved scheme are acceptable.

CONSULTATIONS

Local Consultations

Ottery St Mary - Cllr Vicky Johns

30/10/2020 - I object to this application due to the fact that the original planning application was granted under the reasoning that the entire area would be done sympathetically to the area and using environmentally friendly ideas. Since the original application has been passed there has been various ways that the applicant has deviated from the original plans, including placing plastic leaves on netting onto the site, which I believe have since been removed.

This new application seems, once again, to be a way of doing short cuts and ignoring the main reasons the planning application was originally accepted. The residents of Tipton are concerned, and always have been, about where the water run off will end up from this site and these new plans just add to that concern. Taking into account where the site is and how much mud/soil is there I also have concerns as to where the mud etc will end up if we have a serious downpour, it is my opinion that the Devon Banks that have been put in place will not hold the mud etc and it will end up going all down the road, causing issues for the residents of the Tipton and other commuters.

The fact that this new application undermines the reasons why the planning application was originally granted causes me great concern, if it is going to be a case of saying what you believe is needed to be said to get an application approved knowing that you can then change it once you have almost completed the works makes a mockery of the whole system. On the information I have received I strongly object to this change in the original application and hope that EDDC enforces the original planning application. I reserve my right to change my mind if new information comes to light.

Further comments:

18/11/2020 - With the information in front of me I object to this planning application and agree with the comments made in the landscape architect and green infrastructure officers report. The original application that was made for this development was environmentally friendly and more in keeping with the area. However these variations are definitely not and I have concerns for not only these buildings but also for the buildings below this site. I feel quite strongly that when planning applications are made that show the developer in a good light then that developer should stick to what was agreed and not try to change things to something easier or cheaper to the detriment of the buildings and the area. So I object to this application but reserve the right to change my mind if anything else comes to light.

Ottery St Mary - Cllr Geoff Pratt

27/02/2020 - This development lies on land which is registered as an Area of Outstanding Natural Beauty (AONBs). Accordingly landscaping in this application needs priority consideration.

The landscaping provisions of this application in my view do not comply with Policy NP 6 Page 34 of the Ottery St Mary Neighbourhood Plan (NP). Publicly valued views are identified for protection any proposals for development that would affect the views listed in Appendix 1, page 106 NP should demonstrate that design has taken this into account. The view from Mallocks Close in Tipton St John enjoyed prior to this development a green scenery overlooking Barton Orchard. Mallocks Close is identified in paragraph 2 page 106 NP.

The top right hand photo on page 80 NP shows the view in the distance of Barton Orchard from the Main Street in the village. Now this view also needs to be protected.

The landscape provisions must also comply with the Local Plan Strategy 46 and in particular the paragraph which states "When considering development in AONBs, great weight will be given to conserving and enhancing their natural beauty"

Accordingly tree planting is vitally important to protect these views. I would prefer the original plans to the proposed amendments

The green roofs should also be protected and I would be against the proposal to replace with pebbles.

It is also noted that the Council's landscape architect in his report states that the applicant has not complied with a number of requirements that had been requested on behalf of the planning Authority.

The above are my present views and I am open to change my mind in the event of other evidence becoming available.

Parish/Town Council

02/10/2019 - The Town Council strongly objects to this application and Variation of Condition 2 and 6 for the following reasons:

- o Lack of privacy
- o Adverse visual impact
- o Concerns about the run off of water and silt
- o No trees on the proposed plan where the original had a large amount which may help towards the run off issue
- o It is in an Area of Outstanding Natural Beauty (AONB) and therefore contrary to the Neighbourhood Plan, Page 78, paragraph 11.6
- o The Council recognises the Inspectors decision on previous planning application for Appeal B: APP/U1105/W/18/3218734, Waxway Camp Fire Beacon Lane Tipton St John OSM EX11 1QD which was also in an Area of Outstanding Natural Beauty (AONB)
- o Objects to the way the development has been handled and feels it is a betrayal to the residents of the original approved plans

19/02/2020 - Ottery St Mary Town Council after much discussion, three members voted in support of this application and three members voted it against it and there was one abstention. The Chairman of the Planning Committee was not prepared to give a casting vote one way or another.

However, the Town Council then voted unanimously for an amendment to the effect that it was not content with the way the Development was carried out in the first place and wanted the original application to be complied with. It hopes that there will be sufficient tree planting taking place, the roofs are to be replaced with a porous surface and that every effort is made to minimise the run off problem.

21/05/2020 - Ottery St Mary Town Council supports this application but is concerned that there should not be planting on the northern boundary which shuts out light to the neighbouring properties.

09/07/2020 - Ottery St Mary Town Council does not support this application on the basis that it agrees with the comments made by EDDC Landscape Architect and no further work be carried out until an acceptable set of details has been received

18/11/2020 - Ottery Town council strongly object to the Variation application; and the council strongly reiterates its concern about the failure to comply with the planning conditions attached to the original planning permission, and is particularly concerned about the possibility of damage to properties below the site

30/03/2021 - The Town Council does not support this application based on the grounds that the work has not been carried out as agreed in the original application and the applicant should comply with the original application in accordance with the recommendations in the EDDC Landscape Architect's report. Ottery Town Council urge EDDC to take urgent enforcement action.

Other Representations

12 representations/objections have been received raising the following concerns:

- Much more landscaping is needed around the area as well as within the buildings
- Avoid planting trees which will grow tall as these will completely shade the neighbouring gardens and remove all sunlight from these existing gardens and from solar panels on houses
- Existing wildflower meadow on parts of the site which have not undergone earth moving should be left untouched
- Environmental and landscape specifications should not been diluted
- Tree planting and landscaping is a necessity to stabilise the site properly
- These buildings will always be ugly and totally out of character with the rest of the otherwise attractive Devon Village
- Silt and soil has been washed into neighbouring gardens from the site.
- The earth bunds have no foundations and no proper drainage.
- Planning permission should never have been given for the development.

Technical Consultations

DCC Flood Risk SuDS Consultation

14/05/2021

Devon County Council's Flood and Coastal Risk Management Team has no in-principle objections to the application.

EDDC Landscape Architect - Chris Hariades

07/10/2019

1 INTRODUCTION

This report forms the EDDC's landscape response to the variation application for the above site covering revised landscape layout and changes from green roof covering to cobbles to some roofs.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LANDSCAPE REQUIREMENTS

2.1 Conditions

The most recent decision notice relating to the site, application 15/2753/VAR, issued 31 August 2016 provides the following landscape condition: [condition 6]

3 PROPOSED CHANGES UNDER VARIATION APPLICATION

Change from green roof to cobbles

Two areas of approved green roofs to plots 6 and 10, totalling 106m² are now proposed to be replaced with tumbled cobbles. It is understood that this change arises from health and safety concerns, as sections of these roofs are readily accessible from surrounding ground while having unguarded, high level drops to some edges and it is thought residents would be more tempted to access them as lawns if they remain as green roofs.

While these roofs would be visible from higher plots, the upper section of the site access road and the area of open space above, they do not feature in views into the site from surrounding areas. The change to cobbles would result in a small loss of biodiversity value and storm water attenuation, however, in terms of visual impact the change is considered to be acceptable subject to the cobbles being from a sustainable source and not natural river bed/ beach material. Details of the supply source should be confirmed by the applicant.

However, it is noted that previous approved drawings in respect of application 15/2753/VAR provided for all roof areas to plots 1-3, 6 and 10 to be green roofs (760m total) and the applicant should confirm that with the exception of the cobbled areas indicated on the revised landscape plan that other areas of green roof will be provided.

Revised landscape plan – drawing no. C.S.13

The submitted revised plan is considered unsatisfactory for the following reasons:

a) The site is currently some 85% complete with the affordable homes already in occupation and much of the landscape works completed around these and lower parts of the site. In a number of instances the as-built layout departs significantly from both the approved scheme drawings and the details indicated on the revised landscape plan itself. This includes additional fences and retaining walls, variation in the alignment, extent and specification of paths and hedgebanks and introduction of bin stores.

b) A number of symbols on the plan are not identified in the key.

c) The plan does not cover the full site area.

d) The previous approved landscape scheme was based on an extensive hard and soft landscape strategy, key features of which included the creation of a woodland areas around the edge of the site and weaving through the development between rear

gardens; winding paths through public open space and integrated SUDS proposals which appear to have been lost in the revised scheme.

e) There is insufficient provision of screen planting which was a key component of the original scheme and is required to mitigate the visual impact of the development in views from the north and west and also looking down from the open space above.

f) Levels information is inadequate. Steep slopes exceeding 1:3 and external retaining walls should be clearly indicated. Finished floor and roof levels of dwellings should be shown. Spot levels should be provided at thresholds to dwellings, to top and bottom of proposed hedgebanks, retaining walls and steep slopes and at intervals along proposed access paths.

There are numerous further issues with the revised plan and as-built layouts including:

a) There is no indication of boundary treatment to the end of the rear gardens to plots 11-15 or the rear garden of plot 5 adjacent to the site access road.

b) The meter box wall to the front of plots 11-15 is shown on the plan surrounded by native screen planting with no provision made for access to the meters.

c) Parking bays perpendicular to the road to south of plot 5 have insufficient turning space in front of them – the minimum requirement is 6m.

d) A very steep high bank has been created between the top section of the site access road and open space to the east, with a narrow strip of planting proposed along the toe. The bank is vulnerable to erosion from surface water run-off and will be difficult to maintain as grass due to the steep slope. It is recommended that the slope is planted with native tree and shrub mix and incorporating appropriate drainage/ SUDS provision to reduce erosion risk and attenuate storm water flow.

e) The approved scheme included a winding footpath along the northern boundary from the bottom of the site to the turning head at the end of the site access road as per below extract from the approved hard landscape strategy drawing.

In the revised landscape scheme (extract below) the access path is channelled into a two metre corridor against the existing boundary hedge and the gardens to plots 10 and 11 extended accordingly.

While a straighter, and consequently steeper, footpath could be considered acceptable the approved area of the access corridor should be retained and planted with native trees and shrubs to provide screening of the development in views from the north and incorporating appropriate SUDS drainage provision.

g) Details of proposed play provision are required in accordance with the approved scheme and section 106 agreement.

4 Conclusion and recommendations

For the above reasons the revised landscape plan submitted with the application is considered to be unacceptable and contrary to Local Plan policies – Strategy 43 Play provision, D1 Design and Local Distinctiveness and D2 Landscape Requirements.

In view of the extent of the departure of the as-built layout from the approved external works layout (hard and soft landscape), the applicant needs to submit revised plans which properly reflect the as-built situation. In some instances this may require elements of existing works to be removed/ adjusted particularly in respect of levels and boundary treatments in order to ensure a quality scheme which provides appropriate mitigation of landscape and visual impacts.

It is recommended that the applicant engages a suitably qualified landscape architect to provide a comprehensive external works package which should include the following:

a) A landscape masterplan covering the whole site at minimum 1:500 scale showing the principle elements of the scheme.

- b) Detailed hard landscape plans at 1:200 scale covering the whole site which should indicate clearly the extent and type of proposed pavings, edgings, fences, retaining walls, bin stores, lighting, site furniture, hedgebanks and other earthwork and drainage features.
- c) Construction details for proposed fences, walls and boundary features, structures, pavings, storage areas, lighting and site furniture.
- d) Detailed levels plans at 1:200 scale showing proposed and existing site contours, ground floor and roof levels of buildings and spot levels on paths and thresholds together with an indication of slopes exceeding 1:3 gradient. These should be accompanied by a set of 1:50/ 1:100 scale sections through the site to clearly indicate the proposed level treatments.
- e) Detailed planting plans at 1:200 scale indicating existing and proposed planting, grass and meadow areas including tree, shrub and herbaceous plant species, locations. Detailed specification for soil quality, depths, cultivation, tree and shrub planting, grass seeding, means of staking/ support and protection for new planting during establishment period.
- f) Updated surface water drainage plans should also be provided to reflect any changes in existing and proposed site layout and associated drainage treatments.
- g) A 10 year detailed landscape and ecology management plan (LEMP) covering the entire site and providing the following information:
- *Extent, ownership and responsibilities for management and maintenance.*
 - *Details of how the management and maintenance of public open space will be funded for the life of the development.*
 - *Inspection and management arrangements for existing and proposed trees and hedgerow and planting areas.*
 - *Management and maintenance of grass areas.*
 - *Management and enhancement of biodiversity value.*
 - *Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.*

Further comments:

18/02/2020

1 INTRODUCTION

This report forms the EDDC's landscape response to **additional information** submitted in support of the variation application for the above site.

The report provides a review of landscape related information submitted in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information and previous landscape response dated 7.10.2019.

2 BACKGROUND

The site is prominently situated on high ground to the southeastern edge of Tipton St John and falls within the East Devon AONB.

Planning approval was granted for development of 15 homes on the site in 2015 and the scheme is currently some 90% complete. There have been a number of departures from the approved scheme and a variation application was submitted in autumn 2019 to regularise these and agree some further proposed amendments to the scheme. A review of the landscape proposals submitted with that application found them to be

unsatisfactory in a number of respects and further information has been submitted by the applicant in response to this, which are the subject of the present review.

3 REVIEW OF AMENDED LANDSCAPE RELATED INFORMATION RECEIVED FEBRUARY 2020

3.1 Change from green roof to cobbles

The variation application 19/1794/VAR submitted in autumn 2019 included a change to accessible parts of the proposed green roofs to plots 6 and 10 to loose cobbles in order to reduce the risk of people using them as garden areas, due to concerns raised about access to unprotected drops. However it is understood that EDDC Building Control require that this risk is dealt with by providing minimum 1100mm high fencing to prevent casual access to all accessible roof areas. As a result the proposed change to cobbles will not be necessary. Please confirm that all green roof areas will be provided as per original approved scheme.

3.2 Changes to approved site layout and landscape proposals

A set of 7 landscape drawings (revision 4) have been submitted in response to previous landscape comments. These address many of my key concerns in relation to the previous amended layout including increased woodland/ screen planting, and reversion to previously approved northern boundaries to plots 1 and 10, however the following issues remain which need to be satisfactorily addressed before the scheme can be considered acceptable in terms of landscape design:

3.2.1 General

- a) Despite previous request there is no overall site plan indicating the amenity land within the eastern portion of the application site or any detail plans for this area. Please provide further detail of proposed treatment of this area.
- b) Despite previous request contours and levels information shown on all drawings is incorrect, particularly the steep graded slope which has been created to the east of plots 1-3. Detailed levels plans at 1:200 scale should be provided showing proposed and existing site contours, ground floor and roof levels of buildings and spot levels on paths and thresholds together with an indication of slopes exceeding 1:3 gradient. These should be accompanied by a set of 1:50/ 1:100 scale sections through the site to clearly indicate the proposed level treatments.
- c) All the submitted plans include a note referring to Clarkebond documentation for details of grading of slope to east of plots 1-3. This information does not appear to be included with the submitted details. Please provide.

3.2.2 Hard landscape (surfaces) Masterplan

- a) The parking bays to the south of plot 3 have insufficient turning space (the minimum parking standard is for 6m turning space) and the proposed close board fence on the kerb line opposite will be vulnerable to damage from vehicle reversing. The layout should be adjusted to provide sufficient turning space.
- b) The drawing indicates that the surfacing of the stoned section of the access road to east of plots 1-3 will comprise a cellular polymer grid with aggregate infill as per Clarkebond details. These do not appear to be included in the submission, please provide.
- c) The proposed pedestrian path to the northern site boundary has a gradient of 1:3 to the north of plot 1 where the provision of steps should be considered.
- d) A construction detail should be provided for the proposed footpath to the northern site boundary. Due to the variation in slope and alignment the use of timber edge boards will be difficult to achieve in practice and is likely to impede the effective discharge of surface water from the path.

3.2.3 Fencing & Hedging Masterplan

a) 1200mm chain link fencing is indicated in a number of locations to prevent access to accessible flat roof areas with unguarded drops. These are generally acceptable but in relation to plot 6, in accordance with EDDC Building Control recommendations, the extent of fencing should be extended as highlighted in the over-marked drawing extract below.

b) In order to provide maintenance access to the proposed woodland planting corridor west of plots 1-3 the two sections of close board fence extending across it should be omitted.

c) The proposed close-board fence following the road edge to the rear garden of plot 5 is vulnerable to damage by passing cars and also is out of character as a frontage element within the scheme and should revert to a Devon bank as previously approved.

3.2.4 SuDS (Surfaces) Masterplan

The drawing does not provide a comprehensive SUDS drainage scheme and utilises contours and levels information that does not reflect the as-built landform. Drainage features where they are shown do not connect into the wider site drainage scheme.

The drawing makes numerous references to Clarkebond details. These are not included with the submitted information. Please provide.

3.2.5 Planting Strategy Masterplan

a) The key symbols do not match those on the plan. Please amend and re-issue so it is readily apparent which areas on the plan relate to which planting type proposed.

b) The proposed species composition for the planting mix to areas of low planting indicated around the play space adjacent to the site entrance should be clearly stated.

c) Planting to the north of the footpath on the northern boundary appears to encroach over the proposed stone drainage channel shown on the SuDS (surfaces) Masterplan. Please check and rectify.

3.2.6 Planting Masterplan Details & Outline Specification & Schedules of Quantity

Planting notes should be amended to reflect the following:

- Soil to areas to be sown with wildflower mixes should be low fertility – subsoil or a subsoil/ topsoil mix.
- Tree pits should be excavated to 500mm width and depth extended as necessary to accommodate the full spread and depth of roots.
- Topsoil to be laid on de-compacted subsoil free of builders' waste and other deleterious material.

4 CONCLUSION & RECOMMENDATIONS

The revised details lack some important information and contain a number of errors/ omissions as noted above which should be rectified before the scheme can be considered acceptable in terms of landscape design.

Further comments:

22/05/2020

Review of amended details submitted May 2020

This report is prepared in response to amended details received for the above scheme and following a site visit carried out on 15 May 2020. It also addresses complaints received from local residents in relation to discharge of surface water into private gardens to the north due to site alterations of original drainage patterns, and concerns about proposals for the establishment of new large tree planting along the northern boundary which in time might overshadow adjacent gardens to the north.

It was noted during the site visit that a new turning area has been constructed adjacent to the southern boundary, south of plot 5, which has entailed significant build-up of ground levels within the root protection area (RPA) of existing mature boundary trees. Recent bunding on the northern boundary also compromises the RPA of existing trees. Further advice regarding the acceptability of this and any required remediation should be sought from the District tree officers.

A tree protection plan has been submitted with the amended details, however, in the context of as-built and ongoing construction operations it is meaningless and, following advice from the District tree officers, the applicant should be required to submit a revised tree protection plan, prepared by a suitably qualified arborist, providing details of how disturbance of RPAs will be rectified and measures for tree protection for the remainder of the construction period. I do not recollect seeing any tree protection measures on site during my visit, despite on-going construction works.

Aside from the turning area to the southern boundary and the inadequacy of drainage and levels details, the submitted landscape proposals are generally acceptable but, following the comment received from a local resident about shading of the gardens to the north, I have reviewed the proposed planting mix adjacent to the existing northern hedge-line which includes some very large growing tree species including oak and Monterey pine. I consider it would be better to leave the ground between the proposed access path and existing hedge as species rich grass with a few smaller trees such as bird cherry planted forward of the hedge line where space permits.

It is noted that recent site works do not accurately reflect the landscape layout shown on the latest plans and confirmation should be provided from the applicant that site alterations will be made in accordance with the submitted plans once they have been approved.

As previously requested, an accurate levels plan is required showing proposed levels and contours, the extent of new earthworks and slopes steeper than 1:4. This should include in particular the proposed reinforced earth banks and the slope to the east of the top section of the site access road. This should be accompanied by sections showing original and proposed ground levels.

It is clear that there are significant issues with surface water discharge off-site and on-site erosion of slopes. The submitted SuDS strategy drawing does not provide an overall drainage strategy or accurately reflect site levels. A detailed drainage strategy is required with full details of at surface and below ground drainage infrastructure including plans, construction details and supporting calculations, prepared by a competent drainage engineer based on the proposed site layout.

This is now the third set of amended details which have been provided in support of this application. It is very disappointing that the details are still unsatisfactory/incomplete and I would recommend that no further works are carried out on site until an acceptable set of details reflecting the above points and my previous comments are provided and approved.

Further comments:

11/11/2020

1 INTRODUCTION

This report forms the EDDC's landscape response to the Variation application for the above site seeking approval to proposed and as-built alterations to the previous approved scheme (application ref. 15/2753/VAR).

The report provides a review of the latest landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED DETAILS

Due to inadequate detailing and poor construction management the as-built scheme falls far short of its original design intentions and approved planning drawings. It is unrealistic to expect that the as-built external works can be brought back in line with the originally approved design proposals, but while some compromise is necessary, further changes are needed both to the as-built construction and latest landscape drawings. Notable issues to be addressed are the treatment of the hill top to the east of the site; treatment of the footpath following the northern site boundary; completed earth bunds around plot curtilages; changes to plot boundaries; design of surface water drainage and provision of adequate structure planting to screen the development in key views and help assimilate it into the surrounding landscape.

2.1 Submitted drawings

- Hard landscape masterplan, drawing no. TSTJ 0-1 Rev 6
- Planting masterplan, drawing no. TSTJ 0-2 Rev 6

I am pleased to note that the current drawings are based on a more accurate as-built topographic survey than previously.

2.2 Hill top area

The original approval included the land to the east of the housing area which was to provide public open space and included the creation of paths and hill top viewing area (refer fig. 1 below). Although these have not been provided there has been considerable amount of ground disturbance in this area where large quantities of excavated material and builders waste have been buried, changing the ground profiles and natural drainage patterns. The disturbed ground has been regraded but the ground left bare and builders waste including pieces of timber, metal, concrete and geotextile are evident poking through the surface.

The revised drawings submitted with the current application do not include the eastern portion of the site. Additional drawings should be provided to cover this area and show extent of earthworks and changes to the slope profiles that have been made during construction works, any drainage works and proposals for ground remediation and restoration to meadow and public access provision.

Photo here

Figure 1 - Extract from Location Plan submitted with approved application 15/2753/VAR showing red line boundaries

2.3 Footpath access to northern site boundary

Further detail is required to show how the footpath is proposed to be finished at its eastern end including final grading and extent of surfacing.

Confirmation should be provided of how surface water flows down path will be dealt with in order to prevent scouring.

2.4 Access to eastern meadow area from turning head at top of site access road

A suitably graded pedestrian access should be provided from the end of the turning head up to the meadow to the east for the benefit of site residents and the public.

2.5 Surface water drainage

The as-built surface water drainage scheme differs considerably from the approved scheme and appears to have been constructed on an ad-hoc basis. A revised drainage strategy is required prepared by a qualified drainage consultant based on the as-built scheme with details for any further amendments which may be necessary to meet SuDS requirements and ensure adequate control of surface water discharge to prevent soil erosion and uncontrolled site run off.

Following completion the approved drainage scheme should be signed off by a qualified engineer and a completion certificate issued to the LPA.

2.6 Earth bunding to plot curtilages

Bunding has been used extensively to define plot curtilages. The original approved drawings showed these would be formed to regular battered slopes and heights with turfed sides and steel mesh reinforcement. Instead the bunding has been formed by placement and crude grading of earth by machine excavators to varying heights and width. Around the lower parts of the site these have been seeded or turfed but higher up the bunds have been left bare to colonise by aggressive weeds such as docks. There is evidence of some slumping in places.

Details should be provided for seeding/ turfing of bare bund slopes.

Bunding to the north of plot 1 is excessive, creating an extensive man-made slope to the northwest which towers over the adjacent footpath. There is no need for bunding in this location and the bund, indicated in orange in the drawing extract below, should be taken down level with the adjacent verge to the east.

Plan here

Figure 2- Extent of constructed bund north of plot 1 which should be taken down

Plot boundaries

Changes have been made to plot boundaries particularly plots 1 and 10. To ensure effective establishment and maturity of screen planting as proposed the areas highlighted in red on the below extract from the planting masterplan should be retained in the ownership of the site management company and managed accordingly rather than being transferred to individual plot owners. This will require amendment to proposed and constructed fence lines.

Plan here

Figure 3 - Extract of planting masterplan showing in red area which should be excluded from individual plot ownership and taken on by site management company

2.7 Treatment of open space to west of site entrance

The landscape proposals for the open space to the west of the site entrance provide for an area of grassed open space surrounded by low bunding and planting. This area is relatively steeply sloping and the ground is very uneven, limiting its play value. A better approach would be to create a small copse in this space that will provide opportunity for informal play such as den making and tree climbing in the future as well as providing better screening of the development in views from the north.

2.8 Site ownership and maintenance responsibilities

A plan is required of the whole site area showing the extent of private plot ownership, housing association owned land, land to be owned and managed by a management company and any land to be transferred to community ownership.

2.9 Planting masterplan

The appropriateness of planting a woodland mix on the slope of the earth embankment immediately to the south side of the footpath running along the northern site boundary is questioned. A more appropriate treatment would be to plant a native mix hedgerow on the top of the embankment incorporating appropriate feathered trees at intervals and to sow the slope on the path facing side with a wildflower mix.

Similarly a 2m width grass verge should be provided between the road edge and the proposed woodland planting area along the frontage of plot 10.

The following changes are required to the planting specification in accordance with good practice:

- The planting specification should include specification for clearance of existing weeds and vegetation from areas to be planted/ seeded by application of systemic herbicide in accordance with manufacturer's instructions or hand weeding as appropriate.
- The addition of compost to tree pits is not in keeping with advice from the District Arboricultural Officer and should be omitted.
- Spiral guards should be specified as bio-degradable.
- Mulch to planting beds and base of new trees should be specified as composted bark mulch.

3 CONCLUSION & RECOMMENDATIONS

3.1 Acceptability of proposals

Further amendments are required to the as-built scheme and revised drawings and additional detail provided to reflect points noted above.

Subject to receipt of satisfactory additional information the scheme could be considered acceptable in terms of landscape design.

3.2 Conditions

Notwithstanding the submitted details, should satisfactory additional information be received and the scheme be recommended for approved the following conditions should apply:

1 A detailed planting plan shall be submitted for approval by the Local Planning Authority showing the species and number of plants to be provided in each planting bed.

2 The works shall be executed in accordance with the approved drawings and details and shall be completed within the first planting season following approval of the application.

3 No development shall take place until a landscape and ecology management plan (LEMP) for a minimum period of 15 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of open space will be funded for the life of the development.
- Inspection arrangements for existing and proposed trees and hedgerows and biodiversity enhancement measures.
- Management and maintenance of grass and wildflower areas.
- Management and maintenance of existing and proposed trees, hedgerow and planting.
- Management and enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

4 Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development),

Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.

Further comments:

09/02/2020

Following submission of amended drawings in November 2020 and a meeting with EDDC Planning and the applicant and design team the following recommendations are made.

1 Amendments and further details required for approval of the application.

1.1 Public open space

Public open space to be provided to east of developed area as indicated below:

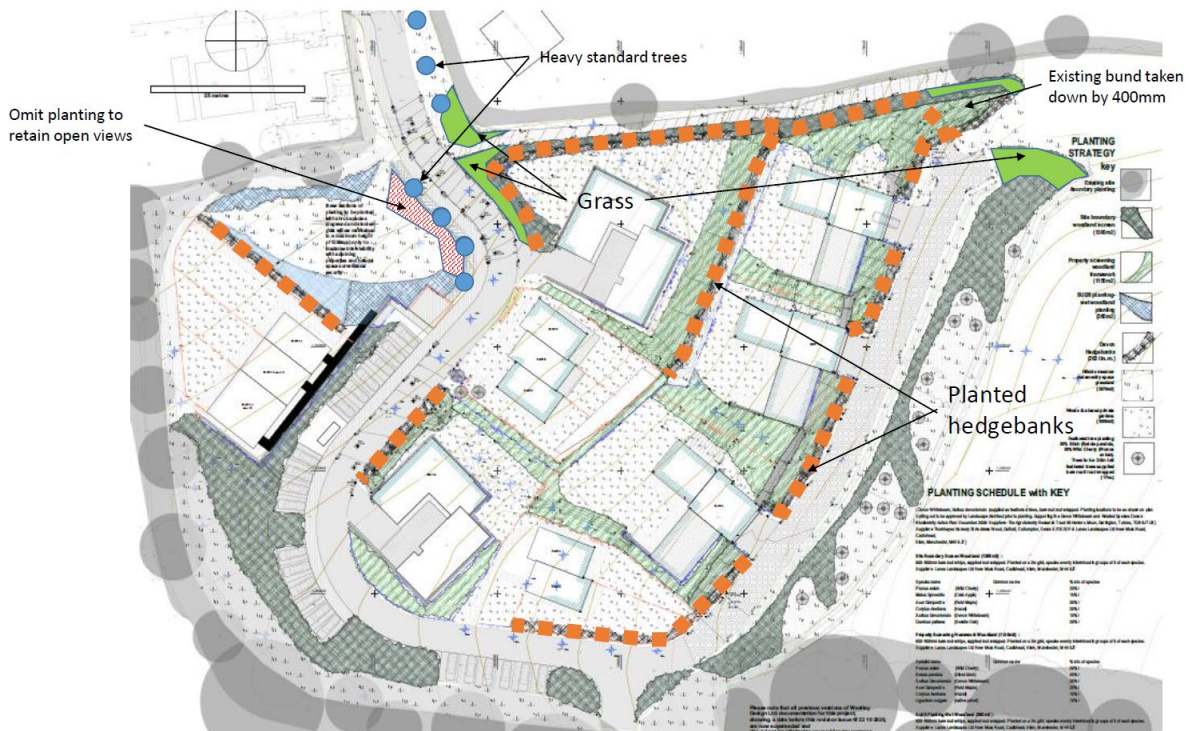


Applicant to provide a site plan indicating the open space areas and detailed drawings and specifications to include:

- Details of wildflower mix and specification for ground preparation, sowing and establishment to area to be re-cultivated, specification for tree planting and bench supply and installation.
- Oak planting should comprise 3 no. *Quercus robur* supplied as 10-12cm girth standards planted as a group 3 metres apart.
- Footpath construction - this should include for provision of surfacing to the extent indicated by red pecked lines.

1.2 Housing area

Planting to be carried out generally as per Wesley Design drawing no. TStJ 0-2 22/10/2020 rev 6 -22 10 2020 but with amendments as per the plan below. An amended plan incorporating these to be submitted to LPA for approval.



1.3 Surface water drainage

Details of the land drainage system to the east of the top access road should be included on an updated site drainage plan. A sign off certificate for the installed surface water drainage should be provided by a qualified drainage engineer.

1.4 Ownership plan

A plan for the whole site area showing the extent of private plot ownership, housing association owned land, land to be owned and managed by a management company and any land to be transferred to community ownership is to be submitted for approval.

2 Conditions

Should the application be approved the following conditions should be attached:

2.1 LEMP

Within two months of the issue of the decision notice A 25 year landscape and ecology management plan (LEMP) should be provided for approval by the LPA covering all areas excluding private gardens. The plan should include the following:

- Management objectives
- Extent, ownership and responsibilities for management and maintenance.
- *Details of how the management and maintenance of open space will be funded for the life of the development.*
- *Management of existing and proposed trees and hedgerows.*

- *Management and maintenance of new trees shrub and hedge planting*
- *Management and maintenance of grass and wildflower areas.*
- *Management and enhancement of site biodiversity value.*
- *Management and maintenance of any boundary structures, paths, furniture, drainage swales and other infrastructure/ facilities within public areas.*
- Inspection and monitoring arrangements
- Relevant drawings to indicate the locations and extent of features covered by the plan.

Maintenance shall be carried out in accordance with the approved plan.

2.2 Planting programme and replacement of failures

Planting works shall be carried out during seasonally appropriate times and be completed no later than 20 December 2021.

Any new planting or grass areas which fail to make satisfactory growth or which dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

Further comments:

07/04/2021

I have reviewed the latest landscape drawings submitted in respect of the above scheme and in response to my previous comments dated 9 February 2021.

The submitted amended landscape details comprise:

- Landscape Revisions at Barton Orchard - Dwg. no. TStJ 09 revision 8 – 11.03.21
- Hard landscape masterplan: Groundworks, fences, boundaries and hard surfaces masterplan – Dwg. no. TStJ-01 revision 8 – 11.3.21

These are generally acceptable and address the points raised in my last response. I note one anomaly in the proposed southern boundary treatment to plot 3, where the hard landscape drawing shows the existing close-board timber fence retained while the soft landscape plan shows it replaced with a hedgebank. The drawings should be amended as appropriate to provide consistency.

Should the application be approved I draw your attention to item 2 of my last response setting out recommended landscape conditions for a site Landscape, ecology and management plan, planting programme and replacement of failures.

EDDC Trees

13/01/2021 - I agree and concur with the comments made by EDDC Landscape Officer

PLANNING HISTORY

Reference	Description	Decision	Date
11/2172/MFUL	Housing development of 5 open market dwellings and 10 affordable dwellings and provision of public area (revised proposal including reduction in proposed houses from a total of 19)	Approval with conditions	12.09.2013
14/1745/VAR	Amendment to planning permission 11/2172/MFUL (housing development of 5no open market dwellings and 10no affordable dwellings) to increase the size of the open market units (nos 1, 2, 3, 6 and 10) and add garages.	Approval with conditions	24.12.2014
15/2753/VAR	Variation of condition 2 (amended design of proposed dwellings) and removal of condition 3 (previously securing development to code level 5) of permission 14/1745/VAR (development of 15 no. houses).	Approval with conditions	31.08.2016
No ref.	Variation to the S106 agreement to allow staircasing up to 100%.	Approval	18.06.2018

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP5: Local Green Spaces

Policy NP6: Valued Views

Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value

Policy NP9: Accessible Developments

Policy NP12: Appropriate Housing Mix

Policy NP13: Accessible and Adaptable Homes

Policy NP14: Demonstrating Infrastructure Capacity

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC2 (New Open Space, Sports Facilities and Parks)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Barton Rise is a development of 15 houses and flats, 10 of which are affordable, that was constructed on a field accessed from Barton Orchard. The development is largely complete, other than landscaping, and the affordable dwellings have been occupied for some time.

The development occupies the west facing slopes of a hill that continues to rise to a high point located towards the south east corner of the field. The site is completely located within the Area of Outstanding Natural Beauty. While bordered on most sides by mature hedgebanks and trees, the main Sidmouth to Ottery St Mary Road lies to the north albeit set below the field's high point and itself screened by a bank and mature hedge.

Proposal

This application is for further alterations to a scheme which was first granted permission in 2011 and has been varied twice before in 2014 and 2015, as well as by way of a variation to the legal agreement in 2018.

During construction various changes have been made to the landscaping and design of the five open market houses and collectively they have resulted in an amount of change which needs to be considered in a new variation application. This application has therefore been submitted to regularise the changes to the development.

ANALYSIS

The main issues for consideration are the changes to the design of the open market houses and changes to the landscape scheme and drainage.

Changes to the open market houses

Beginning with the houses, these maintain the same size and shape as the approved scheme but there have been minor adjustments to fenestration and the elevation treatment in relation to previously approved living walls. In spite of these changes, the landscape impact remains essentially the same as the approved scheme but there are two aspects of the proposal that merit further explanation.

When the application was first submitted it was proposed to omit the green roofs from the open market dwellings and replace them with a pebbled surface which would deter access to the flat roof. Following discussion between Building Control and the Council's Landscape Architect it was concluded that the green roofs could be retained as part of the design and they have now been reinstated and can be seen on site.

The second main change is that the developer began to install an artificial leaf mesh product instead of the approved living green wall on certain elevations of units 1-3. Following installation there was opposition from all quarters not least because of the needless use of plastic to imitate a natural product. However, the developer was not willing to revert to the approved 'Biotecture' living wall product citing concerns about water ingress and maintenance and therefore an alternative was sought. The revised proposal, as can be seen on site, is to paint the walls a dark green and train ivy up them.

The background to this proposal is that the green walls were first proposed in the 2014 variation when rooftop garages were added to units 1-3 in place of open parking. The green walls were intended by the architect to mitigate the landscape impact of the additional storey when seen against the backdrop of the hill behind. Now, when seen from Mallocks Close, the dark green painted walls are a good match for the colour of the trees and hedges which form the backdrop to the buildings, and in due course for the grass on the hill behind. The effect would be further improved by the ivy trained up the walls once it has been planted and matured. From other vantage points views of the development are filtered, partly blocked or more distant. One to note in particular is the 'valued view' from the path adjacent to the River Otter which is identified as view T1 in the Neighbourhood Plan and protected by policy NP6. Although the site is not visible in the photos included in the Neighbourhood Plan, it can be glimpsed from other vantage points on the path. However, the change in the treatment of the green wall would make the dwellings no more prominent.

Although it is disappointing that the 'Biotecture' product has been rejected by the developer, the alternative now proposed would achieve a similar level of landscape mitigation and is therefore considered an acceptable alternative, subject to a condition that it is maintained in future.

Landscaping

Turning to the landscaping, this has been comprehensively reviewed by the Council's landscape architect over several iterations and in light of repeated departures from the approved plan by the developer. Much of the change has arisen because of the steeply sloping nature of the site but it appears that some of the change has been to increase private plot sizes at the expense of communally maintained landscaped areas.

The revised design incorporates new retaining walls and different internal boundary layouts and there are also changes in the planting scheme. Much time has been spent reviewing plans which have not subsequently been implemented. Only latterly has a plan been provided which resembles the as-built layout. This has been subject to some refinement through discussions with the Landscape Architect but has now reached a stage where it is acceptable and will help the development blend into the landscape in time. During the course of reviewing and consulting on the series of amendments certain issues have been raised and these are addressed below. Drainage is considered as a separate matter.

Turning head. The addition of a turning head close to the trees on the southern boundary was included in the drawings agreed as a minor amendment in October 2016. Therefore this is not something which needs to be considered in this application.

Levels. Owing to changes in levels throughout the site various retaining structures have been designed in consultation with structural engineers and these are indicated on the drawings. In addition there are non-structural banks which form boundaries between roads, paths and private gardens. Beyond the immediate confines of the dwellings, the higher ground to the east has been used to deposit material from the site but this has been regraded to a safe angle of repose. Furthermore, drainage channels have been installed on and below the slope to ensure that run-off is managed appropriately in the interests of slope stability.

Shading of properties to the north. Originally the landscaping scheme proposed the planting of tall trees adjacent to the established boundary hedgerows and this caused the neighbours to raise concerns about shading of their gardens and solar panels. These trees have been omitted but the existing boundary hedges and trees will remain. While the landscape effect of these trees will be lost, this has to be balanced against the need to conserve neighbour amenity and in this case the omission of the trees from the landscaping scheme is considered to be justified. Furthermore, planting within the site particularly in the planting strip below units 1-3, will continue to provide a softening effect.

Landscaping and maintenance of the open space. Some of the land on the hill above the development is to be managed as public open space in accordance with the Section 106 agreement. The remainder of the hillside is within the site boundary and is to be landscaped but is not required to be transferred to the management company. The landscaping plan now shows a satisfactory treatment of this area which is in accordance with the comments of the Landscape Architect. A 25 year landscape and ecology management plan (LEMP) is necessary to ensure that all of the land outside the private gardens is maintained appropriately.

Drainage

A drainage scheme was agreed through the discharge of condition 13 of the 2015 variation. The amended scheme does not change the basic drainage layout or the arrangements for capturing surface water from the hard surfaces, other than the addition of a further filter trench on the edge of the top section of road below the hillside. During the construction process neighbours have experienced problems with run-off from the site but since drainage has been installed, run-off has been captured and managed through the site drainage system.

Although there are a number of bunds on the site, these are principally for landscaping purposes rather than to divert surface water run-off and are not considered to be at risk of erosion or being undermined. Furthermore, in due course the new planting will also help to capture and slow the run-off and reduce the likelihood of the drains being inundated.

The developer has discussed the departures from the drainage details that were agreed following the 2015 permission with the Flood Risk Team at Devon County Council and has provided up-to-date information about its design. As a consequence the installed scheme is considered to be acceptable and all that remains is to ensure that it is maintained, which can be secured as part of the legal agreement.

Section 106 Agreement

The original Section 106 agreement secured the following:

- 10 affordable dwellings.
- An education contribution of £36,000 payable to Devon County Council, the first half of which is payable prior to occupation of 25% of the dwellings and the remainder prior to occupation of 75% of the dwellings.
- Public open space comprised of the northern part of the hill, including the hill top, and an area of land at the bottom of the site (outlined in purple on the plan below); and ongoing maintenance of the public open space.



The 2014 variation was accompanied by a simple linking deed resulting in no change to the above commitments.

The 2015 variation made the following changes:

- Removed the requirement to provide the affordable housing to satisfy Code for Sustainable Homes Level 5.
- Amended the mortgagee exclusion clause.
- Other minor changes to the section on release from the affordable housing restrictions.
- Made additional provisions for the apportionment of the rentcharge for the maintenance of the open space.
- Changed the plan identifying the public open space, adding the areas hatched in blue below.



The 2018 variation allowed staircasing of the shared ownership properties up to 100%

In the event of a resolution to approve the current application a further legal agreement would be required linking to the original agreement (as amended) and substituting a new open space plan with amended blue hatching to reflect the new layout. Maintenance of the drainage system will also need to be added.

Habitat Regulations Assessment and Appropriate Assessment

The site is within 10km of the Pebblebed Heaths and ordinarily new development would be required to make a financial contribution towards mitigation of the recreational use of the Pebblebeds by the occupants of the new dwellings. In this case the approval for development on this site dates back to 2011 and pre-dates the introduction of charging. Although no contribution has been secured in respect of this development, the extant permissions mean that the site can be (and already is) occupied without a habitat mitigation payment. Furthermore, the new scheme does not change the size of the dwellings or the number of bedrooms and would not therefore result in an increased impact on the Pebblebeds compared to the fallback.

On this basis this proposal will not give rise to likely significant effects and is acceptable without any further mitigation.

CONCLUSION

The amended scheme in this application is recognisably of the same character and extent as the scheme that was first granted permission in 2011. The scale, layout and overall design of the dwellings remains broadly the same but in the revised scheme a number of adjustments have been made to elevations and landscaping. None of the changes, however, would diminish the overall quality of the scheme or lead to an adverse impact on the AONB.

The drainage scheme has been considered in detail by DCC Flood Risk Team who accept the submitted details that should prevent any flooding of neighbouring properties that was a concern during the construction phase.

The new landscaping will in time soften the development and grass will return to the hillside to cover the bare earth. It will take a number of years for the development to mature but this application signals the end of the construction period and the beginning of the integration of the buildings into the landscape. Subject to conditions to secure the implementation of the landscaping, drainage and other matters, the amendments to the previously approved scheme are acceptable.

RECOMMENDATION

APPROVE subject to a S.106 linking agreement and subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 11-528 T1 A dated 20/11/2015

Units 1-3

Floor Plans C.X.03, C.X.04, C.X.05, C.X.06, C.X.07, C.X.08 dated 22/02/2018

Roof Plan C.X.09 dated 22/02/2018

Elevations C.X.17, C.X.18, C.X.19, C.X.20, C.X.21 dated 22/02/2018

Units 4-5

Floor Plans C.A.04, C.A.05 dated 15/05/2018

Roof Plan C.A.06 dated 15/05/2018

Elevations C.A.11, C.A.12, C.A.13, C.A.14 dated 15/05/2018

Unit 6

Floor Plans C.G.08, C.G.09, C.G.10, C.G.11 dated 13/04/2018

Roof Plan C.G.12 dated 13/04/2018

Elevations C.G.18, C.G.19, C.G.20, C.G.21, C.G.22, C.G.23 dated 13/04/2018

Units 7-9

Floor Plans C.B.05, C.B.06, C.B.07, C.B.08 dated 15/05/2018

Roof Plans C.B.09, C.B.10 dated 15/05/2018
Elevations C.B.16, C.B.17, C.B.18, C.B.19 dated 15/05/2018

Unit 10

Floor Plans C.G.08, C.G.09, C.G.10 C.G.11 dated 13/04/2018
Roof Plan C.G.12 dated 13/04/2018
Elevations C.G.18, C.G.19, C.G.20, C.G.21, C.G.22, C.G.23 dated 13/04/2018

Units 11-15

Floor Plans C.C.06, C.C.07, C.C.08, C.C.09 dated 15/05/2018
Elevations C.C.15, C.C.16, C.C.17, C.C.18, C.C.19, C.C.20 dated 15/05/2018

Landscaping

Hard Landscape Masterplan: Groundworks, Fences, Boundaries & Hard Surfaces Masterplan & (outline) Specifications TStJ 0-1 22/10/2020 rev 8 dated 11/03/2021

TStJ 09 Landscape Revisions at Barton Orchard Tipton StJohn TStJ 0-9-18/02/2021 rev 9 dated 12/04/2021

Drainage

Windes Pipe Export received on 21 May 2021
WE04174-103C received on 21 May 2021
WE04174-104B received on 21 May 2021

(Reason - For the avoidance of doubt.)

2. The hard and soft landscaping scheme hereby permitted shall be carried out during seasonally appropriate times and be completed no later than 20 December 2021 unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any new planting or grass areas which fail to make satisfactory growth or which dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

3. Within two months of the date of this decision a 25 year landscape and ecology management plan (LEMP) shall be provided for approval by the Local Planning Authority covering all areas excluding private gardens. The LEMP shall include the following:
 - Management objectives
 - Extent, ownership and responsibilities for management and maintenance.
 - Details of how the management and maintenance of open space will be funded for the life of the development.

- Management of existing and proposed trees and hedgerows.
- Management and maintenance of new trees shrub and hedge planting
- Management and maintenance of grass and wildflower areas.
- Management and enhancement of site biodiversity value.
- Management and maintenance of any boundary structures, paths, furniture, drainage swales and other infrastructure/ facilities within public areas.
- Inspection and monitoring arrangements
- Relevant drawings to indicate the locations and extent of features covered by the plan.

Maintenance shall be carried out in accordance with the approved plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

4. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no dwelling shall be enlarged, improved or altered and no building, enclosure, swimming or other pool, oil or LPG container shall be provided within its curtilage without prior planning permission from the Local Planning Authority.
(Reason - To preserve the character and appearance of the buildings and their setting in accordance with strategy 46 - Landscape Conservation and Enhancement and AONBs and policy D1 - Design and Local Distinctiveness - of the East Devon Local Plan 2013-2031.)
5. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse, other than any indicated in the landscaping scheme hereby permitted, without prior planning permission from the Local Planning Authority.
(Reason - To maintain the landscaped character of the site in accordance with Policy D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)
6. The windows in the side of units 7 and 9 shall be obscure-glazed and non-opening and shall be maintained as such in perpetuity.
(Reason - To protect the amenity of adjoining neighbours in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

7. Notwithstanding the submitted details, prior to the first occupation of the relevant dwelling the first floor window (reference W.X.09) in the north west elevation of unit 3 and the stairwell window (reference W.X.16) in the north elevation of unit 1 shall be fitted with obscure glass and fixed shut. The glazing restriction shall be retained in perpetuity.
(Reason - To protect the amenities of neighbouring residents in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
8. No external lighting shall be installed other than in accordance with a lighting scheme which has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.
(Reason - In the interests of the character and appearance of the East Devon Area of Outstanding Natural Beauty in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
9. The development hereby approved shall only be undertaken in accordance with the mitigations and recommendations contained in the Ecological Assessment Report dated September 2011 and the accompanying Reptile survey report dated October 2011.
(Reason - To protect the ecological value of the site in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031.)
10. The garaging for units 1, 2, 3, 6 and 10 shall remain available for parking and shall not be converted or permanently lost for other residential uses.
(Reason - There is limited potential for any other form of additional parking provision within the site in the interests of the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)
11. Before units 1-3 are first occupied, the walls labelled 'Green Wall' on drawing A.07 shall be provided, and shall thereafter be maintained, in accordance with the following specification: (i) the external surfaces of the walls shall be rendered and painted in Moss Green (RAL colour 6005) and such finish and colour shall thereafter be maintained in perpetuity; and (ii) not less than two Boston Ivy plants (*Parthenocissus tricuspidata*) shall be planted at the base of each wall in the first planting season after the date of this decision. The planting shall be maintained for a period of 5 years from the date of first planting. Any plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of Schedule 2 Part 1 Class A and Part 2 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the walls shall not be clad,

finished or painted other than in accordance with this condition unless planning permission has first been obtained from the Local Planning Authority.

(Reason - In the interests of design and the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

12. In Units 1-3 no interior lights serving the second floor shown on drawing C.X.08, nor any serving the associated stairwell to this floor from the first floor, shall be installed other than in accordance with the details accompanying the letter from EDP Environmental dated 14 April 2018 (ref. 2302/IJS) unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

T1	Location Plan	06.09.19
A.07 rev A(8) amended	Proposed Elevation	30.04.20
TStJ 0-9 rev 9	Landscaping	13.04.21
Tstj 0-1 22/10/2020 Rev 8-11 03 2021	Landscaping	11.03.21
Windes Pipe Export	Other Plans	21.05.21
WE04174-104B	Other Plans	21.05.21
WE04174-103C	Other Plans	21.05.21
C.X.03 rev 02	Proposed Floor Plans	13.08.20
C.X.04 rev 02	Proposed Floor Plans	13.08.20
C.X.05 rev 02	Proposed Floor Plans	13.08.20

C.X.06 rev 02	Proposed Floor Plans	13.08.20
C.X.07 rev 02	Proposed Floor Plans	13.08.20
C.X.08 rev 02	Proposed Floor Plans	13.08.20
C.X.09 rev 02	Proposed roof plans	13.08.20
C.X.17 rev 02	Proposed Elevation	13.08.20
C.X.18 rev 02	Proposed Elevation	13.08.20
C.X.19 rev 02	Proposed Elevation	13.08.20
C.X.20 rev 02	Proposed Elevation	13.08.20
C.X.21 rev 02	Proposed Elevation	13.08.20
C.A.04	Proposed Floor Plans	13.08.20
C.A.05	Proposed Floor Plans	13.08.20
C.A.06	Proposed roof plans	13.08.20
C.A.11	Proposed Elevation	13.08.20
C.A.12	Proposed Elevation	13.08.20
C.A.13	Proposed Elevation	13.08.20
C.A.14	Proposed Elevation	13.08.20
C.G.08 : ground	Proposed Floor Plans	25.02.21
C.G.09 ground	Proposed Floor Plans	25.02.21
C.G.10 : ground	Proposed Floor Plans	25.02.21
C.G.11 : garage	Proposed Floor Plans	25.02.21
C.G.12	Proposed roof plans	25.02.21
C.G.18 : north east	Proposed Elevation	25.02.21
C.G.19 : south east	Proposed Elevation	25.02.21

C.G.20 : south west	Proposed Elevation	25.02.21
C.G.21 : north west	Proposed Elevation	25.02.21
C.G.22 : courtyard SW	Proposed Elevation	25.02.21
C.G.23 : courtyard NW	Proposed Elevation	25.02.21
C.B.05	Proposed Floor Plans	13.08.20
C.B.06	Proposed Floor Plans	13.08.20
C.B.07	Proposed Floor Plans	13.08.20
C.B.08	Proposed Floor Plans	13.08.20
C.B.09	Proposed roof plans	13.08.20
C.B.10	Proposed Elevation	13.08.20
C.B.16	Proposed Elevation	13.08.20
C.B.17	Proposed Elevation	13.08.20
C.B.18	Proposed Elevation	13.08.20
C.B.19	Proposed Elevation	13.08.20
C.C06	Proposed Floor Plans	13.08.20
C.C.07	Proposed Floor Plans	13.08.20
C.C.08	Proposed Floor Plans	13.08.20
C.C.09	Proposed Floor Plans	13.08.20
C.C.15	Proposed Elevation	13.08.20
C.C.16	Proposed Elevation	13.08.20
C.C.17	Proposed Elevation	13.08.20
C.C.18	Proposed Elevation	13.08.20
C.C.19	Proposed Elevation	13.08.20

C.C.20

Proposed Elevation

13.08.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.