

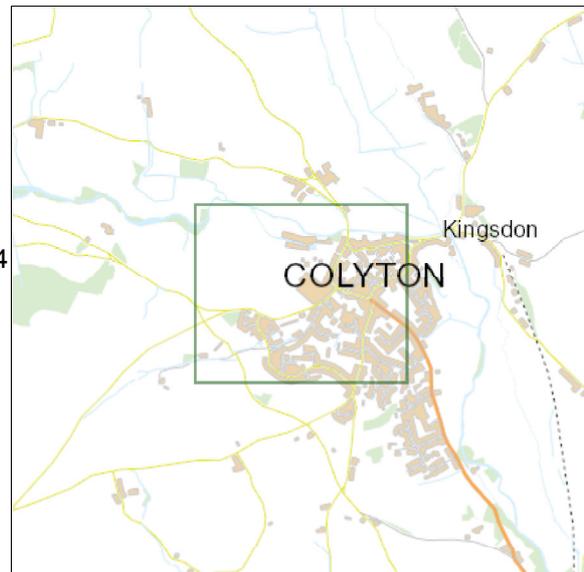
Ward Coly Valley

Reference 18/1850/MOUT

Applicant Homes England

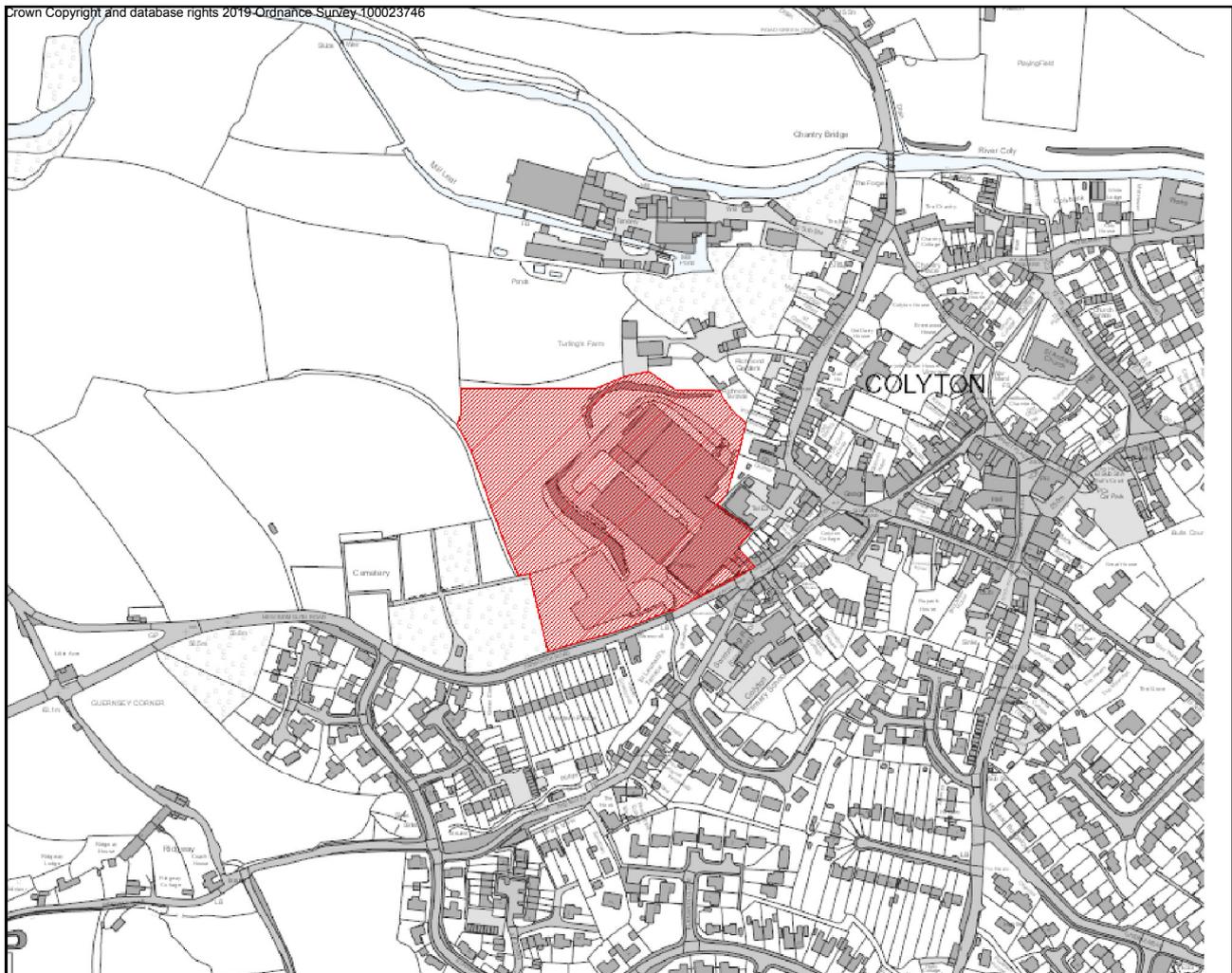
Location Ceramtec Uk Ltd Sidmouth Road Colyton EX24 6JP

Proposal Application for outline planning permission (all matters reserved for later approval except for access) for demolition of existing buildings and the development of up to 72 new houses and six B1 use class light industrial units (up to 1,000 sq. meters)



RECOMMENDATION: Approval with conditions

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		Committee Date: 3rd September 2019
Coly Valley (COLYTON)	18/1850/MOUT	Target Date: 26.12.2018
Applicant:	Homes England	
Location:	Former Ceramtec Factory Sidmouth Road	
Proposal:	Application for outline planning permission (all matters reserved for later approval except for access) for demolition of existing buildings and the development of up to 74 new homes, up to 1000 square metres of employment space (including refurbishment of existing office building), and new open space	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the committee as it is a Departure from the Local Plan and as the officer recommendation differs from the view of the Parish Council.

The application site comprises the factory that lies within the BUAB, and its car park and a further piece of land that lie outside of the BUAB in the countryside. Part of the site abuts the Conservation Area. None of the site lies within an AONB, although there are views of the site from adjacent AONB locations.

The factory site is employment land which the Local Plan would seek to protect for further employment use under Strategy 32 of the Local Plan. The proposal includes development outside of the BUAB which is contrary to policy and will have some negative landscape and visual impacts.

The proposal seeks to redevelop the majority of it to provide a mix of market and affordable housing, but with provision of 6 employment units on part of the existing factory site.

Viability assessments have been undertaken to establish what level of affordable housing the scheme could generate, as well as to test whether development outside of the BUAB is necessary to make a viable scheme. The applicant's assessment states that the development of the factory site alone is not possible, even without any affordable housing. However, there is concern about the assessment undertaken, specifically with respect to the suggested existing land values used. The availability of Vacant Building Credit (Government policy)

means that the provision of affordable housing is not a requirement. Notwithstanding this the applicant is maintaining an offer of 20% affordable housing provision but have acknowledged that they need to return the money they spent purchasing the site, even though the price paid is in excess of its value at the time.

The negative landscape impacts could be offset in part by the removal of the unsightly factory buildings and the careful design of the housing which will replace them. In addition, the provision of an element of affordable housing, in the context of a significant local need, while not the full amount the scheme could generate due to the application of the Vacant Building Credit, would go some way to also offset the contravention of policy.

The site has a significant amount of slow worms present and works are on-going to identify a suitable habitat into which they could be translocated. Subject to this matter being resolved satisfactorily it is recommended that permission be granted, subject to the heads of terms listed below and the following conditions.

CONSULTATIONS

Local Consultations

Clerk To Colyton Parish Council

18/10/18

Colyton Parish Council SUPPORTS the application but with conditions that the development is restricted to the currently drawn BUAB, the affordable housing provision is set at 40%, parking is allocated for the primary school and the community, the site access and egress is widened as a safety issue, the opportunity is taken to widen Sidmouth Road as part of this development and the green space provision is retained.

Further comments 27/11/18:

At their meeting last night the Parish Council noted a copy of letter sent to EDDC re 18/1850/MOUT (Ceramtec) from the Colyton Methodist Chapel.

The Councillors agreed that the suggestion in it for access to the back of the Church from the new development was a good one which should be supported and encouraged by EDDC. It would take a lot of traffic from King Street and provide users of the chapel a much safer access.

Further comments 26/03/19:

Revised Illustrative Layout & Street Elevations, Additional Landscape & Visual Impact Assessment, Viability Assessment Addendum, Revised description "Application for outline planning permission (all matters reserved for later approval except for access) for demolition of existing buildings and the development of up to 74 new houses, up to 1,000 sq. meters of B1 (Light Industrial).

SUPPORTED but Colyton Parish Council asks that;

- a) The provision of parking spaces for both residents of this development and visitors be looked at, currently it is inadequate.
- b) The safety of resident along Sidmouth road be a priority and a safe refuge/walkway be constructed .
- c) The future plans for the Old Co-op building currently part of the site on the SE corner but shown undeveloped be discussed and the plans for it brought into the open.
- d) Greater assurance is given on the provision of affordable housing more in line with the housing needs as identified in the Housing needs survey which cannot be ignored.

Further comments 25/07/19:

The building of 72 houses on the site is SUPPORTED but with an affordable percentage of 30% (21 houses) which would go some way towards fulfilling the 34 affordable homes recognised as being needed in the Parish through the housing needs survey. CPC was disappointed that neither the access issues raised previously or the provision of parking for the school have been considered so far.

CPC also supports Professor Fiona Mathews concerns about the bat situation at the site and urges Homes England and Peter Brett Associates to take note of her comment and take action to fulfill their responsibility.

She states "There are greater horseshoe bats in the chapel of rest. These are strictly protected under Annexe II of the Habitats Directive. There is an onus on the developer to demonstrate that there is no likelihood of an adverse effect, which basically means protection of flight routes and no light pollution. There are thought to be lesser horseshoe bats in the building on the corner of Church St (by the old jewellers) and their foraging route will certainly be over the proposed development.

Technical Consultations

Economic Development

21 January 2019

Economic Development Response - 18/1850/MOUT

Application for outline planning permission (all matters reserved for later approval except for access) for demolition of existing buildings and the development of up to 74 new homes, up to 1444 square metres of employment space (including refurbishment of existing office building), and new open space.

We are mindful that this is an outline application and are supportive of the principle of mixed use delivery on this employment site, should a compelling economic case for Local Plan departure be presented.

We have considered the application documents as submitted and provide the following observations in relation to the scheme as proposed.

Context

This application follows from the closure of the former CeramTec facility in 2015 with the loss of 80 to 100 jobs and the subsequent purchase of the site by Homes England (HE) in 2017 as part of their Economic Assets S&SW Programme. The intent was communicated to secure the re-use of this site for both employment and housing.

The case for improved local and district-wide employment provision is clear.

District Wide Focus - Jobs in East Devon

EDDC's adopted Local Plan has a target of one job per new dwelling. Since its adoption in 2013 to date, this has not been met.

Business Register and Employment Survey (BRES) data within NOMIS provides an overview of the total number of jobs in East Devon district between 2009 and 2016 (Note: The jobs count methodology does change between 2015 and 2016 so there is a break in the data (it's under a separate heading for 2009-2015 and 2015-2016). Comparing before and after is not statistically correct but the differences are not significant enough to preclude comparison.) Between 2013 and 2016 (the most recent period for which non beta BRES data is available since the current Local Plan was adopted), on average new FTE jobs have fallen 36% short per annum when compared to new housing. A summary is provided in Table 1.

Year	Employment Change	No. New Houses (EDDC Monitoring data)	Net Difference in Jobs (lost + not delivered)
2012	45,779 (-722 jobs)	-	-
2013	44,413 (-1,366 jobs)	830	-2,196
2014	47,313 (+2,900 jobs)	1,029	+1,871
2015	46,526 (47,120 new method -193 jobs)	1,027	-1,220
2016	48,095 (new method +975 jobs)	724	+251
2017	(no available data)	804 (projected)	804 (projected)
Total jobs deficit compared to new housing in East Devon (2013-2016) = - 1,294			
2013-16	Annual New Jobs Ave: 579	Annual New Housing Ave: 903	= 64% of our jobs target has been met 2013 - 2016

Table 1: Comparing New Housing and Jobs in East Devon (2013-2016). Source: <https://www.nomisweb.co.uk/query/select/getdatasetbytheme.asp?opt=3&theme=&subgrp>

Local Focus - Colyton Parish Neighbourhood Plan (2018 – 2031: Draft)

Colyton Parish Neighbourhood Plan Steering Group having communicated to the applicant (July, 2018) the need to *ensure provision* of a number of small business units of various sizes that should include smaller start-up units which can be let on an easy-in-easy-out basis.

The emerging Colyton Parish Neighbourhood Plan (2018 – 2031) highlights that the small town's growing population want good jobs and would be more than happy to work locally rather than face a daily commute. Several existing and proposed Policies are cited and proposed within the work, inc:

- Local Plan Policy S31 promotes “mixed use developments and provision of employment uses close to where people live [and] appropriate, sustainable, mixed use schemes of all scales incorporating housing and employment”.
- Policy Colyton VP03 of the East Devon Villages Plan is permissive of development that would maintain or enhance the vitality and viability of the town centre and protects existing business and commercial uses.
- Policy Coly8 supports development that creates business space and activity that would not be regarded as “main village centre uses”, within the rest of the settlement areas of Colyton and Colyford, as long as such development does not result in the loss of a dwelling, is of an appropriate scale and is generally adjudged to be compatible with its location.

Approved aims and objectives include support for sustainable business through the development of small business and workshop space. The work makes clear the need to continue to provide local employment opportunities, holding that:

“It is important therefore that the Ceramtec site is seen as a mixed-use opportunity. The East Devon Villages Plan includes much of the Ceramtec site within the proposed built-up area boundary for Colyton but does so recognising that the boundary “encompasses a variety of uses, including valued employment sites such as the former Ceramtec buildings. The Local Plan includes policies that are relevant to the redevelopment of such areas, particularly Strategy 32 – Resisting Loss of Employment, Retail and Community Sites and Buildings”.

Local Evidence of Workspace Demand

HE's own public consultation found that i) half of all respondents believed the employment space to be most important in bringing forward development of this site, and ii) it identified 7 individuals interested in renting workspace onsite. Further, the Colyton Housing Needs Study (2017) identified 21 local residents interested in work/live units within the town.

Pre-application advice to the HE included a clear requirement for them to undertake a comprehensive workspace demand survey for employment uses, the outcome of which could be used as evidence to inform a case for Local Plan departure along with any refurbishment scheme for the existing office building.

Despite encouraging existing indicators cited above, a workspace demand survey wasn't undertaken by the applicant.

EDDC Economic Development Workspace Survey

To help inform our Economic Development response to the current application, we undertook to complete our own survey of local businesses in order to develop a more grounded understanding of local workspace requirements.

ED Officers used Director-level contact information from Mint UK. This provides a comprehensive database of UK companies and would allow us to target business within the shortest commuting distance of Colyton and from industry sectors most relevant to traditional B use classes.

A pragmatic methodology was employed in the development and implementation of a survey of future workspace requirements. This contained both closed and open questions to increase the value of the information provided by each business.

The surveys were completed via telephone interviews carried out by the ED team in December 2018. Information was gathered from managing directors, owners and/or senior representatives of the companies operating from premises within the target area.

A total of 47 surveys were completed. Of these, 11 owners (23%) reported a requirement for additional B1 (office, light industrial) workspace. A gross cumulative workspace requirement was identified for 7,983 sqft within 10 miles of Colyton and within a 3 year timeframe.

A total of 5,390 sqft of this reported demand is for office space (predominantly non-serviced), however, the feedback provided by a high proportion of local business owners suggested a much stronger demand for small, affordable B1 workshop units than the 2,593 sqft recorded by the survey.

Many of the business owners contacted reported a very common local awareness of a shortage of light industrial workshop units.

B1 – Office & Light Industrial

In looking into this reported requirement, we made contact with additional local businesses and members of the Neighbourhood Plan Steering Group. We have discovered that in late 2017, 60 local businesses within Colyton Parish were surveyed in developing the evidence base for the Colyton Neighbourhood Plan. The findings of that survey show that whilst office users and admin oriented enterprises tended to operate from home offices, the provision of small, affordable B1 light industrial units would help to meet the articulated local economic need and fit the demographic particularly well.

Building on this evidence, Economic Development have now surveyed all local private sector workshop providers and found that every single local workshop unit, bar one at Colyton Business Park, is currently full. There is almost no current B1 workshop availability in the area for people wanting to start and grow businesses to take up.

Following an in-depth discussion with EDDC's Estates Surveyor, the following observations on light industrial units in East Devon were offered with specific reference to our own stock:

Riverside Units, Seaton: We have 14 units from 55 to 95 Sqm. These are single storey, some roller shutter doors (mixed type), many well suited to office use. They are offered on flexible terms. A standard lease is 6 yrs with easy-in-easy-out tenant break option giving 3 months' notice. These are all charged at market rent. They have been full for the last 3 yrs and only a small number (3 units) have changed tenants in that time. Demand is such that they were re-let at the asking rents.

Millwey Rise, Axminster: EDDC manage 9 units – 23 to 112 sqm. Single storey, mixed type. Some with roller shutter doors. Offered on flexible terms. Standard lease is 6 yrs with easy-in-easy-out tenant break option giving 3 months' notice. Again, charged at market rent. They have been full for the last 3 yrs with only one 32 sqm unit changing tenancy since Oct 2016.

Budleigh Salterton: 10 units – 27 to 44 sqm. Single storey, craft/workshop oriented units. Largely cottage industry. Well suited to office use. Offered on flexible terms at market rent. Standard lease is 6 yrs with same terms. They have been full for the last 2 yrs with no turnover at all in the last 2.5 yrs.

Manstone Units, Sidmouth: 9 units – 46 to 100 sqm. Same terms. High demand and no turnover at all in the last 3 yrs.

Property and Estates maintain an extensive enquiry log of people looking for B1 workshop units becoming available. This issue is that they so rarely do. This evidence of market failure provides a barrier to local economic growth and presents a case for intervention in the provision of small, flexible and affordable B1 workspace with potential for use as office or light industrial.

There is an opportunity for this employment site in its transition to mixed use to help meet the local demand for clean, modern workshop provision for uses which do not conflict with neighbouring residents.

Planning Statement (PBA Aug, 2018)

Section 2.1.5 of the Planning Statement submitted by PBA cites "a unique opportunity to deliver employment opportunities" whilst 2.2.4 holds that the proposed scheme "secures employment provision at the site". These aspirations are in line with our requirement for this employment site, having accepted the principle of mixed use development if the residential element were to fund and secure delivery of an improved workspace development.

Having read on, it is with considerable regret that we must highlight important concerns in relation to the content of 3.4 'Employment Provision' and 3.5 'Employment Offer'.

Fundamental issues emerge at 3.4 with the claim that "the application wholly meets the long-standing agreement with EDDC". This refers to a proposed strategy from HE for EDDC to deliver the employment space, and not the applicant. At the time of

writing, I am not aware that any such agreement is in place and detail about this claim is not provided.

Section 3.4.1 confirms that the applicant is seeking to transfer responsibility for delivering the employment element of the overall scheme to EDDC. There is reference to some degree of HE funding the refurbishment of the existing office building (with capacity for 47 jobs) but seemingly not the delivery of car parking to serve the refurbished offices.

3.4.1 suggests *land* will be provided for car parking, but we understand responsibility for funding and delivering this element would be transferred to EDDC. Without sufficient parking, the workspace is unworkable and I am aware of no agreement for this fundamental element to be funded by EDDC at a time when local authorities face unprecedented financial constraint.

Key questions are not addressed by the submitted Planning Statement. If EDDC were to take on ownership and management of the refurbished 1960's office building, what operational costs could be expected? What would be a reasonable rental figure and how does this compare with local workspace demand? Without this information, the offer is unquantified and may represent a potential liability for EDDC.

We concur with 3.5.1 that this does represent good market adaptation, mindful of our survey responses.

We support the potential to improve B1 use onsite. There is clear demand for office and clean, small units.

Recent communication with our Property & Estates team has shown they have little confidence that the existing office block alone could be viable to any operator as a serviced office scheme (3.5.2).

In 3.5.3 the 'further opportunity' for a new employment building of 720sq m to accommodate 50 jobs is cited. Again, the lack of any clear delivery strategy for this, other than seeking to task EDDC with taking responsibility for funding and delivery of it, is a concern given the current absence of any formal agreement to undertake this.

4.3.1 of the work holds that development at the site "would fulfil the economic role of sustainable development .. by helping to ensure that sufficient land is available to support growth". This claim is not substantiated since no evidence of local employment land or space requirement has been provided by the applicant. We cannot support a view that provision is sufficient if demand is not quantified.

As applicant for the mixed use scheme being proposed, we have made clear the requirement for HE to undertake active market testing for commercial demand in this area. The absence of this is a fundamental shortcoming of the application.

The only employment element of the scheme HE propose to fund to some degree appears to be the existing office building renovation to provide up to 47 jobs. This is around half of the prior employment use onsite and without undertaking to deliver the car parking, even this reduced workspace element is unworkable.

If the offer from HE to take on this employment element of the proposed scheme is unviable, there's no case for it to be taken up.

This is not an acceptable proposition and appears to render the employment element undeliverable as proposed. We are only able to conclude that from an economic perspective, the Planning Statement does not present a compelling case for Local Plan departure and it remains the applicant's responsibility to provide this.

Development Viability Appraisal (Oct, 2018)

The submitted Development Viability Appraisal (Oct, 2018) provides reference in section 4.12 to Homes England having agreed with EDDC a suggested contribution of £100,000 towards the cost of refurbishing the existing 724 sqm office building. 4.12 goes on to suggest this contribution level would be increased or decreased through the Section 106 negotiation regarding the capital contribution to refurbishment of the employment space.

It should be understood that it is the applicant's responsibility for delivering the employment element of the proposed scheme. That requirement is unchanged and reference to an agreement with EDDC is premature.

In all of my own communication with Homes England over more than 2 years, I have not agreed the principle of a financial commitment from EDDC to subsidise the applicant in delivering the employment space required on this site. In fact, I have communicated clearly to HE that no capital contribution should be required of EDDC for building out the workspace.

On the clear basis that HE build out the full employment space and car parking, I have been supportive of the *principle* of EDDC potentially taking on the management of the completed workspace element of the scheme. This remains the case, given the central importance of ensuring the site be brought back into active employment use, though as owner, it is of course for HE to identify their preferred workspace manager.

As things are currently proposed, I am unable to see how EDDC would support such low level of contribution as suggested by the applicant (£100,000) to just one aspect of the employment element of their own scheme when our Senior Building Surveyor identified a refurbishment estimate (EDDC Condition Survey Report (29.03.17) for the existing offices alone of £980k. Such an offer would constitute just 10% of this renovation cost, and without consideration to the additional cost of delivering the required car parking.

As proposed, it is difficult to identify how this might constitute an offer from HE, when it looks more like a transfer of capital liability.

As applicant for the overall scheme, it is for HE to make clear how they will fund and deliver the employment element in order to make a sufficiently strong economic case for Local Plan departure. It is this advice hasn't been taken on board or reflected in the application.

Conclusion:

We have 2 overriding areas of concern which undermine our ability to fully support the proposed scheme:

1) The lack of evidence to support the proposed change of employment use. This is required to make clear how the mixed use scheme can actually provide enhanced economic benefit compared to the existing permitted use.

It is for the applicant to provide sufficient justification for departure in the shape of an evidence base for a mixed use scheme which actually delivers (not transfers responsibility for) a sufficient level of employment.

It's not that the economic case for such a significant Local Plan departure isn't strong enough in this instance; it is more that it hasn't been provided.

It is our view that in current form, the application does not meet the requirement to provide a sufficiently strong justification for such a significant Local Plan departure in the loss of this adopted employment site to residential use without an undertaking to guarantee the employment element.

2) That the current application seeks to transfer responsibility (and liability) for the actual delivery of any workable employment space to East Devon District Council (EDDC).

The council own no part of the application site and we have shown that the suggested financial contribution to EDDC of £100k could cover only a small fraction of the cost of workspace development and the car parking required to serve it.

In the absence of any formal agreement, this proposed separation of responsibility, with HE focusing solely on housing means that delivery of the workspace is not safeguarded by the application.

Further comments 20/05/2019:

We have reviewed the amended submission which undertakes to develop 6 x B1 light industrial units as part of the overall scheme. No information is provided as to the future management of these units. However, from our own perspective, this is secondary to an assurance of their provision and successful employment use.

Whereas the applicant has addressed the requirement to ensure delivery of their proposed workspace element, a requirement still lacking from their submission is a compelling account of how the resultant economic benefit provides sufficient grounds for such a major departure from the Local Plan. This ownership of the economic evidence and justification has been largely absent in the evidence submitted to date.

On the basis of what has been put forward, Economic Development must balance the lower likelihood of robust marketing resulting in the overall site coming forward for employment use against the current proposal which now includes a far higher degree of jobs certainty, albeit within a significantly reduced site area of just 507 sqm.

Having completed the workspace demand survey and taken on board local perspectives, this lower level of workspace provision is considered acceptable subject to security (by condition where appropriate) of:

- 1) the 6 x B1 light industrial units being built out and made available (we can agree with HE a pragmatic trigger point for this), and
- 2) those units being properly marketed and managed to promote full occupancy, ensuring most benefit to the local economy

The applicant's undertaking to build out and make available these 6 x B1 units has effectively removed the Econ Dev objection.

More active support could follow from any clarity being provided on how the units will be best managed to maximise local occupancy and economic benefit.

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

This report forms the EDDC's landscape response to the Outline application for the above scheme.

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 SCHEME PROPOSALS AND RELEVANT PLANNING POLICY AND GUIDANCE

2.1 Location and summary of proposals

The application site is located close to the centre of Colyton and is served by an existing access off Sidmouth Road. The site occupies a roughly square plot of approximately 3Ha some 2/3 of which has previously been developed as factory buildings with associated car park and service roads. The proposals comprise demolition of most of the existing factory buildings with refurbishment of the main office building fronting Sidmouth Road and development of further employment space and up to 74 new homes.

2.2 Summary site description and context

The site occupies an approximately square shaped plot. There is a pronounced level change of about 14 metres across the site from west to east from a high point midway along the western boundary. Ground levels also slope down from here to the north and south. The factory complex has been developed to the eastern side of the site which has been terraced to accommodate the buildings on two distinct levels.

A car park is situated in the south west corner of the site and a strip of undeveloped, higher ground extends north of this along the western boundary including a small field providing grazing pasture in the northwest corner. The south east corner of the site

encompasses two older brick and stone buildings set behind a Victorian gateway fronting Sidmouth Road.

Land use to the south and east is predominantly residential with the historic town centre abutting the eastern and south eastern boundaries and 20th century housing to the southwest. Land to the northwest and north is pasture with a mix of small farm buildings to the northeast. The town cemetery is situated immediately to the west of the site.

To the west of the access the Sidmouth Road boundary comprises a stone retaining wall approximately one metre high with a grass bank above. East of the access the boundary is formed by modern factory buildings. The southeast corner of the site backs onto private gardens and the telephone exchange. The western boundary comprises a high stone wall to the cemetery with mature hedgerow forming the boundary to adjacent agricultural land to the north and northwest.

There are a number of mature hedgerows and trees within and around the site particularly to the western and northern boundaries. A clump of trees including a good, medium sized oak and a cedar are situated adjacent to the site access. A high hedgerow comprising predominantly field maple projects into the site from the western boundary, north of the existing car park area. There is a further clump of established broadleaved trees including hornbeam, ash and lime to the northern boundary.

There is no public access within the site itself but the adjacent cemetery is open to the public.

Rising land and the existing wall and vegetation to the cemetery boundary largely prevents views in to and from the site to the west. The northwest corner of the site affords clear views over the Coly valley and the AONB hills beyond to the north and north east. There are also good views over the old town to the east in which the distinctive octagonal tower of Colyton church is a prominent feature. To the south there are views from the site over the newer part of the town on the facing hillside.

There are direct views into the site from Sidmouth Road and from adjacent properties along its southern side. These are somewhat restricted by the site topography and existing trees and buildings but extend to the hills on the opposite side of the valley.

The principle visual receptors are likely to be:

- Pedestrians and motorists along Sidmouth Road
- Residents of Sidmouth Road and properties on higher ground to the south.
- Residents of Kings Street where it backs on to the site.
- Users of minor roads and public rights of way to the north. There is a very good network of footpaths and bridleways which, linking with minor roads, form popular routes within the AONB for pedestrians, cyclists and horse-riders. In particular there are clear views to the site from Colyton footpath 13, and the bottom of bridleway 51, from the western end of footpath 3 and from points along the unmade county road used as a public path leading down to the town from Parihayne Hill.

2.3 Landscape and conservation designations

The Colyton Conservation Area abuts the southern and eastern boundaries of the site and lies between 100 and 200m off the northern boundary.

The East Dorset AONB boundary wraps around the town to the north, east and west and at its closest is 400m to the north of the site.

2.4 Opportunities and constraints

The existing factory buildings are a mix of large, mostly prefabricated units that are out of character in this location due to their scale, form and materials. Given its prominent location in relation to both the town centre and adjoining countryside appropriate re-development of the site could positively enhance the street scene and town character and present a softer appearance in views from open country to the north.

2.5 Landscape character and sensitivity

The site falls within the Axe Valley Devon Landscape Character Area (LCA). Distinctive characteristics of this LCA relevant to the site are:

- Strong hedgerow pattern with hedgerow trees coupled with small broadleaved woods, occasional farm orchards, and carr woodlands along tributary rivers particularly north of Axminster, give rise to a generally wooded character overall.
- Historic settlements sited at old river crossing points just above the floodplain including Axminster, Seaton and Colyton and the villages of Whitford, Maidenhayne, Musbury, Kingsdon and Colyford
- Generally open character with views across valley floor to gentle valley sides with more intimate, enclosed tributary valleys.

Key LCA management guidelines relevant to this site:

- Protect the **historic settlement pattern of villages at river crossing points** or on land just above the flood plain. Prevent the linear spread of development along river valleys wherever possible, to maintain their unspoilt character.
- Protect the **traditional building styles and materials**, including use of cob and thatch. Any new development should utilise the same materials and building styles wherever possible and respect traditional scale (whilst seeking to incorporate sustainable and low carbon construction and design).
- Protect the **views to village church towers** which stand out as key landmarks across this landscape.
- Restore and manage **orchards on mid slopes** close to farmsteads and explore opportunities for the creation of new ones, including community orchards to promote local food and drink production.

The site falls within the East Devon Landscape Character Assessment Type (LCT) 3b - Lower rolling farmed and settled slopes, key characteristics relevant to the site are:

- Gently rolling landform, sloping up from valley floor
- Variable size fields with wide, low boundaries and irregular pattern
- Pastoral land use, often with wooded appearance
- Many hedgerow trees, copses and streamside tree rows
- Settled, with varied building ages, styles and settlement size

- Much use of stone as building material

Relevant management guidelines for this LCT are:

- Ensuring that any development contributes to local distinctiveness and assists integration of settlements within the landscape by the use of indigenous species.

Local landscape character and sensitivity to development

The site generally has an urban character influenced by both the historic buildings within the conservation area and more recent housing to the south east. However, within the north and northwestern parts of the site the character is strongly influenced by the adjacent traditionally farmed landscape of the valley bottom.

The previously built parts of the site are of poor quality and have a low sensitivity to change of the type proposed. The car park area and adjoining grass areas in the southwest corner of the site are more sensitive to change as an open area will be developed and enclosed as part of the proposals and some views to higher ground beyond will be lost. The existing field in the northwest corner is set below the main site and forms part of the traditional farmed landscape of the Coly valley. It is prominent in views to the site from the AONB, particularly to the northwest (refer figures 1 and 2 below) and is considered sensitive to change from the development proposed.

4 REVIEW OF SUBMITTED INFORMATION

4.1 Landscape and visual impact assessment (LVIA)

Not provided. A visual assessment is included in the Design and Access statement - see comments below.

4.2 Design & access statement (DAS) and layout plans

The visual appraisal within the DAS fails to consider important view points from the northwest from where there are direct views to the undeveloped area of pasture in the northwest corner of the site. In these views this part of the site reads as part of the river valley and existing development beyond is largely screened by trees. (See figure 1 and 2).

The DAS notes that surface water run-off will be attenuated within underground storage crates. The use of surface features such as swales should be explored and permeable surface materials utilised wherever possible.

The proposed layout retains employment use in the southeast corner with the refurbishment of the existing circa 1970's office building and construction of a similar proportioned building to the east to form a courtyard with central parking area. Although unclear from the details submitted, it is understood that the larger of the two brick and stone buildings set behind the stone gateway in the far south-eastern corner of the site is to be retained and refurbished for residential use while the smaller building

is to be demolished. The remainder of the site is proposed for new housing with an open space area situated on the high ground adjacent to the western boundary.

The general layout of wide roads and predominantly detached and semi-detached house types set back from the road edge and arranged in regular geometric pattern is uncharacteristic of the tight and winding settlement pattern evident within the town immediately to the south and east and greater use of terraced blocks in a tighter arrangement would be more appropriate and would make better use of space.

Meeting required parking provision is clearly a challenge and consideration should be given to set some parking into the slope to the eastern side of the open space which may help in achieving a closer arrangement of buildings within the centre of the site.

There is very little information provided with the application to show how the significant level changes across the site will be dealt with in the design and further topographic information and detailed north-south and east-west sections across the site are required to understand how the levels will work.

There is no reason given in either the DAS or the Heritage Statement to justify retention of the former Ceramtec office building. Its design is out of character with the conservation area and its position in relation to the street is a significant design constraint. While its retention may be due to economic reasons consideration should be given to its demolition which could greatly improve the overall street frontage of the scheme.

The current courtyard arrangement between the two employment buildings needs to include some planting/ trees to soften the space and provide visual interest.

The DAS indicates that the housing areas to the northwest and southwest corners of the site are arranged to pick up the character of nearby farmsteads. It is questionable if the design achieves this aim and unclear why such an approach would be appropriate in the southwest corner as this area faces the town and has no physical or strong visual link to open countryside.

The proposed development of the existing pasture in the northwest corner of the site is of concern as it extends the built envelope of the town towards the valley bottom in views from public vantage points to the northwest. Retaining this area as open field would also provide opportunity for an open SuDS scheme.

The layout could make more of views to the church tower which could be an attractive feature of the development.

The proposed new houses adjacent to Sidmouth Road to the west of the site access are set side-on to the road at approximately 2m above street level with garden boundaries also side-on to the street. To screen the gardens, provide visual unity to the road frontage and continuity with the grassed roadside bank to the cemetery a grass bank should be maintained along the Sidmouth Road boundary of the site topped with native hedgerow with specimen trees.

The proposals provide a generous allocation of open space on the high ground within the development, although a significant amount of this comprises steep embankments

which are not useable. There is very limited provision for natural surveillance of the open space from surrounding houses due to level differences, contrary to RoSPA and Play England guidance.

5 CONCLUSIONS AND RECOMMENDATIONS

5.1 Acceptability of proposals

In principle the redevelopment of the previously developed areas of the site for residential and employment purposes would seem acceptable in term of landscape impact. However the inclusion of the existing pasture in the northwest corner of the site is of concern due to adverse landscape and visual impact.

Although the DAS includes a visual assessment, for a scheme of this scale a full Landscape and Visual Impact prepared in accordance with Guidelines for Landscape & Visual Impact Assessment, edition 3 should be provided with the application.

A number of issues have been identified with the proposed layout submitted with the application which require further consideration as noted under section 4.2 above.

On the basis of the details submitted the scheme should be considered in conflict with the following EDDC Local Plan policies:

Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, especially:

1. Land form and patterns of settlement.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Strategy 46 - Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well-being of the area.

D1 Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
 - Important landscape characteristics, prominent topographical features and important ecological features.
 - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
 - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

For the above reasons the application is considered unacceptable in terms of landscape and visual impact. However, subject to the points noted at 4.1 and 4.2 above being adequately addressed the scheme could be considered for approval:

In the event that amended information is received and approval is recommended, the following conditions should be imposed:

5.2 Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.

b) Details of existing and proposed levels and drainage scheme incorporating appropriate SuDS features.

c) Details of locations, heights and specifications of proposed external lighting.

d) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.

e) Plant schedule indicating clearly the location, form, size and density of proposed planting.

f) Specification for soil quality, cultivation, planting, sowing, mulching and means of plant support and protection during establishment period.

g) Measures for protection of existing trees during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) In addition, the following standard EDDC landscape conditions should apply:

L01N, Landscaping - full permissions

L02N Landscaping - groundworks

L06N Landscaping - fences and boundaries

L11N Landscaping – landscape management 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 and management arrangements for existing and proposed trees and hedgerows.*
- *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.*

L15N Landscape condition for full planning permissions (omitting non relevant parts/sections)

Further comments 25/04/19:

1 Introduction

This report forms the EDDC's landscape and green infrastructure response to **amended** information submitted in relation to the above application.

The report provides a review of amended landscape related information 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 22 November 2019.

2 Review of Landscape and Visual Impact Assessment (LVIA)

Generally the LVIA is clearly laid out and comprehensive in its assessment of baseline conditions and landscape and visual receptors with a good number and range of viewpoints included.

However the assessment does not consider relevant management guidelines and recommendations relating to national, regional and district landscape character assessments which should inform the proposals. In respect of NCA 147 Blackdowns this includes policy SEo4:

- Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines and historic settlement form. Reflect the local vernacular and geodiversity in new development and encourage provision of high-quality green infrastructure.
- Protecting locally distinctive building styles and the use of local materials, where appropriate and sustainable, and encouraging their integration into new development as well as sustainable technologies.

Key Devon LCA/ East Devon LCT management guidelines that should have been considered include:

- Protect the historic settlement pattern of villages at river crossing points or on land just above the flood plain. Prevent the linear spread of development along river valleys wherever possible, to maintain their unspoilt character.
- Protect the traditional building styles and materials, including use of cob and thatch. Any new development should utilise the same materials and building styles wherever possible and respect traditional scale (whilst seeking to incorporate sustainable and low carbon construction and design).
- Protect the views to village church towers which stand out as key landmarks across this landscape.
- Restore and manage orchards on mid slopes close to farmsteads and explore opportunities for the creation of new ones, including community orchards to promote local food and drink production.
- Ensuring that any development contributes to local distinctiveness and assists integration of settlements within the landscape by the use of indigenous species.

Para 4.4.2 correctly identifies three distinct areas within the site being i) the former factory buildings, ii) the car park area and iii) the remnant field to the northwest corner.

Para 4.4.3 refers to two significant tree groups within the site. There is no mention of the existing trees at the site entrance which should also be considered to be significant.

Having identified the three site character areas at para 4.4.2, para 4.4.4 then states that due to 'the scale of the factory buildings ... and the strong visual connectivity between the 3 sub-areas the whole site has been considered as a single landscape unit.' Hence forward within the LVIA the site is considered only as a single brownfield space. This is a fundamental error which introduces a major bias into the rest of the report for the following reasons:

- a) The statement that there is strong visual interconnectivity between the three sub areas is incorrect. Rising landform and existing high hedgerow between the car park area and the north-western field prevents any intervisibility between the two.

While there is some visual connectivity between the field and the factory buildings this is limited by landform and tree cover.

- b) While the factory buildings and car park area have an easterly aspect looking towards the existing town, the north eastern field has a north-westerly aspect that looks away from the town and across the undeveloped Coly valley to the hills of the AONB.
- c) There is no physical imperative to develop the remnant field in order to redevelop the remainder of the site.

Consequently the subsequent assessment of the entire site as having low sensitivity (para. 4.4.4) is incorrect. While it is agreed that the sensitivity for the factory buildings is low, the car park area could be considered of medium sensitivity due to its lack of buildings and openness to views from Sidmouth Road towards the AONB, while the lower field, which is distinct from both the remainder of the site and the town, particularly in views from the north and north east and is farmed as an intrinsic part of the valley bottom, should be considered to have a high sensitivity.

The assessment of the visual sensitivity of surrounding roads as medium or low ignores the fact that in a number of instances roads are used frequently by walkers, cyclists and horse riders to connect between various rights of way and green lanes and the sensitivity of viewpoints 15 (Road Green Cross) and 16 (Lion's Close Hill) in particular, should therefore be considered high rather than medium as stated in table 2.

Para 6.2, bullet point 4 states proposed buildings will be a maximum of 2 storeys high and 6m to eaves. However para 6.3 states that buildings will be up to 2.5 stories high at the site entrance. From the accompanying elevations the latter appears to be the intention with a further 2.5 storey block marking the end of the proposed site access road. In understanding the landscape and visual impact of proposed building heights it is more important to know the height to ridge than to eaves of proposed buildings and to be able to compare this with the ridge height of the existing site buildings particularly the office building at the site entrance.

In its consideration of potential landscape effects para 7.2.3 identifies the magnitude of change across the whole site as low and the effect on the AONB as moderate positive, based on the assumption made at para 4.4.4 that the site constitutes a single landscape unit. While this is potentially correct for the factory buildings area, the magnitude of change within the car park area is likely to be moderate/ high with negligible effect on the AONB and a high magnitude of change for the lower field in the northwest corner resulting in a negative effect on the AONB.

The LVIA assesses the magnitude of change of the proposals on the Conservation Area as high, with a major positive effect on it. While the assessment of the magnitude of change is not disputed, the assessment of the effect of the proposals on the Conservation Area lacks the necessary evidence including sections and elevations to demonstrate the relationship of space, height, massing and materials between the proposed buildings and surrounding and key buildings in the Conservation Area. The assessment also lacks consideration of the impact of the proposed buildings on views to the church tower and hills beyond despite noting at para. 4.2.9 that the view from

Sidmouth Road is identified in the Conservation Area Appraisal as being an important view.

In its assessment of landscape effects the LVIA fails to consider construction and full operational phase impacts of the proposed development including lighting.

Viewpoint photographs are presented as panoramic images with a wide viewing angle. While this is helpful in providing context, the centre of the image appears relatively smaller than in reality and a single frame photograph should also be provided for each location with 40 degree viewing angle to more closely represent the actual viewing experience.

A full set of printed high resolution viewpoint photographs should be supplied at A3 size to ensure that features of note can be clearly seen.

Viewpoint 5 is wrongly captioned as Ball Hill. The actual location is on the minor county road near Heathayne Farm.

3 Review of amended site plan and additional sections and illustrations

Overall the proposed road layout remains the same as the previous layout but some significant changes have been made to the arrangement and height of the proposed buildings. Key changes comprise:

- Demolition of the Ceramtec office building and replacement with residential units.
- Provision of two new employment- use buildings.
- Introduction of 2.5 storey house types at the site entrance and northern end of the site access road.
- Changes to the configuration of housing clusters to the central and western side of the site with car parking generally arranged in small parking courts to the rear rather than individual private drives.

Generally the amendments appear to be an improvement on the previous scheme proposals in terms of landscape design but the following areas of concern are noted: Further detail is needed to demonstrate how the proposed scheme relates to the Conservation Area and what the Sidmouth Road frontage of the scheme would look like to the east of the site entrance.

The proposed development of the field in the north-western corner of the site remains a concern as it extends the built envelope of the town towards the valley bottom especially in views from the northwest.

There is still insufficient detail to show how the significant level difference across the site will be dealt with.

The open space area is in an elevated position which limits opportunities for natural surveillance.

4 Conclusion and recommendations

As noted above the LVIA is based on the flawed assertion that the site is a single brownfield landscape unit and the resulting conclusion that the proposed scheme would result in a moderate to high positive enhancement throughout the site lacks credibility.

Consequently concerns noted in the previous EDDC landscape response regarding the landscape and visual impact of extending development into the field in the north-western corner of the site remain, while further studies are required to verify the impact of the proposals for the remainder of the site on the Conservation Area and important views within the town.

Critical also to the successful redevelopment of the site is the treatment of levels and further information is required to demonstrate how level differences across the site will be dealt with.

East Devon AONB

Apologies for delayed comments.

I have visited the site and considered the impact on the AONB, in particular from the north west. The site is located at the entrance to Colyton and therefore presents an important location that will be critical to reinforcing the character of this historic town and its impact on the wider area and AONB.

I have not had time to construct a full response, but I fully concur with the comments made by your landscape officer on the need to address the impact of the development on the AONB in particular in the north west field/section of the site. A detailed LVIA should be undertaken and importantly, the development should be reconsidered in respect of this potential adverse impact, to address site scale, massing and design to ensure any proposal sensitively integrates with the wider landscape and accords with the landscape character management guidelines for the location.

Housing Strategy Officer Melissa Wall

This site lies partially within the built up area boundary of Colyton and therefore under strategy 34 we would require 50% (37 units) on-site affordable housing.

A housing needs survey has recently been completed for the parish which identified a need for 36 affordable homes within the next 5 years, 31 for affordable rent and 5 shared ownership. The survey identified a need for 20 x 1 or 2 bedrooms properties for single people & couples, 8 x 2 beds for families, 7 x 3 beds for families and 1 x 4 bed for a family. Any development proposals should take into account the identified need in terms of property types, sizes and tenure. A CLT is being formed whose priorities are to help ensure the delivery of affordable homes on this site to meet the identified need. The emerging CLT are keen to enter into discussions with the applicant.

Within the planning statement, Appendix K deals with Vacant Building Credit. Under the revised NPPF (July 2018) paragraph 63 states that where vacant buildings are being re-sued or redeveloped any affordable housing contribution due should be reduced by a proportionate amount. This change means the Council no longer have the discretion over the implementation of VBC and have to apply it. With this property due to the size of the existing buildings and the proposed new dwellings it is unlikely to result in any affordable housing having to be provided. However as this is only an outline application and the size of the proposed dwellings are not yet confirmed the issue of VBC will have to be resolved and confirmed at reserved matter stage. The S106 will have to allow for this.

Despite the application of vacant building credit, the applicant, Homes England, have confirmed that they will provide 30% on-site affordable housing. The tenure should be as per policy and provide 70% rent accommodation and 30% shared ownership. The housing needs survey supports this with the majority of those in need requiring rent accommodation.

The affordable units should be available in perpetuity and transferred to and managed by a preferred register provider or a CLT. The affordable units should be tenure blind and should all be built to meet M4(2) of Building Regulations, Category 2: accessible and adaptable dwellings. The affordable dwellings should be dispersed throughout the scheme. Nominations for the completed units should come through Devon Home Choice for the rented units and Help to Buy Southwest for the shared ownership (80% restriction on staircasing applies). Future occupants of the affordable units should have a local connection to the parish, cascading to surrounding parishes and finally the district.

County Highway Authority

16 October 2018

Observations:

The application is in outline with all matters reserved except for access which is to be considered at this time.

The application includes a Transport Statement and a Travel Plan, the scoping for which was agreed with the LPA and the county highway authority prior to the application.

Walking and Cycling:

The site is centrally located in Colyton within close walking distances to the local Primary School, Library, Convenience Store, Bank and playing fields facilities.

Further access to Secondary School (Colyton Grammar), Medical Centre etc. is within reasonable cycling distance, and the larger towns of Seaton and Axminster via the National Cycle Route (NCR)2 which 750 metres to the east of the site.

Public Transport:

Bus stops offering services to Seaton and Taunton (via Honiton) and Beer and Axminster are 300 metres to the east of the site.

Local Highway Network:

The site access is on Sidmouth Road which is a 'C' class road which connects to Old Sidmouth Road and the A3052 at Stafford Cross in the southwest; Queens Street and the B3161 to Colyford and Seaton to the south and King Street, Shute and the A35 to the north.

Traffic Generation:

The site is the former Ceramtec factory which was purpose built for the processing of china clay and the production and distribution of ceramic components for electrical equipment.

The applicant has calculated the former use trip rate from the TRICs database which a nationally recognised tool for trip rate analysis and I have no reason to doubt the figures used.

The change of use will, because of its residential element, alter the amount of traffic going away from the site in the AM peak and the amount of incoming traffic in the PM peak. It could be said that the AM and PM peak flows will almost be the reverse of that which the site attracted as a factory.

Taking these matters into account, the AM peak is expected to generate 11 additional two-way trips over the peak hour, which equates to one additional vehicle movement approximately every 4 minutes. The PM peak is expected to generate 3 additional two-way trips in the peak hour, which equates to one additional vehicle movement approximately every 10 minutes.

Based in these forecast outcomes it was not considered appropriate to look at the wider highway network and any off-site junctions, as such vehicle numbers would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access

The existing priority T junction to the site is proposed as the access to the development and the application shows by the use of vehicle swept path diagrams that it will be able to accommodate refuse collection and 7.5 tonne vehicles.

Footway Provision:

The existing footway provision fronting the site in Sidmouth Road is deficient in width and as part of the development access proposals will be widened to the contemporary standard of 2.0 metres.

It has been suggested that the Sidmouth Road may be narrowed to accommodate the wider footway but, having checked this point with the applicant, I can confirm that the additional footway width required as part of this application will come from the application site and that the carriageway will not be altered.

Travel Plan:

The Submitted Travel Plan proposes a number of measures to reduce the impact of the proposed development on the surrounding highway network and maximise the use

of non-car transport modes and like most TP's is only as good as those who will be tasked with coordinating it.

I note that the developer is prepared to fund £50 Green Travel Voucher for the first tenure of each unit within the monitoring period and a voucher will be supplied to residents as part of their Travel Pack upon occupation. This amount appears to be meagre and, I suggest, would not be adequate to provide the opportunity to purchase any meaningful walking, cycling and other sustainable travel equipment items that would facilitate home-working or subsidised public transport tickets for any meaningful length of time.

The intention for the TP coordinator negotiate reduced discounted bus tickets rates also seems not thought through, to me. Much better that the developer negotiates free bus passes for say the first three months of occupation.

Whilst the TP mentions parking (illustrative only) it should also make note for the provision of electric charging points for residents vehicles and also for the employment building/s.

Other Matters:

As previously mentioned this application is in outline with matters of access to be considered at this time. All other matters relating to layout, parking etc. are to addressed at a later stage.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 42227/5501/SK01.

REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway and provide visibility splays of 2.4 metres by 43.0 metres in both directions.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway
 REASON: In the interest of public safety and to prevent damage to the highway

4. No part of the development hereby approved shall be brought into its intended use until the:

- C) access
- D) parking facilities
- E) commercial vehicle loading/unloading area
- F) visibility splays
- G) turning area
- H) parking space and garage/hardstanding
- I) access drive
- J) and access drainage

have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
 REASON: To ensure that adequate facilities are available for the traffic attracted to the site

Further comments 23 July 2018:

Observations:

The application is in outline with all matters reserved except for access which is to be considered at this time.

The application includes a Transport Statement and a Travel Plan, the scoping for which was agreed with the LPA and the county highway authority prior to the application.

Walking and Cycling

The site is centrally located in Colyton within close walking distances to the local Primary School, Library, Convenience Store, Bank and playing fields facilities.

Further access to Secondary School (Colyton Grammar), Medical Centre etc. is within reasonable cycling distance, and the larger towns of Seaton and Axminster via the National Cycle Route (NCR)2 which 750 metres to the east of the site.

Public Transport

Bus stops offering services to Seaton and Taunton (via Honiton) and Beer and Axminster are 300 metres to the east of the site.

Local Highway Network

The site access is on Sidmouth Road which is a 'C' class road which connects to Old Sidmouth Road and the A3052 at Stafford Cross in the southwest; Queens Street and the B3161 to Colyford and Seaton to the south and King Street, Shute and the A35 to the north.

Traffic Generation

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Taking these matters into account, the AM peak is expected to generate 11 additional two-way trips over the peak hour, which equates to one additional vehicle movement approximately every 4 minutes. The PM peak is expected to generate 3 additional two-way trips in the peak hour, which equates to one additional vehicle movement approximately every 10 minutes.

Based in these forecast outcomes it was not considered appropriate to look at the wider highway network and any off-site junctions, as such vehicle numbers would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access

The existing priority T junction to the site is proposed as the access to the development and the application shows by the use of vehicle swept path diagrams that it will be able to accommodate refuse collection and 7.5 tonne vehicles.

Footway Provision

The existing footway provision fronting the site in Sidmouth Road is deficient in width and as part of the development access proposals will be widened to the contemporary standard of 2.0 metres.

It has been suggested that the Sidmouth Road may be narrowed to accommodate the wider footway but, having checked this point with the applicant, I can confirm that the additional footway width required as part of this application will come from the application site and that the carriageway will not be altered.

Travel Plan

The Submitted Travel Plan proposes a number of measures to reduce the impact of the proposed development on the surrounding highway network and maximise the use of non-car transport modes and like most TP's is only as good as those who will be tasked with coordinating it.

I note that the developer is prepared to fund £50 Green Travel Voucher for the first tenure of each unit within the monitoring period and a voucher will be supplied to residents as part of their Travel Pack upon occupation. This amount appears to be meagre and, I suggest, would not be adequate to provide the opportunity to purchase any meaningful walking, cycling and other sustainable travel equipment items that would facilitate home-working or subsidised public transport tickets for any meaningful length of time.

The intention for the TP coordinator negotiate reduced discounted bus tickets rates also seems not thought through, to me. Much better that the developer negotiates free bus passes for say the first three months of occupation.

Whilst the TP mentions parking (illustrative only) it should also make note for the provision of electric charging points for residents vehicles and also for the employment building/s.

Other Matters

As previously mentioned this application is in outline with matters of access to be considered at this time. All other matters relating to layout, parking etc. are to addressed at a later stage.

09/04/2019

The LPA have consulted with the CHA regarding the removal of the office refurbishment element in favour of six industrial units and Landscape and Visual Impact. Neither of these elements are of particular concern to the CHA, therefore we do not wish to comment on these elements.

23/07/2019

The LPA has consulted again with the CHA regarding an amended scheme of up to 72 new houses and six B1 use class light industrial units (up to 1,000 sq. meters). Having read the Addendum Transport Statement the CHA is content that the proposed amended scheme forecasted vehicle trip generation is likely to be less than the former site use and the previous scheme for 74 and 1444 sq . meters of employment space and therefore has no further comments to make.

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 42227/5501/SK01.

REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway and provide visibility splays of 2.4 metres by 43.0 metres in both directions

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

4. No part of the development hereby approved shall be brought into its intended use until the
- C) access
 - D) parking facilities
 - E) commercial vehicle loading/unloading area
 - F) visibility splays
 - G) turning area
 - H) parking space and garage/hardstanding
 - I) access drive
 - J) and access drainage
- have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

EDDC Trees

I have no major objection to this site being developed, the only observation is that there appears to be two Designs within the Tree Constraints Plan which is a little confusing, of the two designs the drawing 180724-3.1-CTFFSC-Design D and TCP-1.0-MM is more acceptable as it removes the Car parking from under the trees in the North West corner of the plot. On full application a more detailed Tree protection Plan and landscaping design for trees would be required.

Environmental Health

I have considered this application and recommend the following conditions are attached to any permission granted:

Construction stage:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Commercial stage:

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 0730-1800hrs Monday to Friday, or 0730-1300hrs on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

Contaminated Land Officer

I have considered the application and in view of the previous use of this site for manufacturing purposes I would recommend that the full contaminated land condition CT3 is included in any approval.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Natural England's advice on other natural environment issues is set out below:

Landscape advice:

The proposed development is for a site within or close to a nationally designated landscape namely East Devon AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Devon County Council Flood Risk Management

No response received

Conservation Officer

CONSULTATION REPLY TO PLANNING EAST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING & CONSERVATION
AREA

ADDRESS: Former Ceramtec Factory Sidmouth Road Colyton

GRADE: II APPLICATION NO: 18/1850/MOUT

CONSERVATION AREA: Adj Colyton

PROPOSAL: Application for outline planning permission (all matters reserved for later approval except for access) for demolition of existing buildings and the development of up to 74 new homes, up to 1444 square metres of employment space (including refurbishment of existing office building), and new open space

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. Garton House in Sidmouth Road is the closest property to the site along with the Methodist Chapel in King Street. Hamlyn Mills Tannery lie some distance to the north of the site. The site is adjacent to the north west boundary of Colyton Conservation Area.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Keep the existing brick buildings within east of site on road frontage. More details are required for the potential for conversion and type of use. More information requires regarding the current condition and use, if any. The preference would be for residential in this area, as it is next to existing housing.

Key: Building 4 in Heritage Statement & Design & access Statement not shown sufficiently clearly or labelled on plan.

No development historically on site - remained open countryside until factory built - there appears to be no history of the site or when it was first built.

Strong street frontage is needed. Housing needs to be closer together, longer terraces, less spacing, rather than more individual detached houses or pairs. The design justification for the gable ends of road fronting houses weak. It was explained that it was informed by the two houses opposite, however, they are the exception. It was suggested that this was revised in settlement pattern for the site as well.

Car parking to offices onto frontage not acceptable. The overall layout is too suburban, it doesn't follow the street patterns and character of Colyton. Road lengths are too long and too generic. The road system appears to be standard with T shape turning areas and courtyards forming uncharacteristic end stops to the groups of housing development. The main access road needs to be curved and not lead into the site including the shared surface area. It is too dominant as it is. Need to be less uniform.

It was discussed that the design inception came from farm courtyards, however, the opinion of the Conservation Officers, is that it failed to achieve this due to the loose and random grouping of the houses rather than a tighter grouping. The parking areas are very significant/dominant. Farmstead courtyards not appropriate context for the housing development as this is a town surrounded by open countryside not farmland/farmsteads. Any development should follow the townscape rather than farmscape.

Gardens backing onto each other do not follow the traditional pattern of long/linear gardens of this area.

East of site closest to boundary of site and listed buildings & traditional cottages etc. in Colyton any development for housing to be subservient.

Materials: traditional to match existing (render, brick, stone, slate) subject to conditions and samples.

There was a meeting on site with the agents on 15 November 2018. The two Conservation officers and landscape architect attended. The above matters were discussed as well as a walk around inside the site. A further survey of important sight lines in was assessed by the officers post meeting. It was agreed at the meeting that the architect would come back with revised drawings based on discussions on site. To date this appears not to have been submitted.

The (inclusive) historic buildings with courtyard that appear to be attached at the rear to the factory buildings and are hidden behind tall wooden gates that open onto Sidmouth Road was discussed too. It was suggested that this could possibly be dealt with as a separate/sub project. The agent explained that the proposal is for the attached neighbour to acquire one (single storey?) building, convert/renovate the two storey brick house and demolish the brick industrial building. It was advised that any demolition needs to have adequate justification and evidence as part of any future application. It was impossible to see into the sight from the road other the roofs.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

(it is expected that there will be further opportunity to provide a more comprehensive and detailed report subject to receiving the revised design).

South West Water

I refer to the above application and would advise that South West Water has no objection.

The intention to pump surface water to the nearby culverted watercourse is noted and the developer needs to be aware of the criteria relating to the adoption of such installations detailed in sewers for adoption as there is a watercourse available to the site where a gravity connection is likely to be possible.

Devon County Archaeologist

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I appreciate the application is only outline but based on the indicative plan and other information supplied I would make the following comments for consideration.

On the whole the layout will provide overlooking and active frontages to the new internal streets which is welcomed, as are clearly defined public and private spaces as alluded to in the Design & Access Statement.

The majority of gardens are aligned back to back and in the main access to the rear of plots is restricted. Parking has been allocated effectively with the majority being allocated on plot with good surveillance provided. The exception to this is the parking court towards the north east of the development which is afforded very little surveillance and provides access to the rear of a number of plots. This increases the risk to vehicles and dwellings.

Another area which has limited surveillance is large parts of the designated public open space. Only a small part of this area is effectively overlooked by two plots, the remainder lacks surveillance which can contribute to anti-social behaviour and increase the fear of crime. If the potential footpath link is added, it will place an even greater emphasis on the need for effective surveillance and guardianship of this area in order for legitimate users to feel safe using this area. If not, it runs the risk of enabling anti-social behaviour and increasing both the fear and likelihood of crime. Reorientation of the 4 bedroom plot to the east of the public open space would provide more surveillance.

I note that in some areas existing and new hedges and trees will form part of the rear garden boundaries to plots. This is acceptable providing the hedge is high enough, a minimum of 1.8m, and robust enough to act as an effective deterrent to prevent unauthorised access. Importantly any hedge must not be susceptible to wide seasonal variation which may affect this function and clearly must also be fairly uniform in depth and height to be effective.

The boundary of the 'employment' section of the development needs to be clearly defined with clear rule setting in place and the installation of a gate. This would reduce the potential for conflict with residents, particularly over parking and ensure that the space isn't misused.

Will the site be adopted and lit as per normal guidelines? If so what will the lighting strategy be for any parking courts and footpaths? They must be properly lit to ensure residents feel comfortable and safe using these spaces when dark.

Other Representations

18 letters of objection received raising the following matters:

- While there is support for housing for local people and opportunities for employment in the area but am concerned about the highways infrastructure.

- Could times be set within the development site which avoid having lorries turning out/in of Sidmouth Road which is not a very wide road and often has cars parked on both sides, during school pick-up times.
- Could a new access be installed closer to the cemetery?
- Lack of consideration for road safety in the application.
- Access to and from the site appears restrictive and potentially difficult
- Road must be widened next to the site and no parking allowed in this section.
- With a reduction to 50-60 jobs parking would become available for local residents.
- Public consultation event did not make it clear that half the site is outside the Built Up Area Boundary.
- What is the point of the BUAB if it is to be ignored? Exception sites have been permitted but this is not the case here.
- Insufficient parking.
- No need for 74 houses, projected need is in the 30-50 range.
- The effect on drainage.
- The site is large relative to Colyton (approximately one tenth of the size).
- Development outside of the BUAB would be visually intrusive and detrimental to the setting of Colyton, being incompatible with Strategy 7 of the Local Plan.
- Extra traffic will bring increase air pollution.
- Speed on Sidmouth Road is faster than suggested.
- Development will only benefit Tesco in Seaton where most locals shop.
- Concern over effects of vibration on foundations of old properties.
- The Chapel of Rest next to the site accommodates several bat species, including greater and lesser horseshoe bats which are on Natural England's red list. They can be affected by light. Can see no reason why development cannot be limited to being within the BUAB only.
- New junction will interfere with well used footpath into Colyton.

12 letters of support received raising the following matters:

- Strongly support the provision of affordable homes on the site.
- 40 job opportunities would be sufficient. Too many will bring commuters.
- The car park should be classified as Brownfield
- The area of open land on the Ceramtec site (but outside the Built Up Area Boundary) should be developed as proposed to maximise the number of affordable homes. The applicant is not developing the remainder which will become public open space.
- Less employment would allow more car parking to alleviate local congestion.
- A car park for construction vehicles of 50 spaces should be provided prior to development, possibly on the proposed green space.
- The application should be supported unless another developer obtains the site with less affordable housing provision.
- The opportunity to develop the brownfield site should be taken.
- Homes England will retain control of the site until developed, ensuring the affordable housing will be delivered.
- To ensure this the legal agreement should secure the delivery of affordable units first.

- Welcome the Parish Council dropping request that only land in the Built Up Area Boundary should be developed as this would make the scheme unviable. Unsure how the car park was left out of this boundary in the Local Plan.
- Minutes from the Parish Planning Committee confirm that most parish councillors had not been told/aware that half of the site in the Draft Village Development Plan as acquired by Homes England had been omitted from the Built Up Area Boundary.
- In the public interest that the scheme is approved to deliver employment area, affordable homes and green space. Request that the applicant is not forced to incur further significant costs which may risk the 30% affordable housing being proposed.
- Concern that if Homes England can't develop the site it will lie vacant for years to come.
- Swap the employment for affordable houses to make the site viable.
- Employment units unnecessary particularly when EDDC owned employment sites in Seaton remain undeveloped.
- No evidence of demand for employment provision.

10 other letters raising the following matters:

- Please take account of the following green infrastructure
 - 40% green space in including parks, wildlife corridors, community orchards
 - Retain and plant native trees at 25% tree cover, plant wildflower rich meadows/verges, plant fruit trees for pollinators
 - Nest bricks for swallows, sparrows and other birds. Nest boxes on commercial buildings
 - Hedgehog 'highways' through gardens
 - Insect bricks built into houses
 - Swales to slow drainage and encourage biodiversity
- The traffic plan is not realistic, only looking at the roadway/traffic within the site and the immediate section of adjacent road. It should look at the whole of Sidmouth Road, including the congested T junction of Queen/King Street. There is no mention of large delivery vehicles going to and from convenience stores in Colyton on a daily basis or access for emergency vehicles. It is not clear if the road is to be narrowed to allow the pavement. Peak pick up time at the Primary School is ignored.
- Could disabled access to the Methodist Church be improved as part of the proposals.
- Affordable housing needs to be increased and employment reduced.
- Agree that some development of the site is needed but concern over the scope of development. There will be a significant increase in traffic; the site is no longer available for school drop-off parking; parking provision will not be adequate. Does Colyton need this much housing? Is there sufficient infrastructure to support them (the primary school does not have much spare capacity). Destruction of established trees and associated wildlife.
- Will drains be able to cope?
- Will the affordable housing targets be met and not changed after permission is granted?
- Development outside Built up Area Boundary should not be allowed.

- Widen Sidmouth Road by one lane near the site to permit two way traffic, hopefully within the development site.
- Designate a short stretch of kerbside, opposite Western Terrace for 15 minute parking, possibly 8am to 6pm.
- Unsure how local roads, schools, doctors etc. will cope with more people. How will the homes be secured for local people and not become holiday homes?
- Concerned regarding the removal of asbestos

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built Up Area Boundaries)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

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)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

EN16 (Contaminated Land)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

E2 (Employment Generating Development in Built-Up Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

East Devon Villages Plan - Adopted 26th July 2018

National Planning Policy Framework 2019

National Planning Policy Guidance

Site Location and Description

The site extends to just over 3 hectares and is situated on the north-western edge of Colyton. The site is a disused commercial site occupied in the main by several substantial scale industrial buildings. There are also some associated offices, car parking and landscaping. Overall the site slopes down from west to east, with an open parcel of land on the north-west edge facing north over the Coly Valley and the industrial buildings occupying a flat area cut into the hillside.

Approximately 1.8 hectares of the site lies outside of the Built-Up Area Boundary (BUAB), including the land on which the car park lies. The south-east edge of the site butts up against the Colyton conservation area. The south-west edge adjoins a cemetery and on the opposite side of the road are a number of houses. Colyton Primary School lies approximately 40 metres south of the site.

Access to the site is presently from a single point onto Sidmouth Road.

The Proposal

Outline planning permission is sought for the demolition of the majority of the existing buildings and the development of up to 72 new dwellings, 6 B1 light industrial units (up to 1000 square metres) and new open space. All matters are reserved for future consideration except for the means of access to the site. The application started out to include provision of up to 74 dwellings and the refurbishment of an existing office building on site and land reserved for additional employment units to provide up to 100 Full Time Equivalent jobs (the number of jobs on site prior to the closure of the business). The revisions have arisen after negotiations with the Council.

Despite all matters being reserved, an illustrative plan has been provided to show a possible layout. This plan shows residential development along the road frontage and throughout the central, north-east and north-western portions of the site. The employment buildings and associated car parking are shown butting up against the existing buildings that front onto Prospect Terrace. The public open space is shown to lie on the eastern boundary of the site, sandwiched between the residential development fronting Sidmouth Road and that which occupies the north-western parcel overlooking the Coly Valley. As the layout of the site is a reserved matter this plan would not be binding if permission were granted.

Other drawings show the existing priority T junction to the site is proposed as the access to the development and vehicle swept path diagrams indicate that it will be able to accommodate refuse collection and 7.5 tonne vehicles. Visibility splays of 2.4m x 43m are shown on the drawing.

Analysis

The key issues for consideration are –

- Principle
 - Strategy 32- Resisting Loss of Employment Sites and Buildings
 - Strategy 7 – Development in the Countryside
- Affordable Housing
- Open Space/Play Areas
- Highways
- Landscape
- Heritage
- Biodiversity
- Amenity
- Drainage

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The East Devon Local Plan 2013 to 2031 is the relevant Development Plan in this instance. The Council presently has a sufficient supply of land for housing such that the Local Plan can be considered to be 'in' date. More recently, the Villages Plan Supplementary Planning Guidance defines the BUAB for the village. An early draft of the Neighbourhood Plan has been produced but still needs to go through the Habitat

Regulations and Strategic Environmental Assessment stages and therefore no meaningful weight could be attributed to it at this stage.

Principle

Strategy 32- Resisting Loss of Employment Sites and Buildings

In planning policy terms, the existing site is an employment site, but it does include some areas of undeveloped land that fall within the countryside.

The factory site's current lawful use is considered to represent an employment use. Strategy 32 of the Local Plan seeks to protect employment land and buildings in the interests of maintaining vibrant and viable local communities. This builds on Strategy 4 which seeks to ensure a match between jobs, homes, education and social and community facilities, leading to sustainable settlements. While concerned primarily with future job and employment land provision and large scale major developments (the latter not being the case here), Strategy 31 aims to achieve one job for each new home built.

The proposal seeks to redevelop a portion of the site for employment purposes. The majority of the site would be turned over to residential use, alongside some public open space. Strategy 32 states that the loss of employment land is acceptable where the following four criteria apply (taken in turn):

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems;

The applicant does not appear to suggest that the operation of the permissible use of the site is harmful to the locality. While its re-use as an employment site may well lead to some local disturbance, these operations would need to be in compliance with contemporary environmental health requirements. Strategy 32 does not specify that the continued employment use of a site necessarily has to be of the same use class. The opportunity may also exist for the Council to impose conditions on a new commercial use (that required a new permission) that would make it acceptable in different terms (e.g. amenity/noise).

There is no evidence that suggests that any specific harm arose through the operation of the former business on the site. Environmental Health officers have not suggested that the previous use was harmful and no other evidence available suggests this is the case. It is conceivable that an alternative employment use could occupy the site that would be more appropriate in a residential area in terms of amenity and so forth. It has not been proven that the proposal complies with this criterion.

2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection;

This is not applicable in this case as no listed buildings are present on the site.

3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality;

In respect of this matter, no marketing information has been submitted with the planning application and as such the proposal fails when assessed against this criteria.

When queried, the agent responded that as the proposal was providing 100 Full Time Equivalent (FTE) jobs (in respect of the original application), the proposal did not represent a loss of employment and so no marketing information was required. This is an unusual response, especially considering that marketing information was submitted for consideration during pre-application discussions. There were some shortcomings identified in the marketing effort at that stage and advice was given as to how it could be improved. The Council has published advice on its website which advises of what the requirements are in demonstrating the tests in Strategy 32 have been met.

In the absence of a robust response to the shortcomings with the marketing by the applicant, the Council's Economic Development Officer has undertaken some research of local demand for employment sites. It should be noted that the Council is under no obligation to do this and that the burden of proof lies with the applicant. This has revealed that there is a good level of local demand for B1 workshop space. This was evidenced by direct surveys with local businesses, using previous survey data from preparatory work for the Colyton Neighbourhood Plan and also from data on the occupancy and success of EDDC's own local stock of employment sites in Seaton, Axminster, Sidmouth and Budleigh Salterton. Indeed, Homes England's own pre-application consultation evidence indicates a desire and demand for some employment use on the site.

Despite the proposal now moving towards a different employment provision than originally proposed, it remains that no marketing information has been submitted with the application, which does not assist in the applicant's attempt to discharge its obligations in demonstrating that the development meets the requirements of Strategy 32.

The objective of Strategy 32 is that employment land and premises are safeguarded and the policy compliant position would be that all of the employment land would be re-used. However, the Council originally considered that in the event that the whole site could not be re-used for employment then the provision instead of 100 FTE jobs on site (which would likely need less floorspace were they less industrial in nature) could be acceptable, with the remainder of the land being used for an alternative use. It is recognised that there is limited chance of another commercial operator wanting to occupy the whole of the original site, as the commercial climate has changed significantly since Ceramtec was established there. The 100 FTE figure was based on the number of jobs reported to be on site prior to the site closing. To meet this, the applicant originally proposed to refurbish an existing office building at the entrance to the site and to provide land for associated parking and a second office building to be constructed by the Council.

Both the Economic Development Manager and the Estates Team have analysed this proposed employment provision and found it to be unlikely to be delivered successfully due to both the costs involved, the nature of local employment space demand and the likely returns on operating such a facility. In short, it would not be deliverable and would not therefore meet the Strategy 32 requirement to retain employment use on the site. The development originally proposed would have been in conflict with criterion 3 of the Strategy.

What is now proposed is the provision of 6 new build light industrial (B1) units and associated parking, which is considered to reflect the demand identified by the Economic Development Officer. The requirement to meet the objectives of Strategy 32 lies with the applicant and consequently the delivery of the employment units. The applicant has clarified that it will deliver the finished units and this will be secured via a S106 agreement. In the absence of the applicant's viability assessment indicating what phasing of the employment units would be possible officers are suggesting phasing of 50% of the units by 50% of the houses and 100% of the units by 75% of the houses, in line with normal affordable housing phasing requirements.

While the disposal of the B1 units needs some consideration in drawing up a S.106 agreement, ultimately it will not have much material bearing on the planning balance; the objective is to secure their delivery and ensure that they are given the best chance of operating viably.

The provision of the employment units will have an effect on the viability of the scheme and the amount of affordable housing that the scheme can generate. Despite the availability of Vacant Building Credit (VBC) the applicant is keen to also deliver some affordable housing units. However, the provision of employment is the prime objective given the requirements of Strategy 32. The affordable housing and viability matters are discussed later in the report. However, subject to the applicant entering into a S106 agreement to build, complete and operate/dispose of the B1 units and associated car parking, the proposal would meet criterion 3 of Strategy 32.

4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

This criterion is clearly not applicable in this instance.

In summary, the development would comply with Strategy 32 subject to the applicant entering into a S106 agreement to build, complete and operate/dispose of the B1 units and associated car parking.

Strategy 7 – Development in the Countryside

Strategy 7 presumes against development in the countryside unless permitted by some other policy in a Neighbourhood Plan or the Local Plan. Approximately 60% of the site lies outside of the BUAB (including the existing car park), which represents a significant departure from the Local Plan.

For any development outside of the BUAB to be considered acceptable it needs to be robustly justified. Strategy 35 allows for the provision of affordable housing exception sites outside BUABs subject to certain criteria. That is not what is being proposed here but it is worth noting that it does allow the cross subsidy of affordable housing through the provision of market housing but subject to the provision of 'at least' 66% affordable housing.

Paragraph 84 of the NPPF states that 'planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements'. Further, 'In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

Strategy 3 (Sustainable Development) states that 'Developers should maximise the proportion of their developments that take place on previously developed land'.

The old staff car park for the factory lies outside of the BUAB but could reasonably be considered to be previously developed land for the purposes of the NPPF and the Local Plan. The whole of the Ceramtec site (buildings and car park – not the open field) was proposed to be included within the BUAB during the preparation of the East Devon Villages Plan 2018. According to the Submissions Plan and supporting documents it was decided to exclude the car park as it was deemed to be an area of the site with potential to expand the built form of the settlement, instead restricting the boundary to areas reflecting the existing scale and core built form of the settlement. Nonetheless, the NPPF and the Local Plan do appear to support redevelopment of previously developed land where it is well located and can be developed with sensitivity to other material matters. In principle there would appear to be little point in objecting to the redevelopment of the car park. The land here is quite elevated however and so it may be necessary to ensure that any reserved matters application did not create an unduly prominent development, most likely via a lowering of the existing site levels.

The inclusion of land outside of the built up area boundary and contrary to established policy clearly weighs against this proposal. While the former car park area is previously developed land and there is therefore some justification for bringing this forward the field within the north-west corner of the site is physically separated from the main site by being at a much higher level. It is also a field laid to grass and so not previously developed. The development of this field is therefore clearly contrary to policy.

Landscape

The application is for outline permission only at this stage (with approval sought for access). While scale, layout, appearance and landscaping are reserved matters, an indicative layout provides some guidance as to how the site might be developed. This gives rise to the following considerations.

First, there is an undeveloped green field in the north-west corner of the site that faces north into the Coly Valley and visually has more of a relationship with the surrounding undeveloped farmland than it does with the factory site. This lies outside of the BUAB. While the site itself is not in an Area of Outstanding Natural Beauty there are views from the north, north-east and north-west within the East Devon AONB into the site. Views of a development from within AONBs is a material consideration. The development of this north-western parcel has the potential to 'stick out' on the hillside and appear somewhat divorced from the rest of the town nearby, exacerbated by the fact that this field is very much elevated above the level of the factory site.

Secondly, the existing factory and ancillary office buildings are a large feature of the site and this side of the town, viewed from similar vantage points and also from Sidmouth Road. They are unattractive and detract from the character of this side of the town. The removal of these buildings would be a positive step in improving the appearance of the site and this edge of the town in the landscape. Careful consideration of the layout, appearance and scale of the buildings which would replace it would be needed at reserved matters stage to ensure that this benefit is realised.

The Landscape and Visual Impact Assessment (LVIA) submitted in support of the application has been revised in response to initial comment from the Council's Landscape Officer. There remains some disagreement over the methodology and findings of the revised LVIA and the applicant has indicated that further revisions will not be forthcoming.

The development of the north-west green parcel of land will lead to harmful landscape effects, giving rise to the visual spread of the town down the hillside towards the valley floor. Views of this will be available from across the south-facing slopes of the valley and at some points along the river, to the north of the site. The illustrative plan suggests that the top half of this field will form the area of public open space and in that respect the buildings will not be as prominent as if they were to be positioned on the higher section of the field.

The development will result in some harmful landscape and visual impacts, particularly in relation to the undeveloped parts of the site in conflict with Strategy 46 and policies D1 and D2. Some of this may be offset by the replacement of the factory buildings with well-designed housing, however the details of these homes would not be known until reserved matters stage should outline consent be granted.

Affordable Housing

The applicant is offering the provision of 20% affordable housing across the site. Were the site to yield 72 homes (the maximum sought) this would result in between 14 and 15 units of affordable housing. There is presently a need for 36 affordable homes in the parish over the next 5 years.

National policy (NPPF paragraph 63) provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit (Vacant Building Credit) equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates

any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this instance the internal floorspace of the factory buildings to be demolished is 7,792m². The internal floorspace (of the housing) which is proposed under the latest illustrative layout is approximately 6302m². Therefore at first glance it would appear unlikely that any affordable housing is required. There are some concerns about how VBC should be applied in this case as it was intended to assist the redevelopment of brownfield sites and not green fields such as is found in the north west part of this site, however the guidance is unclear on the issues of sites of mixed character and use such as this and so it is reasonable to take the view that VBC be applied across the whole site.

Any S106 would need to include a review mechanism at the reserved matters stage if proposed floor areas are in reality much greater. While it is worth noting that the applicant is determined to provide affordable housing despite the ability to use VBC, the planning permission would run with the land and therefore this review mechanism is still necessary.

The applicants are keen to provide some affordable housing despite the VBC position. They are also mindful of the issues with the proposal identified in the "Principle" section of this report and the need to provide planning gain to outweigh the harm identified in the hope that when viewed as a whole the scheme can be supported.

The latest revisions to the application include a viability assessment of two different proposals to provide affordable housing; one with up to 72 dwellings proposed ('option 1', that which is being proposed) but also one without housing on the north-west field which would result in 61 dwellings ('option 2'). This was requested in order that the applicant could demonstrate it was necessary to widen the development beyond the factory site and its car park, in order to make the scheme viable. It could also demonstrate what material benefits there may be to balance against the landscape harm from developing the wider site.

The information submitted indicates that after CIL and Play Space contributions and the provision of the employment units proposed, option 1 would be viable and could deliver 8 affordable dwellings (11%). However the latest planning statement update goes on to suggest that the applicant is willing to 'boost' the provision to 20% (14.4 units). It is not explained how this is funded, despite clarification being sought.

Option 2 is described as non-viable in the appraisal i.e. it is not viable to develop the factory site and car park only, even with zero affordable housing provision. However, it is not clear if the 'facility' to boost the affordable housing provision on option 1 to 20% could instead be used to make option 2 viable, which would avoid any in-principle and landscape objections to developing the north-west parcel. Again, when officers requested if this was possible no response or further explanation was received.

It is however considered that the site has been overvalued in the appraisal, using values only 10% below that which might be expected of a good site in proximity to Exeter. The benchmark land values used are approximately double what would reasonably be expected for a site such as Ceramtec, covered in old buildings, and

being located away from the higher value areas of the district close to Exeter. Fundamentally the applicant is considered to have paid an excessive amount for the site, which is affecting viability and the amount of affordable housing being offered.

Planning guidance is clear that the price paid for a site will not be a relevant consideration when considering the ability of a scheme to afford the required planning obligations. Based on the Council's own understanding of the correct benchmark land values for the site it is reasonably expected that the site could afford nearer to 30% affordable housing provision. Furthermore, the development of the factory site and car park alone may well be viable, albeit without much, if any, affordable housing provision.

The applicant's views on this have been sought. It maintains its view that no affordable housing is liable, due to how it sees VBC should be applied in this instance. Despite this it is determined to offer 20% affordable housing (up to 14 units, with the excess to be secured as an off-site contribution). While the applicant can only commit to 20% provision, it states that its development partners will be able to propose additional affordable housing that can be considered for the provision of Affordable Housing Programme grant support, and suggests that there are many examples across the south-west where this has been achieved.

To summarise, while officers consider that the scheme has the potential to generate additional affordable housing to that being offered, based on what is believed to be the realistic value of the existing site (not the price paid), the application of VBC makes a significant dent in the affordable housing liability. This is a government policy and therefore not something that officers have any significant control over. The applicant believes that no affordable housing is liable, officers' consider that some is required to be balanced against wider issues of policy compliance and landscape harm.

While the offer includes 50% affordable rent and 50% shared ownership, the Housing Strategy Officer advises that this should be 70% affordable rent and 30% shared ownership. Without justification for the applicant's proposed split, it is considered appropriate to follow the Housing Strategy Officer's required split.

Open Space/Play Areas

Under Strategy 43 of the Local Plan, the development would result in the need for a financial obligation to support the provision of public open space/play areas of £34,365.60 and 639.36m² of space. This would include the provision of a minimum of 160m² of on-site play space with buffer zone (10 metres) and no less than £27,000 play equipment. The indicative plans show an area in excess of that required and the applicant is agreeable to providing this requirement. This would need to be secured as part of any S106 agreement.

Highways and access

The only reserved matter for which permission is sought is the means of access to the site. It is proposed to make use of the existing vehicular access which has adequate visibility and to which the Highway Authority has no objection. The comments received from the Parish Council and others suggesting the access should be widened are

noted. However, the access meets the necessary standards in its present form. In some circumstances, having a wider access can actually encourage traffic to travel through the junction quicker which reduces its safety, particularly for pedestrians.

Traffic surveys, the basis of which have been agreed with the Highway Authority, indicate that the development will likely generate a modest increase in vehicular movements over the morning and afternoon peak periods. There would also be a change in the type of vehicles, with more car based trips and less HGV movements. The Highway Authority considers that the local highway network can adequately accommodate this change in its current form.

The site itself is reasonably close to the centre of the village with many facilities, amenities and public transport links within reasonable walking distances.

The revised employment offer has altered the potential traffic typology accessing the site and but the Highway Authority has not reported any concerns.

The Highway Authority have noted that the travel plan's suggested £50 voucher per household is meagre and will not do much to encourage purchasing of cycle equipment. However, it has not suggested an alternative amount that could be justified and so it is recommended that the provisions of the travel plan are agreed and secured as part of the S106.

The Council, along with all other Devon Council's, has recently signed up to the Devon Climate Change Emergency Declaration. The UK Government has confirmed that it will end the sale of all new conventional petrol and diesel cars and vans by 2040 as part of the plan to tackle air pollution and by 2050 there will be zero emissions by vehicles in the UK. As such, any measures that can be taken now to facilitate this change will help to future-proof development in the District.

While the Local Plan does contain planning policy specifically related to this matter it does not contain a mandatory requirement to provide EV charge points, the Local Plan does contain wider Strategies geared towards making development more sustainable and less carbon reliant. The Cranbrook DPD, now submitted for examination, does contain proposed policy CB20 (Plug-In and ultra-low Emission vehicle charging). This was formulated in advance of the Climate Change declaration by the Council. The timetable for the review of the Local Plan is tied to the progress of the Greater Exeter Strategic Plan and therefore not likely to keep up other actions needed in order to address the Climate Emergency. Therefore it is considered appropriate to seek a proportion of electric vehicle charging infrastructure for both the housing and commercial elements of the proposal, based on proposed policy CB20 of the Cranbrook DPD. It is proposed that this is secured using an appropriate planning condition.

Heritage

The site abuts the Colyton conservation area and has the potential to have some effect on it. Some concerns regarding the development have been raised by the Conservation Officer in this regard. However the application is for outline permission

and no detailed layout or designs are before the Council for determination. Any application for reserved matters will however need to take account of the issues raised. It is however considered that a well-designed layout and scheme would have the potential to conserve or enhance the character and appearance of the adjoining Conservation Area.

Biodiversity

An Ecological Assessment Report (EAR) has been submitted with the application. The site and buildings have been surveyed. This works has been updated in relation to the revisions to the proposal.

There are several areas of the site that are distinctly different in character which can be approximately divided into the area covered by the factory buildings, the car park and the landscaped and green field areas. Some areas also contain trees of varying species.

Bats -

Only two of the older buildings at the front of the site (B1 & B2 in figure 4 of the EAR) are considered to have a high suitability for roosting bats. A limited number other buildings and trees on the site had features of potential value to roosting bats but only having 'low' suitability. In addition, the ecological survey identifies several off-site habitats nearby, including the Chapel of Rest adjacent to the site.

The addendum to the ecological report advises that a licence from Natural England will be required to demolish one of the store rooms (B6). A detailed method statement will be required via a planning condition. Such demolition (and of other buildings) should take place over winter (late November to February) given the absence of hibernation suitability/results (and to avoid the main bird nesting season). The occasional loss of lesser horseshoe bat night roosts/feeding perches will require alternative suitable structures to be provided, most likely in the public open space areas. Ecologically sensitive lighting through construction (via a Construction Environment Management Plan) and operation (via a detailed lighting strategy).

Reptiles -

The site has a high concentration of slow worms, a protected species. In anticipation of an earlier determination of the planning application, all reptiles found around the buildings have already been relocated to receptor site 1 (the vegetated area on the north-east fringe of the site).

The addendum to the ecological report prepared in June 2019 states that there have been changes regarding the lease of a proportion of the site intended for further translocation and consequently the Reptile Mitigation Strategy needs to be revised.

The former car park has a high concentration of slow worms and it had been planned to translocate these into the portion of the site abutting this to the north, which is indicated on the indicative plans as being the public open space area. This is apparently now not possible and it is stated that works to identify an off-site receptor

site have been commenced. In the absence of mitigation, the proposed construction work and associated site clearance and demolition works are likely to result in killing and/or injury to slow worms. At the time of writing the cemetery adjoining the site is being surveyed as a suitable location and discussions between the developer and the Parish Council are ongoing to see if an agreement can be reached to use this area.

The progress of these discussions will be reported at the committee meeting and officers are seeking delegate authority to agree a suitable translocation area, guided by the developer's qualified ecological consultants. Without, a suitable alternative translocation area in place the development would not be acceptable.

Other species -

The development is not expected to impact on badgers, dormice, amphibians or breeding birds, subject to some basic precautions which can be secured via a Construction Environmental Management Plan. The same mechanism will be used to prevent the spread of invasive species found on the site (two species of cotoneaster).

Enhancement -

The NPPF requires developments to contribute to and enhance the natural environment by providing net gains in biodiversity (amongst other measures). As such a range of provisions are proposed (section 6.2 of the Ecological Assessment Report). This includes bat and bird boxes, planting to enhance biodiversity, provision of a 'green lane' along the northern boundary of the site which connects the woodland to the western boundary hedgerow and the installation of 'hedgehog passes' within any permanent boundary feature. Such provision will be secured via condition alongside the mitigation, including a requirement for written confirmation of such by a qualified ecologist. A Landscape and Ecological Management Plan will be required to ensure their long-term sensitive management.

Amenity

The application is in outline form only at this stage and as such there are no detailed plans available for consideration. The indicative layout of the site shows that properties along King Street and Sidmouth Road have the greatest potential to be affected by the proposed dwellings. However, there is no reason to think that through suitable design and layout that suitable levels of amenity can't be maintained.

The proposal includes the provision of a commercial development but these will be limited to light industrial use only, which by definition are deemed acceptable in such locations.

Drainage

The Flood Risk Assessment accompanying the application states (section 5.3) that based on the topography of the site and the existing pumped drainage regime, the proposed surface water strategy will utilise a pumped solution so that surface water run-off can be discharged into the nearby culverted watercourse. It states that a pumped connection is necessary given the shallow depth of the culverted watercourse

and the potential depth requirements of the surface water drainage strategy (i.e. 1.2m covers for sewers underneath highways, depth of temporary storage etc.)

It is intended that the pumping station is offered to South West Water and will be provided to adoptable standards. While SWW has stated no objection this in principle but advises that the developer needs to be aware of the criteria for adoption, as there is a watercourse available where it suggests a gravity connection is likely to be possible.

The FRA suggests that this strategy has been agreed in advice with DCC as the Lead Local Flood Authority. Members will be advised at the meeting if this is the case and what if any planning conditions may be necessary to secure a suitable surface water drainage strategy.

South West Water has no concerns regarding the foul drainage proposals which will connect into the mains system.

Conclusion

The factory site is an employment site which the Local Plan would seek to protect for further employment use. The proposal seeks to redevelop the majority of it to provide a mix of market and affordable housing but also an element of new light industrial space. The proposal includes development outside of the BUAB which is contrary to policy and will have negative landscape and visual impacts.

The applicant has offered 20% affordable housing which due to VBC they are not obliged to provide, however this is seen as helping in the planning balance to justify the proposed departure from policy, expansion into the open countryside and resulting landscape harm. It is disappointing that a higher level of affordable housing could not be negotiated given that the accompanying viability assessment is flawed and contrary to government guidance with regard to the value attributed to the site.

In order to progress a policy compliant scheme for this site the two areas of the site beyond the BUAB would need to come forward as Rural Exceptions sites under Strategy 35. Under this policy sites can come forward in the countryside to meet identified local housing needs where at least 66% of the homes are affordable housing. In this case while it is not proposed to provide 66% of the homes on the car park and the field parts of the site as affordable housing the number of affordable homes proposed across the whole site is equivalent to what would be required by Strategy 35 based on the indicative details. Given that the factory part of the site is not required to provide any affordable housing because of VBC it could reasonably be concluded that the proposed provision is appropriate particularly as we would require affordable housing to be pepper potted around the site as a whole in order to build a mixed community. As a result what is proposed is more desirable than the policy compliant option overall. It is not clear whether more appropriate and less harmful sites around Colyton exist to provide a rural exception site than the field included here. However given the wider benefits of bringing this site forward as a whole including bringing this largely brownfield site back into use, the provision of some replacement employment spaces and the demolition of unsightly commercial buildings that are visible in the

landscape and next to a conservation area it is not considered relevant to require such a search for alternatives.

The site has a significant amount of slow worms present and works are on-going to identify a suitable habitat into which they could be translocated. Subject to this matter being resolved satisfactorily it is recommended that permission be granted, subject to the heads of terms listed below and the following conditions.

RECOMMENDATION

That delegated authority is given to the Service Lead – Planning Strategy and Development Management and the Chairman of the Development Management Committee to GRANT consent, subject to:

- 1. the applicant securing an appropriate translocation site for slow worms presently on the site, as detailed in an updated Reptile Mitigation Strategy; and**
- 2. the applicant entering into a S106 agreement for;**

Affordable Housing

- The provision of 20% affordable housing (including the provision of an overage clause, a commuted sum towards the delivery of affordable housing off-site for any non-whole units as a result of the final number of dwellings on site, and a review of the final floorspace provision with respect to the application of the Vacant Building Credit).
- No more than 50% of open market dwellings to be occupied prior to completion of 50% of the affordable homes; no more than 75% of open market dwellings to be occupied prior to completion of 100% of the affordable homes.
- The affordable homes to have a tenure of 70% for rent and 30% for shared ownership or similar route to home ownership.

Public Amenity/Play Space

- £34,365.60 and 639.36m² for the provision of public amenity/play space, including the provision of a minimum of 160m² of on-site play space with buffer zone (10 metres) and no less than £27,000 play equipment.

Employment Space

- The construction and completion of up to 1000m² of floorspace for light industrial use (B1 Use Class of The Town and Country Planning (Use Classes) Order 1987 (as amended)) comprised of a minimum of six workshop units totalling 507m² of gross internal floorspace, and a mechanism/strategy agreed for their onward disposal/deployment into the commercial market. No more than 50% of the houses may be occupied until 50% of the employment space has been completed, and no more than 75% of the houses may be occupied until 100% of the employment space has been completed.

Travel Plan

- Provision of Travel Packs including £50.00 per dwelling green travel voucher

and subject to the following conditions.

1. Approval of the details of the layout scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
(Reason - The application is in outline with one or more matters reserved.)
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
5. The site access shall be constructed, laid out and maintained thereafter in accordance with drawing number 42227/5501/SK01, submitted with the Transport Statement.
(Reason - To ensure the development is carried out as approved).
6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not

it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

7. No development work shall commence on site until the following information has been submitted and approved:
 - a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.
 - b) Details of existing and proposed levels and drainage scheme incorporating appropriate SuDS features.
 - c) Details of locations, heights and specifications of proposed external lighting.
 - d) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.
 - e) Plant schedule indicating clearly the location, form, size and density of proposed planting.

f) Specification for soil quality, cultivation, planting, sowing, mulching and means of plant support and protection during establishment period.

g) Measures for protection of existing trees during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

(Reason - In the interests of the character and appearance of the site and the surrounding landscape, in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

8. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other 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.

(Reason - To ensure that the details are planned and considered at an early stage 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 Adopted East Devon Local Plan 2013-2031.)

9. No development shall take place until details of proposed groundworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the following:
- o Plans showing the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.
 - o Sections showing the proposed grading and mounding of land areas including the levels to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Each section shall include the existing site levels as a red dashed line.

Development shall be carried out in accordance with the approved details prior to the occupation of the development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031. These details are required prior to the beginning of construction as groundworks will take place at the start.)

10. No construction of any building above foundation level shall commence until details of fencing, walling or any other hard or soft landscape boundary

treatments have been submitted to and approved in writing by the Local Planning Authority. Any walls and/or fences shall be erected in accordance with the approved details within the curtilage of the dwelling house before it is first occupied.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to any development above foundation level. The proposals shall be carried out as approved for the full duration of the plan.

(Reason - To ensure that the details are considered at an early stage 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 Adopted New East Devon Local Plan 2013-2031.)

12. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme shall include the following:
 - o A Green infrastructure statement describing the various types of proposed planting and features, and how they tie into the local landscape character and other elements of the proposed development.
 - o Detailed layouts providing the following information:
 - Planting within any public realm
 - On plot soft landscape proposals facing street frontage or any other public realm areas
 - Hard or soft plot boundary treatments
 - Hard surface treatment for public realm areas and areas facing the street frontage
 - Proposed site levels
 - o Soft landscape proposals shall be accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented.
 - o Hard landscape proposals shall be accompanied by a material specification.
 - o If the scheme has significant level changes, a section shall be provided showing how the proposed development will integrate into the existing context.
 - o Construction details of any proposed walls, fences and other boundary treatments
 - o The various tree pits and/or Devon bank construction details.

The landscaping scheme shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earliest unless otherwise agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other 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. (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 2013-2031. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

13. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. (Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
14. Prior to commencement of any part of the site the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing

materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

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

(Reason - In the interest of public safety and to prevent damage to the highway).

16. No part of the development hereby approved shall be brought into its intended use until the

- access
- parking facilities
- commercial vehicle loading/unloading area
- visibility splays
- turning area
- parking space and garage/hardstanding
- access drive
- and access drainage

have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

(Reason - To ensure that adequate facilities are available for the traffic attracted to the site)

17. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk

in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

18. The avoidance, mitigation, compensation and enhancement measures identified in sections 5 and 6 of the Ecological Assessment Report (August 2018), as updated by the Ecological Assessment Report Addendum June 2019) shall be fully implemented at the relevant phases identified in those Reports. Written confirmation of the completion of each measure shall be provided to the Local Planning Authority by a suitably qualified ecologist within one month of its completion.
(Reason - In the interests of conserving and enhancing biodiversity in accordance with Strategy 47 (Nature Conservation and Geology) of the Adopted East Devon Local Plan 2013-2031).
19. No development shall take place until an updated Reptile Mitigation Strategy has been submitted to, and approved in writing by, the Local Planning Authority.
(Reason - To ensure that adequate mitigation is in place in respect of slow worms found on the site, in accordance with Strategy 47 (Nature Conservation and Geology) of the Adopted East Devon Local Plan 2013-2031).
20. The development shall provide electric vehicle charging infrastructure in accordance with the following requirements:
 1. Residential development with on plot parking, each property must have either
 -
 - a. Provision of a dedicated electric vehicle charging point; or
 - b. be "EV" ready through the installation of a ducted circuit to an easily accessible position within the plot to allow vehicle charging.
 2. Residential development with off street parking (but not where this is located on a plot), infrastructure comprising:
 - a. The installation of dedicated EV charging points to at least one parking space per dwelling; or
 - b. "EV ready" spaces – that is where a ducted circuit extends to at least one parking space for each dwelling
 3. On street/adjacent parking
 - a. Infrastructure to ensure that not less than 20% of on street car parking spaces has the potential to access EV charging facilities through the installation of a ducted circuit to each potential charging point
 4. Commercial development within the employment area
 - a. Infrastructure to ensure that not less than 15% of parking spaces are provided with EV charging points. A further 35% of parking spaces are to be provided as "EV" ready spaces through the installation of a ducted circuit to each potential charging point.

Infrastructure for EV charging facilities required under points 3 and 4 above shall be distributed throughout the development to ensure that they serve every group of up to 5 spaces.

Where EV charging points are provided, suitable arrangements for ownership, management and maintenance of the EV charging and parking infrastructure must be demonstrated through a detailed report which shall have been submitted to, and approved in writing by, the Local Planning Authority, prior to their installation.

All off-street charging points and/or infrastructure shall be fully installed and capable of operation prior to the first occupation of the associated dwellings or commercial properties. All on-street charging infrastructure shall be fully installed prior to the final surface dressing of the highway on which it is located.

(Reason – To assist in the reduction of carbon emissions resulting from travel associated with the development, in accordance with Strategies 3 (Sustainable Development), 5B (Sustainable Transport) of the East Devon Local Plan 2013 to 2031.

21. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated [Document Date]). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and the requirements of Policy EN22- Surface Run Off Implications of New Developments of the adopted East Devon Local Plan.

22. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development and to comply with the requirements of

Policy EN22- Surface Run Off Implications of New Developments of the adopted East Devon Local Plan.

23. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area and to comply with the requirements of Policy EN22- Surface Run Off Implications of New Developments of the adopted East Devon Local Plan.

Plans relating to this application:

17123 L01.01	Location Plan	31.08.18
REV A		

List of Background Papers

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