

Agenda for Development Management Committee Tuesday, 31 March 2015; 9.30am

[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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01395 517542, Issued 19 March 2015



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[Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email (approximately 9 working days before the meeting) detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation. **Please note there is no longer the ability to register to speak on the day of the meeting.**

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website

(<http://new.eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/agendas>). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 23 March up until 12 noon on Thursday 26 March by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

[Speaking on non-planning application items](#)

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

Morning Session

- 1 Minutes for 3 March 2015 (page 5 - 13)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are **no** items that officers recommend should be dealt with in this way.

- 6 **Planning appeal statistics** (page 14 - 16)
Principal Planning Officer

- 7 **West Dorset, Weymouth and Portland Local Plan Main Modifications Consultation** (page 17 - 18)
Planning Policy Manager

Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.

Applications for determination:

15/0147/FUL (Minor) (page 19 - 25)

Axminster Town

Chattan Hall Cottage, Woodbury Lane, Axminster

14/2761/MOUT (Major) (page 26 - 127)

Broadclyst

Mosshayne – land north of Tithebarn Lane, Clyst Honiton

14/1443/MFUL (Major) (page 128 - 158)

Clyst Valley

Land north east of Stuart Way, Hill Barton Business Park, Clyst St Mary

14/2952/MFUL (Major) (page 159 - 195)

Clyst Valley

Land surrounding Walnut Cottages, Oil Mill Lane, Clyst St Mary

14/2591/FUL (Minor) (page 196 - 215)

Coly Valley

Three House Shoes Inn, Branscombe

15/0131/MOUT (Major) (page 216 - 244)

Coly Valley

Land adjacent to Peace Memorial Fields (south of Ham Lane), Colyton

14/1901/MFUL (Major) (page 245 - 277)

Clyst Valley

Branscombe Farm, Ebford Lane, Ebford, Exeter EX3 0QX

14/2912/FUL (Minor) (page 278 - 286)

Exmouth Halsdon

2 Gypsy Lane, Exmouth EX8 3HW

Lunch break - Lunch will be provided for Development Management Committee members in the Members' Area

Afternoon Session – the applications below will not be considered before 2pm.

Please note the following applications are all scheduled to be considered in the afternoon, however the order may change – please see the front of the agenda for when the revised order will be published.

13/1091/MOUT (Major) (page 287 - 308)

Seaton

Land north of Rowan Drive, Seaton

14/1897/FUL (Minor) (page 309 - 317)

Seaton

Seaton Seafront, Seaton

15/0129/FUL (Minor) (page 318 - 322)

Sidmouth Town

Manor Pavilion Theatre, Manor Road, Sidmouth

13/1828/FUL & 13/1830/FUL (Minor) (page 323 - 342)

Tale Vale

James Barn, Kerswell EX15 2ES

14/2633/MOUT (Major) (page 343 - 369)

Tale Vale

Land to west of Marles Close, Awliscombe

14/1157/MFUL (Major) (page 370 – 395)

Tale Vale

Land north of Greenways, Greenway Lane, Awliscombe, Honiton EX14 3PJ

14/2771/MOUT (Major) (page 396 - 417)

Tale Vale

Land south of Pencepool House, Plymtree

14/2517/FUL (Minor) (page 418 - 430)

Woodbury and Lympstone

Tadpoles, Longmeadow Road, Lympstone

Please note:

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 3 March 2015

Attendance list at end of document

The meeting started at 2.00pm and ended at 5pm.

***57 Minutes**

The minutes of the Development Management Committee meeting held on 10 February 2015 were confirmed and signed as a true record.

***58 Declarations of interest**

Cllr Mark Williamson; 14/2755/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

***59 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning’s report setting out appeals recently lodged and two appeal decisions notified, both of which had been dismissed. The Service Lead – Planning referred to the Inspector’s conclusions for each of the decisions.

The Council’s appeal record was currently one of the highest in the country with 91% of appeal decisions being dismissed in the last quarter- this reflected the good planning decisions being made by the Council. The annual appeals report was expected to be presented to the Committee at the end of the month.

In response to a question about different approaches taken to sustainability by two Inspectors on similar applications, the Service Lead – Planning advised that each application was dealt with on its own merits and although applications might appear similar, accessibility to key services for example might be very different. There were occasions when an appeal decision might not follow the majority of Inspector’s decisions on a particular issue; however, the Council needed to follow the approach in line with the majority of decisions reached.

The Chairman on behalf of the Committee thanked the Service Lead – Planning and his team for all their work in ensuring that the Council’s appeal record was upheld.

***60 Mid Devon Local Plan Review Proposed Submission Consultation**

The Committee considered the Planning Policy Manager’s report setting out proposed comments to Mid Devon District Council’s consultation on their latest version of the Local Plan – the ‘Proposed Submission Consultation’. This followed the Local Plan Review Options Consultation, on which EDDC had made representations in March 2014.

The Committee was advised that the current consultation no longer pursued large scale development at Junction 27. Short to medium growth would be directed to Tiverton, with the focus for longer-term growth at Cullompton. This longer-term growth and its potential cross boundary impacts was the main issue of relevance to East Devon – at its closest point the expansion proposals were approximately 1km from East Devon’s boundary and there were no major East Devon towns/villages nearby. The Council had a duty to cooperate with Mid Devon on cross-boundary strategic issues. Limited discussion had taken place between the two Councils on the implications of the scale of development proposed for the town, however further work needed to be undertaken to properly assess the impacts. Road

infrastructure was of particular concern. Honiton and Cullompton were joined by the A373 and in places this road was very narrow. It was evitable that the scale of development proposed would place extra vehicle pressure on this road. The proposals would also place a significant increase of traffic movements on the M5 motorway and junctions 28 and 29 being in a very easy driving distance of strategic employment sites in the west end of East Devon.

During discussion, Members advised that the response, in respect of item 4, should be redrafted to emphasise the importance of ensuring that a detailed assessment of the extra traffic impacts on the A373, and junctions on this road, was undertaken, as well as plans to show how required improvements, identified from the assessment, would be implemented. The Planning Policy Manager advised that the Highways Agency and Devon County Council Highways had also been consulted on the proposals.

RESOLVED:

that the following be submitted to Mid Devon District Council in response to the Proposed Submission Consultation subject to the Committees particular concerns about the impact of the proposals on the A373 being referred to in point 4:

East Devon District Council recognises the importance of production of a new Local Plan for Mid Devon, however given the high levels of growth specifically proposed for Cullompton this Council would stress the importance of the following considerations in respect of advancement of Policy S11 for Cullompton (and related policies to this) and potential implementation:

- 1. That cross-boundary impacts of development are fully and objectively assessed and to this end East Devon District Council would welcome the opportunity to work more closely with Mid Devon;**
- 2. That housing need considerations, as evidenced through the joint Exeter Strategic Housing Market Assessment, are fully taken into account;**
- 3. That specific attention is paid to infrastructure considerations and the need to provide for potential future residents whilst noting potential impacts on, and maximising potential beneficial opportunities for, residents of surrounding area;**
- 4. That the potential impacts on the wider highway network, including in respect of junction capacity implications, are fully considered recognising that proposals may require that improvement works are put into place.**
- 5. That potential commuting patterns, especially for work purposes, of the future residents of Cullompton are accurately assessed. This is especially significant noting the ease of car travel from Cullompton to the strategic employment sites in the West End of East Devon (e.g. a drive time of 11 minutes from M5 Junction 28 to the Science Park).**

***61 Briefing report on Rural Sustainability**

The Committee considered the Strategic Lead – Planning’s report which set out to brief Members on the issues associated with rural development and sustainability discussed at a recent Member Think Tank, particularly with regard to residential development. The report highlighted key points raised in the meeting and how changes in government policy and guidance, combined with Inspector’s appeal decisions had changed Officers’ stance on rural development issues and how this should shape policy development and decision making in the future.

The Service Lead – Planning advised that sustainability was an issue that cut across the whole of planning; however at the Member Think Tank the area that caused the most discussion was accessibility to core services and public transport. Concern had been expressed that when consideration was given to whether or not a settlement was sustainable, too much weight was placed on the provision of public transport when many residents would choose to use the car regardless of what public transport was available. Although it was recognised that this might well be the case, it was also important to consider the needs of those who did not drive. According to guidance in the NPPF Councils should also be promoting sustainable alternatives to the private car.

It was accepted that, whilst the Local Plan would ultimately set policy, there was a need for criteria to consider applications against the issues of rural sustainability. There were core facilities and services that should be available, such as a primary school, and assessments of those facilities that may need to be considered as well as services and facilities that should be accessible by public transport. This approach was supported by the NPPF and Inspector appeal decisions and therefore considered robust.

The Committee noted that whilst Neighbourhood Plans had to be based on the planning principles of the NPPF, they provided communities with the scope to promote development that would meet their local need even where these might not align with sustainable development objectives.

Comments made during discussion on the report included:

- Rural bus services, where they existed, were often infrequent and therefore the private car was integral part of rural life.
- Report was welcomed. The Special Development Management Committee at the end of the month to consider changes to the Local Plan would be the opportunity for further discussion on the issue.
- NPPF did not take into account rural areas when considering sustainability – focused on urban areas.
- Development in the rural settlements was essential in order to maintain thriving communities and keep core facilities, such as the village primary school.
- Rural developments needed to be able to grow to meet the needs of the community.
- Focus had been placed on the environment strand of sustainability – social and economic strands also need to be applied.
- Parish Councils should play a key role in determining what levels of development were required in a village.
- Neighbourhood Plans offered greater flexibility, with the desires of the community given greater weight, even though it might not necessarily comply with government guidance.

RESOLVED: that the Committee noted the report.

***62 Applications for Planning Permission and matters for determination**

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 11 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Bob Buxton

Alan Dent

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Mark Williamson

Officers

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning

Henry Gordon Lennox, Principal Solicitor

Chris Rose, Principal Planning Officer

Gavin Spiller, Principal Planning Officer

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Deborah Custance Baker

Susie Bond

Paul Diviani

Steve Gazzard

Andrew Moulding

Phil Twiss

Apologies:

Committee Members

Councillors:

Roger Boote

Peter Burrows

Geoff Chamberlain

Vivien Duval Steer

Peter Sullivan

Non-committee members

Councillors:

David Cox

Tony Howard

Douglas Hull

Stephanie Jones

Claire Wright

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 3 March 2015; Schedule number 11 – 2014/2015

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://new.eastdevon.gov.uk/media/899082/030315-combined-dmc-agenda.pdf>

Exmouth Town
(EXMOUTH)

14/2755/FUL

Applicant: Development Partnership Ltd

Location: 1A South Street Exmouth

Proposal: Demolition of existing building and construction of 3 flats

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Service Lead – Planning to impose appropriate conditions.
Members considered that benefits from the development of the site and provision of three small apartments, together with the local support for the proposals outweighed officer concerns about the impact of overlooking.

Axminster Town
(AXMINSTER)

14/2635/FUL

Applicant: St Georges Properties Axminster Ltd

Location: 19 St Georges Chard Street

Proposal: Change of use of ground floor (former dentist) and part 1st floor to house of multiple occupancy (HMO).

RESOLVED: DEFERRED to a future Development Management Committee in order to allow officers to:

- confirm the lawful use of the first floor of the building;
- seek Building Control advice on the screen proposed by the applicant and whether it complied with fire regulations;
- negotiate with the applicant on the design of the screen.

Honiton St Michaels
(HONITON)

14/2898/FUL

Applicant: Mrs Helen Hunt

Location: Stout Farm Honiton

Proposal: Conversion and extension of outbuilding to form ancillary annexe accommodation

RESOLVED: APPROVED with conditions as per recommendation.

Ottery St Mary Town
(OTTERY ST MARY)

13/0496/MFUL & 13/0497/LBC

Applicant: Mr Stephen Jones - Jirehouse Capital

Location: Salston Manor Hotel Ottery St Mary

Proposal: Proposed change of use, alteration and conversion of hotel and demolition and construction of side extension to provide 27no. residential flats and associated facilities and parking. (Revised proposal)

RESOLVED:

1. that the Appropriate Assessment under regulation 61 of the Conservation Habitats and Species Regulations 2010 included within the committee report be adopted;
2. 13/0496/MFUL – that the application be APPROVED with conditions as per recommendation subject to a S106 legal agreement to ensure that all works to the grade II listed structures had been completed prior to the sale of the new flats an overage clause being applied to the whole development;
3. 13/0497/LBC – APPROVED with conditions as per recommendation.

Axminster Rural
(HAWKCHURCH)

14/2955/VAR

Applicant: C G Fry & Sons (Mr P Hoffmann)

Location: Land Adjacent To Hawkchurch Primary School Hawkchurch

Proposal: Variation of condition 2 of planning application 13/2056/FUL to amend the layout, orientation and size of some of the approved plots

RESOLVED: APPROVED with conditions and subject to a S106 agreement as per recommendation.

Clyst Valley
(CLYST ST MARY)

14/2030/FUL

Applicant: F & C (on Behalf Of Friends Life)

Location: Friends Provident Winslade Park

Proposal: Installation of security fencing to boundaries

RESOLVED: APPROVED with conditions as per recommendation.

Ottery St Mary Rural
(OTTERY ST MARY)

14/3032/RES

Applicant: First House Ltd

Location: Land Adjacent Highlands West Hill Road

Proposal: Construction of dwelling - details of access, appearance, layout, scale and landscaping pursuant to outline permission 14/0191/OUT.

RESOLVED: APPROVED with conditions as per recommendation.

Beer and Branscombe (BEER) 15/0087/FUL

Applicant: Mr Ross Maddocks

Location: Duckys Beer Ltd Beer Beach

Proposal: Construction of extension to provide secure store

RESOLVED: APPROVED with conditions as per recommendation.

Seaton (SEATON) 15/0075/FUL

Applicant: East Devon District Council - Property Services

Location: Colyford Common (land NE Of Seaton Cemetery) Colyford Road

Proposal: Construction of information kiosk

RESOLVED: APPROVED with conditions as per recommendation.

Sidmouth Sidford (SIDMOUTH) 14/3019/FUL

Applicant: Mrs Helen Harms

Location: Playing Field Byes Lane Sidford

Proposal: Change of use to create a wildlife and natural play garden, including construction of a viewing cabin and play equipment.

RESOLVED: APPROVED subject to consultation with the Secretary of State and conditions as per recommendation. Delegated authority given to the Service Lead – Planning to amend condition 3 if the submitted landscaping scheme was acceptable to officers.

East Devon District Council
List of Planning Appeals Lodged

Ref: 14/2201/FUL **Date Received** 17.02.2015
Appellant: Mr Daniel Beer
Appeal Site: 12 Cawley Avenue Axminster EX13 5ES
Proposal: Replacement boundary fencing (retrospective)
Planning APP/U1105/W/14/3002243
Inspectorate
Ref:

Ref: 14/F0382 **Date Received** 17.02.2015
Appellant: Mr Daniel Beer
Appeal Site: 12 Cawley Avenue Axminster EX13 5ES
Proposal: Replacement boundary fencing (retrospective)
Planning APP/U1105/C/14/3002239
Inspectorate
Ref:

Ref: 14/1934/CPE **Date Received** 19.02.2015
Appellant: Mr P Howes
Appeal Site: Redlands Service Station Exmouth Road Clyst St Mary
Exeter EX5 1AR
Proposal: Certificate of lawfulness for use of land for car and vehicle
sales.
Planning APP/U1105/X/15/3005223
Inspectorate
Ref:

Ref: 14/2422/OUT **Date Received** 27.02.2015
Appellant: Mr S Wain
Appeal Site: Firs Folly Crewkerne Road Axminster EX13 5SX
Proposal: Construction of 2 no. houses and associated garaging
(outline application with all matters apart from access
reserved)
Planning APP/U1105/W/15/3005708
Inspectorate
Ref:

Ref: 14/2336/FUL **Date Received** 03.03.2015
Appellant: Mr & Mrs T Dyer
Appeal Site: Land To The South Of Ballard Down Smallridge Axminster
EX13 7LY
Proposal: Creation of 2 no. dwellings
**Planning
Inspectorate
Ref:**

Ref: 14/2540/FUL **Date Received** 05.03.2015
Appellant: Mr & Mrs C Northcott
Appeal Site: 140 Harepath Road Seaton
Proposal: Construction of two dwellings with parking, with new access
and parking for existing flats

**Planning
Inspectorate
Ref:** APP/U1105/W/15/3006156

East Devon District Council List of Planning Appeals Decided

Ref:	14/1381/OUT	Appeal Ref:	14/00051/REF
Appellant:	Mr Anthony Carthy		
Appeal Site:	Land North Of Cat Aclew Station Road Colyton		
Proposal:	Outline planning permission for residential development of site (up to 2 no. dwellings) with all matters reserved		
Decision:	Appeal Dismissed	Date:	12.02.2015
Procedure:	Informal Hearing		
Remarks:	Delegated decision, flooding reason upheld. Application for a full award of costs against the Council refused.		
BVPI 204: Planning Inspectorate Ref:	Yes APP/U1105/A/14/2223051		

Ref:	14/0380/VAR	Appeal Ref:	14/00041/REF
Appellant:	Mr M Gibbs		
Appeal Site:	White Cliffs Glen Old Beer Road Seaton EX12 2PY		
Proposal:	Variation of condition 4 of application 13/0384/FUL (to allow use of clear glazing of windows required to be obscured)		
Decision:	Appeal Dismissed	Date:	16.02.2015
Procedure:	Written Representations		
Remarks:	Delegated refusal, amenity reasons upheld (EDLP Policy D1).		
BVPI 204: Planning Inspectorate Ref:	Yes APP/U1105/A/14/2219954		

Report to: **Development Management Committee**

Date of Meeting: 31 March 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: To be completed by Democratic Services.

Subject: **West Dorset Weymouth and Portland Local Plan Main Modifications Consultation**

Purpose of report: West Dorset Weymouth and Portland are consulting on main modifications to their submitted plan following on from oral hearings with their Inspector late in 2014. The Inspector will consider any representations made before issuing his final report.

Recommendation: **East Devon District Council make representations on the West Dorset Weymouth and Portland Local Plan proposed main modifications to support the revised wording in the plan for Lyme Regis/Uplyme as set out in main modifications 76, 77 and 78 respectively and shown in full in the main body of this report.**

Reason for recommendation:
Officer: Matthew Dickins, Planning Policy manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: No financial implications have been identified.

Legal implications: There are no legal implication arising from the report.

Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: Low Risk
No specific risks are noted though there is a legal duty to co-operate on strategic issues that affect more than one area.

Links to background information:

- The consultation documents can be found at [West Dorset, Weymouth and Portland Local Plan Main Modifications Consultation - February 2015 - dorsetforyou.com](http://www.dorsetforyou.com)
- The report presented to this Committee on 18th November 2014 may be viewed at <http://new.eastdevon.gov.uk/media/481221/181114-combined-dmc-agenda-compressed.pdf>

Link to Council Plan: Living in this Outstanding Place.

- 1** The future growth of Lyme Regis and potential development options to accommodate any growth have been identified as a cross boundary issue through the development of both the East Devon and the West Dorset and Weymouth and Portland Local Plan (WDWPLP). The Localism Act of 2011 imposes a legal duty to co-operate with neighbouring planning authorities during the preparation of local plans. The opportunity to work with West Dorset was highlighted by Mr Thickett in his letter of 31st March 2014. Joint working has been undertaken to understand cross boundary issues and assess development potential to accommodate future growth in the Lyme Regis and Uplyme area. A joint statement was agreed by this Committee at its meeting on 18th November 2014 [Development Management Committee minutes for 18 November 2014 - Cross boundary issues at Uplyme and Lyme Regis - East Devon District Council](http://new.eastdevon.gov.uk/media/571189/cd-con-20-joint-duty-to-cooperate-update-statement-on-cross-boundary-issues-at-uplyme-lyme-regis.pdf) and may be viewed here <http://new.eastdevon.gov.uk/media/571189/cd-con-20-joint-duty-to-cooperate-update-statement-on-cross-boundary-issues-at-uplyme-lyme-regis.pdf>.
- 2** In December 2014 the Planning Policy Manager attended the oral session at the WDWPLP that considered Lyme Regis issues. Input to this session and subsequent officer discussions have informed the proposed main modifications, which are shown below in full (text in italic and struck through is proposed for deletion and new text proposed is shown in italic and underlined). The full text of the proposed plan modifications is set out below and is reflected in proposed amendments to the East Devon Local Plan to reflect the comments made by Mr Thickett in his letter of 31st March 2014.

MM76 states that: *The coastal town of Lyme Regis, in West Dorset, lies close to Uplyme in East Devon. ~~The area around the town is within either the East Devon or Dorset AONB, and there are also constraints of land instability and highway access that limit potential development sites. Finding the best solutions to meet the local need for housing and employment in this area should not be undermined by administrative boundaries. As such, it is important that West Dorset District Council works with East Devon District Council, Lyme Regis Town Council, and Uplyme Parish Council to ensure that the most appropriate solutions to meeting local needs of both communities are fully explored. Site allocations could be brought forward through a neighbourhood plan or a development plan document, potentially covering both local planning authority areas. The East Devon and Dorset AONBs abut one another sweeping over both settlements and the surrounding countryside, and there are also constraints of land instability and highway access that limit development potential in and at both Uplyme and Lyme Regis. Whilst not quantified through a formal local housing and employment needs assessment, there is a local expression of need for housing and employment in Lyme Regis, though at Uplyme, as set out in the emerging East Devon Local Plan, local aspirations for development are modest.~~*

MM77 states that: *West Dorset District Council will work with East Devon District Council, Lyme Regis Town Council and Uplyme Parish Council (and the County Councils and other partners) to ensure over the long term that the most appropriate solutions to meeting local needs of both communities are fully understood and explored and thereafter expressed in future policy documents, including neighbourhood plans. In terms of future development patterns, Lyme Regis and Uplyme are considered to be suitable only for limited local growth, rather than strategic or significant growth.*

MM78 states that: Policy LYME 2 *The district council will work with East Devon District Council, Lyme Regis Town Council and Uplyme Parish Council to understand and explore possible options ~~to undertake joint evidence gathering, including on constraints, and if necessary bring forward proposals of an appropriate scale~~ to support the potential long-term growth of Lyme Regis and Uplyme.*

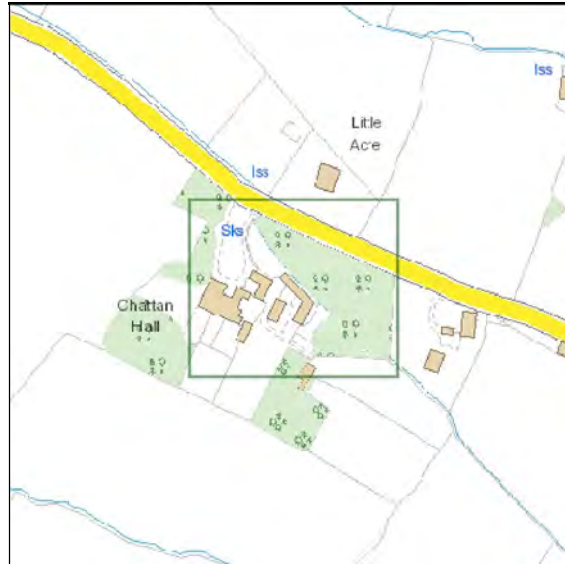
Ward Axminster Town

Reference 15/0147/FUL

Applicant Mr & Mrs A Sims

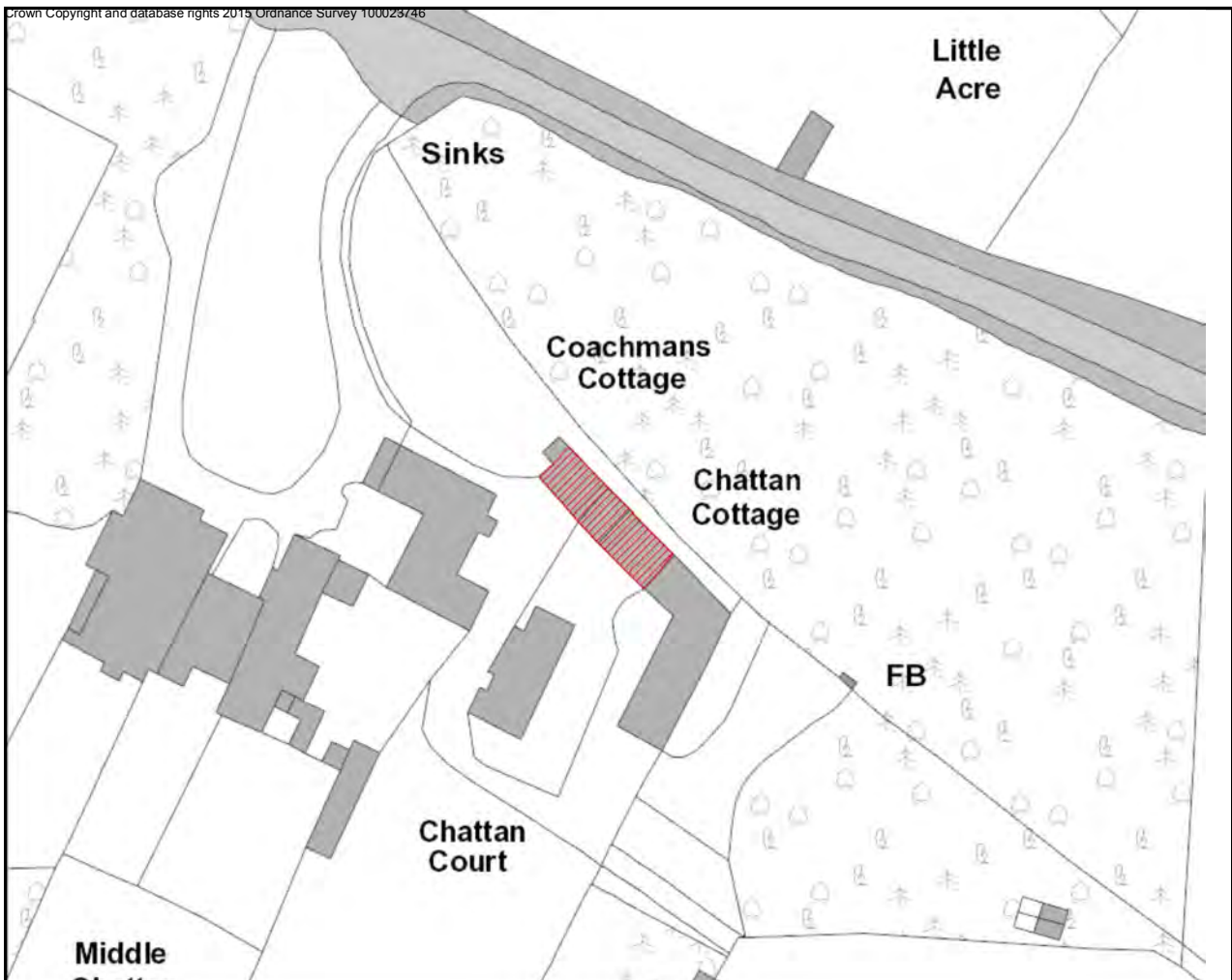
Location Chattan Hall Cottage Woodbury Lane Axminster EX13 5TL

Proposal Conversion of barn to dwelling



RECOMMENDATION: Refusal

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		Committee Date: 31.03.2015
Axminster Town (AXMINSTER)	15/0147/FUL	Target Date: 20.03.2015
Applicant:	Mr & Mrs A Sims	
Location:	Chattan Hall Cottage Woodbury Lane	
Proposal:	Conversion of barn to dwelling	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the Ward Member's view is contrary to the Officer recommendation.

This application relates to a barn situated close to the property known as Chattan Hall Cottage. This site is in the open countryside, and access is off a narrow C Class road. There is an area of woodland to the north of the property, which screens it from the road. Other properties are situated in reasonably close proximity to the site.

The building in question, and the attached barns have planning permission to be converted to holiday accommodation, and some of this work has taken place. However, the barn which is the subject of this application has not been converted. The proposed conversion would result in some alterations to the external appearance of the building.

The main consideration is the principle of a development which would result in the creation of a new residential unit in the open countryside, and whether this can be deemed sustainable. In this instance, the location of the site is such that the use of a private motor vehicle would be necessary to access basic facilities such as shops, schools or public transport. Consequently, the proposal would not comply with policies within the Adopted East Devon Local Plan; in particular Policies D10 (Re-Use of Rural Buildings Outside Settlements) and S5 (Countryside Protection). Additionally, it would not comply with the guidance contained within the National Planning Policy Framework (NPPF)

On this basis it is considered that the proposal represents unsustainable development and, therefore, it is recommended that this application is refused.

CONSULTATIONS

Parish/Town Council
Support

County Highway Authority
Highways Standing Advice

Axminster Town - Cllr A Moulding

I declare my interest in this application as the applicant is a personal friend

Axminster Town - Cllr D Hull
Support

Other Representations

One representation has been received regarding this proposal. The authors of this state that they have no objections to the proposal. However, they feel that a number of items need to be better defined, and draw our attention to the caravan situated within the curtilage of the property. Reference is also made to some overgrown land.

PLANNING HISTORY

Reference	Description	Decision	Date
05/3272/FUL	Conversion of barn to create unit of holiday accommodation.	Approval with conditions	19.01.2006
98/P1983	Change Of Use Of Range Of Single Storey Barns Into Holiday Units	Approval with conditions	20.05.1999

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

TC2 (Accessibility of New Development)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D10 (Re-Use of Rural Buildings Outside Settlements)

TA1 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Site Location and Description

Chattan Hall is situated in the open countryside approximately 400 metres to the east of the Built-up Area Boundary of Axminster, and approximately 1.5 kilometres from the centre of Axminster. The site is accessed along a narrow C Class road, known as Woodbury Lane. There is an area of woodland to the north of the site, which screens it from public views on Woodbury Lane. Other properties and buildings are in close proximity to the south. The building to which this application relates is a barn with a partially open frontage. It is brick built and has a tiled roof. The adjoining barns have been converted to holiday accommodation by virtue of previous planning applications relating to the site.

Proposed Development

Planning permission is sought for the conversion of the barn into a dwelling. This would involve some alterations to the external appearance of the building; most notably, the in-filling of the currently mainly open southern elevation. However, additional openings would also be created on the northern elevation. Alterations would also be made to the adjoining partially converted unit, as this would be combined with the barn as part of the proposal.

ANALYSIS

It is considered that the main issues in the determination of the application relate to the principle of allowing what would become an unrestricted residential unit in the open countryside and whether, if permitted, this would represent sustainable development.

The previous applications to convert the barns were recommended for approval on the basis of the units would be used for holiday accommodation and situated close to the property known as Chattan Hall Cottage, from where they would be managed. This is a view which the Council has taken on a number of other applications around East Devon and is supported by policy D10 (Re-use of Rural Buildings Outside Settlements) of the Adopted East Devon Local Plan. Policy D10 makes no provision for the development of a new dwelling in the open countryside. Instead, encourages developments which are sustainable and/or contribute to the local economy. Furthermore, it states that proposals should not result in an increased use of private motor vehicles. Clearly, the proposed development is not able to comply with these restrictions and, therefore, the proposal is not considered to comply with Policy D10 of the adopted Local Plan.

In addition, Policy S5 (Countryside Protection) of the Adopted East Devon Local Plan states that development is only permitted in the open countryside where it would not harm the distinctive landscape, amenity and environmental qualities of the area in which the site is located. In this instance, it is considered that the proposal would result in a dwelling where the use of the private car would be essential to access essential services, such as shops, schools or public transport, due to the remote location of the site. This would be harmful to the amenity and environmental qualities of the area through the generation of additional car journeys.

The National Planning Policy Framework (NPPF) states, in paragraph 28, that development in rural areas should be sustainable and support the rural economy. Whilst it is acknowledged that the holiday accommodation present on site contributes to the rural economy, it is considered that the proposal would result in the loss of some potential holiday accommodation and, therefore, a reduction of benefit to the rural economy. Such a stance is given further weight by paragraph 55 of the NPPF, where the proposal does not meet any of the special circumstances listed in favour of rural dwellings. Paragraph 55 of the NPPF states that Local Planning Authorities (LPA's) should avoid permitting new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

In this case, the building in question, whilst of some age and constructed from traditional materials, is not listed and is considered to be of limited historic or architectural merit. Additionally, no evidence has been presented to suggest that the proposed dwelling is needed to accommodate an agricultural worker or for the applicants to reside close to a place of work in the countryside. Also, the proposed works are not considered to be exceptional or innovative in design terms. Furthermore, the building in question is not redundant or disused.

Sustainability is seen as the golden thread running through the NPPF, particularly in Paragraph 14 where a judgement must be made as to whether the benefits of providing an additional house to contribute to the deficit of housing in the district are significantly and demonstrably outweighed by harm. In this case it is considered that the site, with a lack of access to services and facilities, and the potential overall to increase journeys by private vehicles, would not accord with these sustainable development objectives by means of significant environmental harm.

These factors, combined with the rural and isolated location of the site, would result in the creation of a residential unit in an unsustainable location, where the occupants would be reliant on the private motor vehicle to access essential services. Therefore, the proposal is considered to be unsustainable and is not supported by policies

contained within the Adopted East Devon Local Plan or guidance contained within the NPPF.

Other legislation

Members will be aware of recently introduced permitted development legislation relating to the change of use of agricultural buildings into residential dwellings under Class MB. The legislation provides a number of caveats which must be achieved before the building to be changed complies. In this instance the current use of the building for domestic storage and garaging of vehicles means that it has not been used for agricultural purposes and therefore does not comply with that legislation. Even though sustainability is now not a consideration under the aforementioned permitted development legislation, it still remains a very valid consideration when determining planning applications. Therefore the policy stance in terms of the adopted Local Plan and the guidance contained in the National Planning Policy Framework are the appropriate policy documents to use in the determination of the planning application.

Conclusion.

The proposal would create an additional dwelling towards the 5 year land supply, however, the disadvantages of the remote location of the appeal site would outweigh the limited benefits of adding one additional unit of accommodation to the District's supply of housing.

The Council has considered the various benefits which have been set out by the appellant. The Framework sets out that in achieving sustainable development, economic, social, and environmental gains, which are mutually dependent, should be sought jointly through the planning system. When taking the Framework as a whole the harm which would arise from the remote location of the proposed dwelling and associated reliance on the private car would significantly and demonstrably outweigh the benefits of this particular proposal. The proposal, as a consequence of its location, would not be sustainable development. Therefore, the presumptions set out in paragraph 14 of the Framework with regard to allowing sustainable development do not apply.

It is therefore considered that the proposal conflicts with paragraph 55 of the Framework which seeks to avoid isolated dwellings in the countryside. There would be a degree of conflict with Policy S5 of the Local Plan as the proposal would not be development explicitly permitted by a Local Plan policy

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development of the creation of an open market dwelling fails to accord with the definition of sustainable development, specifically the environmental role, found within the National Planning Policy Framework. In this case, the Local Planning Authority considers that the adverse impacts of this development in terms of its unsustainable location with the occupiers of the

dwelling having limited access to essential services, infrastructure and public transport significantly and demonstrably outweigh the benefits of providing the dwelling to meet the shortfall of housing within the district (5 year land supply) when assessed against the policies within the Framework as a whole. As such, the proposed development is considered contrary to the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan, Policies STGY7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the emerging new East Devon Local Plan and the guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved, however in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	19.01.15
TW14/44/01	Proposed Floor Plans	23.01.15
TW14/44/02	Proposed Elevation	19.01.15

List of Background Papers

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

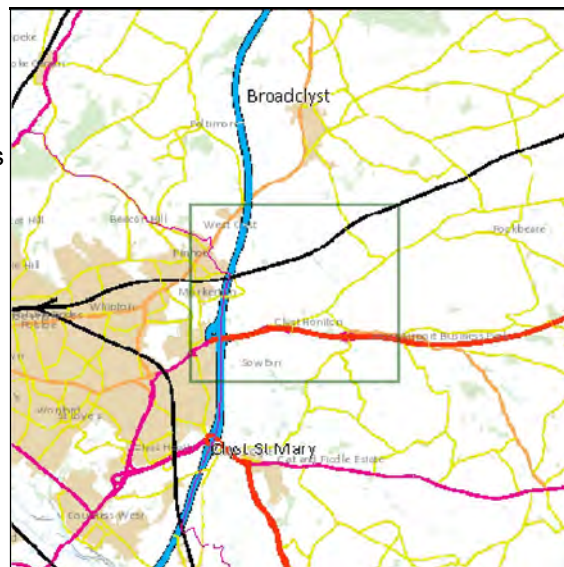
Ward Broadclyst

Reference 14/2761/MOUT

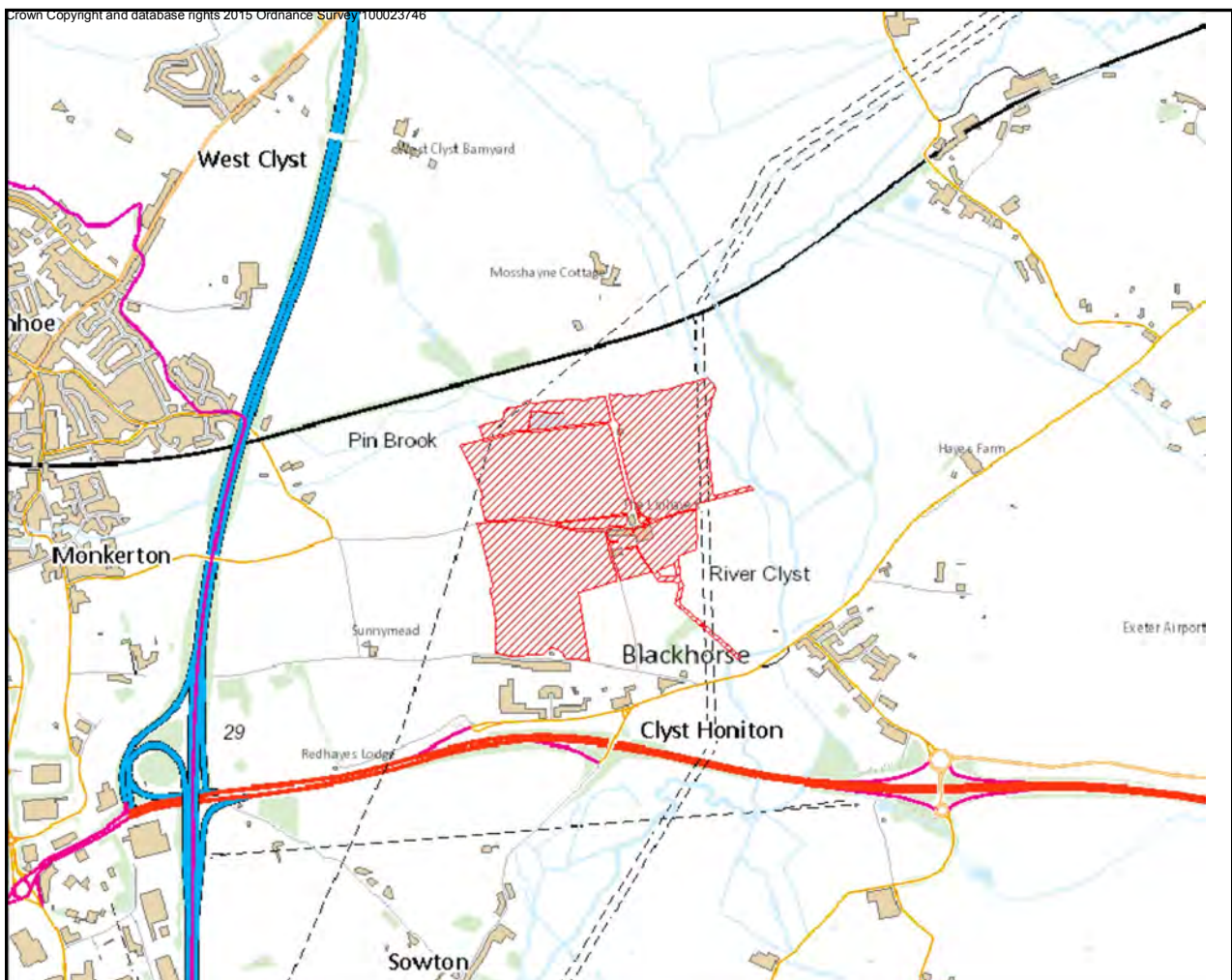
Applicant Mr & Mrs Gent & Eagle One Homes Ltd

Location Mosshayne Land North Of Tithebarn Lane Clyst Honiton

Proposal Demolition of the existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle parking, public and private open space together with landscaping and associated servicing (all matters reserved).



RECOMMENDATION: Approval with conditions



		Committee Date: 31st March 2015
Broadclyst (BROADCLYST)	14/2761/MOUT	Target Date: 10.03.2015
Applicant:	Mr & Mrs Gent & Eagle One Homes Ltd	
Location:	Mosshayne Land North Of Tithebarn Lane	
Proposal:	Demolition of the existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle parking, public and private open space together with landscaping and associated servicing (all matters reserved).	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The development proposed is in outline for the erection of up to 900 houses, a primary school together with associated parking, landscaping, open space and infrastructure. The site has an area of about 43.3 ha and comprises farmland located less than a kilometre to the north west of Clyst Honiton. The land is undulating, dropping away to the north down to Pinn Brook and to the east down to the River Clyst. To the south are the houses forming Blackhorse and to the west is the Tithebarn Green mixed use development which was granted outline planning permission in November 2013 (but no commencement).

The proposed development forms a natural extension to the Tithebarn Green scheme and combined would comprise close to 1500 houses. Both developments would form a sizable community and consequently it is important to assess how both schemes would work together to achieve an integrated and sustainable settlement where adequate facilities, located in the right place are secured.

In the absence of an up to date local plan, the council will need to rely on policies contained within the National Planning Policy Framework (NPPF) to guide decision making on matters of principle and policies in the 2006 adopted local plan as well as the NPPF for detailed matters.

In terms of the NPPF, there is policy on a wide range of planning issues but uppermost with this proposed development is the consideration as to whether the scheme would reasonably constitute sustainable development within the NPPF meaning and whether the council can demonstrate it has a 5 year supply of housing. The last housing supply assessment by the council was based on

figures up to 1st March 2014 and concluded we have a supply of between 3.51 and 3.83 years. However, with the preparation of the SHMA, an assessment of our 5 year supply is not realistic and the only reasonable conclusions that can be drawn at the current time is that an additional 900 houses would significantly improve our supply of deliverable sites.

The NPPF identifies a presumption in favour of sustainable development and that for decision-taking, this means approving development without delay where relevant policies are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the framework policies or specific policies in the framework indicate development should be restricted. On the economic dimension, this proposed development would help to deliver land for housing to support growth and deliver infrastructure and a mix of housing to help facilitate a strong, responsive and competitive economy. On the social role, the development would provide a mix of housing, including affordable, together with community facilities and services within the development or able to link into those being provided on the Tithebarn Green development. On the environmental role, the site is not a designated landscape but nevertheless, provides for an attractive rolling area of countryside. Accordingly, an assessment of the impact has been undertaken and the various sensitivities considered. Whilst the development would clearly impact upon the landscape of the site, this has been minimised through the various parameter plans to control such aspects as density and building heights, together with proposals for landscaping, open space and green infrastructure provision. Overall, it is considered the landscape impact would be acceptable. The impact upon protected species has been assessed and could be suitably mitigated together with contributions towards mitigation projects for the Pebblebed Heaths and the Exe Estuary European sites to comply with the Habitat Regs. The proposal is to connect to the proposed District Heating network and, if achieved, this would help to minimise the use of natural resources. The site is considered to be in a sustainable location which, in conjunction with improvements to the cycle/footpath network and bus contributions, would ensure that residents/users of the site need not rely on the private car.

Overall, with the present situation with the local plan, the need to provide more housing and the sustainable nature of the proposed development means that there is substantial weight in favour of this development. The application has been assessed against the policies in the NPPF and there are no outstanding issues that with controls exercised through possible conditions and the proposed S106 agreement, would indicate that this development should be restricted.

However, this development cannot be seen in isolation and it should be seen as an extension to the approved Tithebarn Green as an integrated community of possibly 3,000 plus population with all the necessary services and facilities, and located in the right place. Tithebarn Green was conceived as a mixed use development without considering an additional 900 houses and consequently it is considered that a number of the community facilities would not be well related to the combined scheme, in particular the local centre. It is therefore considered

imperative that should permission be approved in principle by this committee that before any permission is granted, the approved parameter plans for Tithebarn Green should be amended to re-orientate the approved uses and movement to integrate with the wider development.

The other outstanding issue is viability. The government, as part of their deliverability agenda, are now clear that councils should not be approving unviable large and complex developments. Viability goes to the heart of large developments and councils, especially where planning obligations or other costs are being introduced, must ensure that their decisions are underpinned by an understanding of viability and where the viability of a development is in question, the council should look to be flexible in applying policy requirements. This is particularly relevant for affordable housing which, on this scheme, stands at 40% subject to viability. In addition, numerous other contributions have been sought to make this development acceptable in planning terms, all of which requires the council to have an understanding of the viability of the scheme. It would not therefore be reasonable for the council, at this stage, to proceed straight to an approval without this understanding of the viability of the scheme and accordingly the recommendation is, should the members find the principle of the development acceptable, to proceed through a viability exercise with the applicants to determine the viability and, if necessary, make adjustments to the affordable housing level and/or the contributions, provided, of course, the development remains acceptable in planning terms.

CONSULTATIONS

Local Consultations

Parish/Town Council

Broadclyst Parish Council echoes points raised by Clyst Honiton Parish Council as this development will have a direct impact on Clyst Honiton and Blackhorse residents, especially in relation to the protection of the Carrow (Cairo) Mill, which is of historical significance to the local community. Although outside the Mosshayne site boundary, any proposals which help safeguard the ruin would be most welcome.

With reference to Section 106 contributions for Mosshayne land development, Council respectfully suggests the following be considered:

- the allotment provision of 6,000 m² is currently spread over 3 sites; whilst this has no doubt been done to serve different areas of the development it maybe to move allotment provision to one location will ease management and enable a greater degree of interaction between allotment holders (i.e. sharing machinery, machinery access tracks, installation of water pipes, manure/composting waste, sharing surplus produce/seeds/fertilizers etc)
- carefully considered infrastructure occupancy trigger points to ensure early residents are not left without facilities for an unacceptable length of time play parks and open space provision

- the developer has an obligation to deliver 30,000 m² of outdoor sports space, however currently the only open space provision is 31,000m² which while sufficient in area is directly controlled by the primary school and therefore not for unrestricted community use. This does not meet the definition of "open space which is freely available for community use".
- there is a large amount of play area and equipment provision, which while fantastic, has not been best sited. One play area is in the flood plain, with one central larger play area (a NEAP for 0-14yrs including a MUGA) and then 2 further smaller LEAPS at each end of the development. Ideally these locations need considering against proposed locations of the neighbouring development and with anticipated footfall paths.
- Council also requests Industry standard specifications be observed and a wide user age range catered for when choosing proposed equipment as well as low occupancy trigger points for delivery.
- long-term ownership and maintenance of Play areas is proposed to be via a Management company, however this is requested to be transferred to the parish council as it is felt the Parish Council is already maintaining and inspecting 3 play areas and have a qualified RPII inspector and preferred contractor to carry out these duties.
- Play areas, and indeed all public parks/open spaces/play areas/allotments throughout the Growth Point, need to be registered through Locality as Community Assets to prevent reallocation of land in the future for further development.

Cycle path

Location of path be adjusted to 'miss' Mosshayne farm and houses at Mosshayne Barns. This could be a negotiation against the open space; i.e. if it proves challenging to deliver the required amount of community open space this shortfall could be addressed with a separate dedicated cycle path.

Council has concerns as to the current proposals which show the cycle path following the existing Mosshayne Lane; this lane is not wide enough nor are there sufficient passing places to safely share it with walkers and farm/other traffic which will retain vehicular access rights. Due to the proximity of the motorway, it is not possible to hear approaching traffic when walking/cycling along the Mosshayne lane.

Broadband provision

Local residents in Blackhorse complain of slow internet speeds and poor connections. As superfast broadband is available fairly nearby it would be good to look at a contribution towards the overall cost of installing this across the West End.

Highways contributions

Mosshayne will be served off the Tithebarn green link road, however Council requests the following be considered to ensure site sustainability and public safety.

Public safety contribution

Where the old A30 passes through Blackhorse/ Endsleigh Crescent, traffic calming measures are requested.

Traffic engineering features

A pedestrian/toucan crossing to enable pedestrians to safely access Exeter-bound bus stop opposite Endsleigh Crescent. Bus shelters to be provided adjacent to and opposite Endsleigh Crescent (both sides of the road).

Anti-skid surfacing / pinch points on the approaches to calm traffic

Improvements to footpath 61, suggest a link back to P3 footpaths 63, 65 and 29 to make circuitous route (Council is happy to work with Simon Bates (EDDC Green Infrastructure) and Ros Davies (DCC) to discuss how this could best be delivered to serve all developments in this area).

Sustainable transport links

In order to encourage residents of the new development to consider taking public transport for work, leisure and recreational trips, Council requests a contribution to Stagecoach and Network rail to subsidise fares from this location.

Other County considerations:

education to ensure correct contributions towards secondary education (although primary education is well addressed, the level of development in the Growth Point will inevitably lead to pressure on local secondary schools as students grow up)

medical provision contributions:

surrounding highways infrastructure contribution:

Rail link / dualling of the track. It is not unreasonable to expect all major development along the rail line to contribute towards the costs of dualling the track, especially if the development will be 'sold' to potential buyers as having good rail links as Cranbrook has been.

Road signage funding to be agreed so signs can be switched from yellow site signs to permanent directional signs without delay once the appropriate point is reached.

CEMP conditions

all site traffic to access the Tithebarn link-road via Junction 29 no construction traffic through Clyst Honiton/Blackhorse village wheel-wash facilities on site to prevent road contamination from site detritus Grampian condition to ensure traffic calming in place in Clyst Honiton prior to construction commencing (cheeky, but can only ask)

Community development budget - a pump-primed amount of community development funding, to be held by the Parish Council and used to establish a sense of community amongst early residents, set up local groups/allotment association/neighbourhood watch etc.

dog waste bins - to install additional bin on the lower end of Mosshayne lane and additional bins in open space areas (to be installed once a very low occupancy trigger point is reached) and pump-primed service charge to ease financial burden

until such time development is sufficiently occupied for the service charge to be sustained by the parish precept (suggest 3 years' service charge per bin) community self-help provided i.e. grit bins, plus seasonal tools, ideally in a purpose-built store. Pump-primed in same way as proposed for dog bins so cost of refilling does not fall to existing council tax payers for first 3 years from date of first occupancy. (to support the community to deliver self-help under road warden, flood warden and snow warden schemes)

Demolition of the existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle parking, public and private open space together with landscaping and associated servicing (all matters reserved).

A further Planning Committee meeting will be held shortly to consider mitigations and Section 106 contributions should EDDC be mindful to permit this application. An initial vote showed mixed support for the proposal: 1 in favour, 2 against, 1 abstention.

Adjoining Parish - Bishops Clyst

The Council OBJECT to this application and comment as below:

The Council has major concerns with this development in means of the following:-

- Over development on surrounding land around Clyst Honiton.
- Construction close to local flood plain which could cause flooding to Clyst Honiton itself.
- Overwhelming effect on the River Clyst by having a direct connection via water holding systems thus causing further flooding issues downstream in Clyst St Mary itself and surrounding areas.

Adjoining Parish - Clyst Honiton

Clyst Honiton Parish Council unanimously voted against the proposed application and wishes to support the views of Broadclyst Parish, with the exception that we feel that the allotments should be in separate places within the site, as proposed, but also that these designated areas should be protected as open community spaces, if not used for allotments.

However, geographically the proposal is closer to Clyst Honiton village, therefore the Council has the following strong views of its own.

Clyst Honiton Parish Council considers it is not an appropriate development for many reasons, which include:-

1. The Council object to use of South East corner for construction of dwellings, as it is right next to overhead power lines and visually intrusive on the skyline from the Clyst Valley Park and Clyst Honiton village. Substantial screening should be planned in this area, so construction is not seen from Clyst Valley Park or Clyst Honiton village.
2. This area is part of the only green corridor in this part of East Devon and should therefore be preserved.

3. Flooding - The Council have concerns about the construction of Dwellings, especially on the South East and East elevated area, which will cause additional flooding in the village of Clyst Honiton, as it is situated only metres from the flood plain. We attach a photograph taken on 16th November 2014 to illustrate how close the proposed site is to the flood plain.
4. The Council does NOT agree with statement (2.5) that proposals appeared to be well received by the local community, this is not the case in our experience of recent public meetings.
5. The Council disagree with the landscape and visual statement in (5.2). The views have NOT been carefully considered in relation to the residents of Clyst Honiton and users of Clyst Valley Park.
6. The Council have concerns about light pollution for the residents of Clyst Honiton, Black Horse Lane and Endsleigh Crescent and also concerns about existing habitats in the Clyst Valley Regional Park.
7. This development will have significant impact on the traditional rural character of Clyst Honiton village.
8. The Council welcome the density layout of this proposal, compared with the proposed Tythe Barn Green development, which adjoins the site.
9. The Council ask for provision of plans for the protection of Carrow (Cairo) Mill, which is of historical significance to the local community. This picturesque ruin will be open to vandalism when the site is occupied. This Mill should be preserved for the benefit of all.
10. The Council is concerned that this application may not comply with East Devon District Council's Policy for provision of at least 2 parking spaces for every 2/3 bedrooms properties.
11. There should be provision for visitor parking within the site.

Ward Member – Cllr P. Bowden

Conditions are paramount

Technical Consultations

County Highway Authority

Local transport provision

In order to support the delivery of the development projects set out above, the county council has taken a holistic approach to transport provision across the Exeter and East Devon Growth Point area and the following schemes have been delivered using a mixture of private and public funding:

- Redhayes pedestrian / cycle bridge
- Provision of a new bus service (service 4 - and variations of this)

- Significant upgrade to the C382 (Honiton Road) including new access to Science Park and bus lanes
- Science Park Drive
- Clyst Honiton Bypass
- Significant upgrade to M5 Junction 29

In addition to these, the Tithebarn link road between the M5 bridge and Cumberland Way in Exeter, as well as the new rail station at Cranbrook are currently being delivered. The future delivery of the Tithebarn Link road from the M5 Bridge to the C382 Honiton Road in East Devon also remains a priority and will be necessary to deliver the West End development.

It is anticipated that additional schemes are also likely to be required to support future growth including improvements to support a half hour rail frequency between Honiton and Exeter city centre and improvements to junctions on the A30.

This development will need to contribute fairly to the relevant transport schemes which are planned and which will provide transport capacity for this development to come forward. Any mitigation proposed by the development needs to be informed by the transport assessment undertaken in support of the application, as this forms the basis of understanding the impact of the development.

A transport assessment (TA) has been submitted alongside the application, which has been reviewed. To summarise, the county council requires more information before it is able to support the application. The following comments relate to this transport assessment and set out the reason for this opinion in more detail.

Mode Split

The modal split of the trips generated by the development is considered suitably robust and is consistent with the agreed figures for the Tithebarn Green (Redhayes) development.

Trip Rates

The trip rates are consistent with the East of Exeter SATURN traffic model and the Tithebarn Green (Redhayes) development and are accepted.

Distribution / Traffic Flow Diagrams

The TA states that the distribution is based on the East of Exeter SATURN model; however it does not appear consistent with the modelled distribution or the assumptions in the TA which supported the Tithebarn Green (Redhayes) application. Specifically confusing is the reference to 63% of trips travelling towards Cranbrook/Redhayes in the AM peak. It is recommended that the distribution is consistent with the figures agreed for the Tithebarn Green (Redhayes) TA.

In the early development of this TA, a number of modelled scenarios were provided to the applicant by Devon County Council; however, it is unclear whether the base 2029 flows in the TA use the correct 'base + committed' flows as the basis for adding the Mosshayne development trips to.

This needs to be clarified and it would be helpful to have a diagram showing just the Mosshayne development traffic flows. A meeting to agree the above details would seem the most productive way forward.

Junction Modelling

It is noted that the current junction assessments have been carried out with a flat traffic profile across the peak hour. This should be changed to a peaked hour profile to replicate the actual situation and provide a robust assessment of the junctions. This, along with the revised distribution (and assignment of vehicles) is likely to impact on the results of the junction assessments. These will need re-running.

Mitigation Measures

Highway

Transport modelling assessment of M5 junctions 29 and 30 has shown that the development projects occurring in the West End of East Devon will result in these junctions operating over capacity. In order to avoid this resulting in a severe impact on the local and strategic road network, the county council has progressed designs for the Tithebarn Link Road. The first phase is being delivered; however, there is currently a shortfall in funding to deliver the second phase.

Public Transport

Public transport has a significant role to play in the reduction of car trips from any development. As set out above, the new stagecoach service 4 operates in the west end of East Devon and is supported by developer contributions from other developments in the area, including the consented Tithebarn Green (Redhayes) development. In order to achieve the trip rates, the site will need to have good access to public transport. The county council would expect the development to incorporate a looped route that can accommodate a two-way bus service without the need for the bus to turn around (i.e. continue going forwards) through the development as well as contributions to facilitate bus stops and the extension of bus services to the development. Contributions will also be sought towards enhancements at Pinhoe Station (including car parking and cycle parking), as well as the bus priority proposals on Hart's Lane for routes towards Exeter city centre.

Analysis of the West End developments indicate that even with the Tithebarn Link Road in place, there will be significant traffic volumes at Junction 29. Whilst additional highway capacity improvements are limited, investment in the rail infrastructure could remove existing trips from the A30. Increasing rail frequency between Exeter city centre and Honiton to half hourly (via Cranbrook) would offer a more convenient service and faster journey times compared to the private car. This is expected to mitigate impacts at Junction 29 and 30. Depending on what may be feasible, the county council would be seeking flexibility to use public transport contributions for either bus or rail improvements so that the greatest benefits can be realised on the local and strategic road network.

Walking, cycling and travel planning

Walking and cycling not only provide highway capacity relief but also create other benefits such as helping people to adopt more active and healthier lifestyles. The county council is encouraged to see that pedestrian and cyclist facilities will be provided within the development and linking to external areas. It is important that these routes are attractive, and designed to be safe, direct in alignment, level and well lit. A number of external walking and cycling links are being developed in the local area to access jobs as well as leisure opportunities. It would be appropriate to contribute towards improving local routes that link to the development from the wider area, specifically Mosshayne Lane, both north and south of the development, and Blackhorse Lane.

Travel planning and personalised travel marketing can help people understand how to make more sustainable journeys rather than relying on the private car. The county council can undertake this travel planning function on behalf of a developer, although a contribution will be required for this.

As stated above, the county council is not able to support the application based on the information provided by the applicant to date. We therefore recommend refusal until such time as more information is forthcoming. We are keen that this is resolved quickly and so would like to continue discussions with the applicant to address the above points.

Comments received from DCC highways following receipt of further information

These comments are made subsequent to those in our formal planning consultation response of 13 January 2015 and are made following additional evidence from the proposers of the site. These comments relate largely to the anticipated impacts of the development and anticipated s106 requirements needed to mitigate these. The development is referred to from hereon in as the 'Mosshayne development'.

The development represents a sizeable eastern extension of the existing consent for 580 dwellings in the East Devon part of the Tithebarn Green consent, resulting in a settlement with a population akin to that of Exminster.

The development goes beyond what has previously been proposed for East Devon's West End in the emerging East Devon Local Plan and that considered in the 2010 East of Exeter Modelling work. Given this and the magnitude of the proposals it represents a significant challenge in terms of infrastructure provision.

Transport Impacts

Following a number of comments raised with the November 2014 Transport Assessment that was submitted with the application, an Addendum was subsequently provided in February 2015. Comments within this response are made in relation to both assessments.

Trip Generation

Vehicular trip rates in the initial TA (0.45 Outbound in the AM peak) matched those used in the Tithebarn Green application and those assumed in the County's East of Exeter modelling work. These had been accepted in the DCC response of 13th January 2015.

However, in the Transport Addendum the applicant argues that there is greater scope for internal trips with a larger development and as a result proposes the use of lower trip rates (0.38 outbound trips in the AM peak, 0.54 two-way). These trip rates are comparable with those used to assess developments to the East of Pinhoe, and 35 % higher than those assumed for the new town of Cranbrook. Considering this, the revised trip rates appear sensible and are acceptable.

Trip Distribution

Following concerns with the suitability of the distributions applied in the Transport Assessment, these have been revised in the addendum to match the distribution used in the Redhayes TA. This is accepted.

Although there are discrepancies between the development flows in Appendix C and the trip totals in table 3-1, the magnitude of these (just 9 less in the AM and 3 more in the PM) suggests they relate to rounding rather than any significant errors and is not a concern.

Traffic Impact Assessment & Consented Development

Consented development considered for future year assessments has been clarified in section 4 of the Transport Addendum. These consented developments have been agreed in liaison with the County Council as suitable for assessing the Mosshayne application, and the 2030 forecast year traffic flows used have been provided from the DCC East of Exeter model. Traffic growth in the future year is largely driven by that from the new developments in the area, with limited background traffic applied only to the Strategic Road network.

The future year assessments include traffic from the full build out of employment sites to the east of Exeter (Science Park, Skypark and IMFT), strategic allocations in Exeter (Monkerton and Newcourt), recent consents in Pinhoe (Old Park Farm/Pinn Court Farm/ Quarry and Brickworks) and 6,500 dwellings at Cranbrook. With the exception of 3,000 homes at Cranbrook, all of these have a planning consent or resolution to grant.

Although only 3,500 homes at Cranbrook currently have a planning consent , the provision of 6,000 - 6,500 homes is outlined in the emerging local plan and fed into the East of Exeter access strategy work. The new town of Cranbrook has been a central piece of East Devon's forward plan and it is considered there is a reasonable degree of certainty it will come forward. Therefore at least 6,000 homes at Cranbrook should be considered as committed development in the assessment of any new applications in the west end of East Devon.

Access

Vehicular

Vehicular access is proposed from the two ghost island priority junctions on the eastern side of the, yet to be constructed, link road.

As the only vehicular accesses are onto the Link Road, it is essential that this is in place prior to commencement of the development. DCC have secured the majority of funding towards this link and to enable its progression would request any funding shortfall to be met by this development – expected to be a maximum of £1.5million.

Although access is not a detailed matter of the application, the additional development traffic will impact on the operation of these junctions and future year assessments of these junctions are presented in Section 6 of the Addendum. These assessments show the priority junctions to operate within capacity and are therefore acceptable. In addition, to ensure that the link road is resilient to traffic flow changes, land should be safeguarded to enable the upgrade to a traffic signals junction if required.

To disperse development traffic it would be desirable to have a new vehicular access on the eastern side of the development onto Honiton Road. However, this has not been proposed by the developer, is not on land within their control and the capacity assessments do not suggest that this is essential for the access junctions to operate within capacity.

The existing Mosshayne Lane currently runs north to south through the site. It is unclear if it is proposed to utilise this for vehicles as it is not assessed in the TA. Nevertheless, the applicant is advised that access onto Mosshayne Lane to Blackhorse Lane, and the primary cycle route, may not be acceptable and the use of this as a pedestrian/cycle route would be desirable in contributing towards a high quality sustainable travel . The full details of this should be finalised through reserved matters application(s).

Pedestrian/cycle

Although the submitted Access and Movement Parameter Plan gives an indication of what can be achieved, access is not a detailed element of this application and therefore the specific pedestrian cycle provision will need to be finalised through future reserved matters applications. Nevertheless, the key connections and access routes including any off site elements which may need to be secured through an appropriate legal agreement, are set out below.

The access and movement plan shows Tithebarn Lane as a pedestrian/cycle only route, with potential for similar treatment of Mosshayne Lane. Dedicated car-free routes through the site are welcomed. To support sustainable travel and achieve the lower trip rates now being put forward by the developer this route will need to tie into the connections and onward routes to nearby employment and education facilities.

The east-west primary route is adjacent to the southern boundary of the site. It is essential that convenient access to this is provided from the site. If suitable,

consideration should also be given to redirecting this through the southern parts of the site.

Outside of the site and in terms of links to the adjacent network the lack of safe and suitable routes to nearby secondary schools is a concern, particularly Clyst Vale School in Broadclyst. The current route of Mosshayne Lane to the north is circuitous, passes through the Farm, and without appropriate facilities to cross the B3181. Upgrades of the routes to the north, including bypass of Mosshayne Farm (which the landowner is understood to desire), have been identified as part of the Clyst Valley Way proposals at an estimated cost of £250,000.

Similarly, a safe and suitable route to the east towards Cranbrook and employment sites at Skypark and IMFT will need to be provided. Upgrades of Mill Lane to provide a direct route to the C832 are also identified at a cost of £140,000.

Heading south, towards the Clyst Valley Park south of the A30 there are currently no formal crossing facilities across the C832. Provision of a Toucan Crossing here is estimated to cost £60,000. With funding towards links to the north and east sought from Mosshayne it would be appropriate to seek the cost of this from other sites in the vicinity, including the current application site on Blackhorse Lane. No contribution is therefore sought towards ped / cycle routes from the site south of the A30.

Safe and suitable access for all users is a vital part of the acceptability of the proposals and to enable the delivery of safe and suitable routes to schools and adjacent facilities the cost of these links should be secured from the development at an early stage.

Junction Impact

The Transport Addendum outlines that the Mosshayne development can be expected to put an additional 500 two way car trips on the highway network during peak periods. This is a significant volume of traffic, placing strain on a number of junctions on the local and Strategic Road Network. These impacts are explored within the transport addendum and discussed below.

Link Road Junctions

The applicant's analysis shows that with the Mosshayne development the junction of the Tithebarn Link Road with the C832 approaches capacity in the evening peak. The lane capacities that have been used in this assessment are arguably optimistic. By comparison, DCCs own analysis shows the junction to operate fractionally over capacity, with RFCs of 94% on the C832 approaches in the PM peak.

Both sets of analysis suggest this junction would be operating at capacity. Although a point of concern, the availability of an alternative route via the Clyst Honiton Bypass helps to provide some equilibrium should this route begin to operate over capacity in future and therefore this is acceptable.

To the west, the link road roundabout with Cumberland Way is shown to be operating at capacity in both peak periods. The additional traffic from the Mosshayne

development would push the Cumberland Way approaches over capacity, creating the potential for blocking back to other junctions along Cumberland Way.

The applicants have proposed amendments to the entry alignments to overcome some of these concerns. Whilst ARCADY modelling indicates additional capacity from this, and it is accepted that there may be some benefit, whether the benefits from minor realignment reported by ARCADY would actually be achieved without comparative changes to the circulatory geometries is highly debateable. Furthermore, in the absence of an acceptable Road Safety Audit and that the junction still operates at capacity, this is not something we would support.

Moor Lane Roundabout and SRN

The Moor Lane roundabout is an existing pinch point on the highway network. An improvement scheme for this junction has been identified and S106 funding has been secured from development of 750 dwellings at Hill Barton. The submitted analysis assumes this improvement to be in place which, again considering there is a reasonable likelihood of this coming forward, is an acceptable approach.

However, the future year assessments of Moor Lane Roundabout show that even with the improvement scheme in place, the junction operates at capacity in peak periods. So much so that that even by rationalising green times to retain priority for the A30 approach, it still operates at an RFC of 94-98% and there is a risk that further traffic will result in queuing back through junction 29.

The Tithebarn Link Road, which is currently on site, is required to alleviate the pressure at Moor Lane roundabout. However, as planned developments come forward, both the Link road and Moor Lane are predicted to operate at capacity.

Similarly, the assessments of Junction 29 show this to be operating at capacity as a result of the already planned growth. In particular, the A30 East bound and M5 Southbound off slip are predicted to operate at above 95% RFC, and as flows increase beyond this the likelihood of significant queuing occurring will increase.

The Mosshayne development is predicted to put an additional 150 two way movements through J29. Whilst the applicants argue that this is only a small impact in percentage terms (which given the flows through a motorway junction is not in dispute) any additional traffic above those considered in the no Mosshayne scenario will have a disproportionate impact and considerably worsen this situation.

Furthermore, the modelling of J29 is undertaken in isolation and assumes downstream exits are clear at all times. However, when Moor Lane roundabout is over capacity there is potential for blocking back to this junction which will further reduce capacity. The performance of these two junctions is a concern, and any further development will significantly increase the occurrences of significant queuing, including onto the mainline of the motorway.

It is noted that the left turn from the A30 to M5 SB is shown to be considerably over capacity in the PM peak. Review of the background traffic modelling identified that flows in the base year modelling (for this movement only) are approximately 400

PCUs higher than those recorded on site and that a with a manual adjustment for this the PM peak will be as busy as the AM peak.

Overall Impact

In summary, without development at Mosshayne the major junctions on the surrounding highway network are predicted to be operating at capacity. This is consistent with the DCC position in the Access Strategy work in the area.

The applicants argue that additional Mosshayne traffic is only a small proportion of traffic through these junctions. However, National Policy is clear on the consideration of cumulative impacts and that seems particularly appropriate when considering a growth area such as East Devon's west end.

Unmitigated the Mosshayne development places significant strain on the local highway network, with unacceptable impacts on strategic junctions. Therefore without appropriate mitigation the County Council would be recommending refusal .

Mitigation

Although significant highway infrastructure has already been, or is being, delivered in the adjacent area the planned and consented developments will consume the additional capacity provided by these improvements. Beyond the planned and implemented improvements, there would appear limited scope to improve the highway network further.

Therefore, the mitigation for Mosshayne, and indeed further developments in the West end of East Devon corridor, will need to be focused upon improving the infrastructure and provision for non-car modes.

Despite the applicants analysis showing the highway network to be operating at capacity and acknowledging that government policy is to move away from reliance on the private car, no consideration (beyond a network of ped/cycle links and loop road for buses) is given in the TA or addendum TA as to what mitigation off site mitigation could be provided.

The County Council has previously identified possible measures to accommodate further growth on this transport corridor which could help remove the highway objection. In particular, the July 2013 DCC Axminster-Honiton-Exeter corridor report (produced as part of the evidence base for the East Devon Local Plan examination) set out that the enhancement of rail frequency on the Waterloo Line out to Honiton/Axminster would help to alleviate the vehicular demand on the Pinhoe Road/Heavitree Road corridors equivalent to 2,900 – 3,400 homes.

This report also translates this into the equivalent number of highway trips. Section 5.7 sets out that enhanced rail frequency would offset the demand for 250 two way radial route vehicular trips into Exeter in the AM peak hour, therefore providing a significant volume of relief on the highway network.

In terms of the impact of Mosshayne, the applicant's TA addendum highlights that the Mosshayne development would put 96 two way vehicular trips onto the Pinhoe Road corridor. Given that the radial routes which the Mosshayne development puts additional traffic on are the same routes to which relief is provided by the enhancement in rail frequency, in transport impact terms it is directly related to the development.

Options for achieving rail frequency enhancements are considered further in the Grip 2 Feasibility Report. Within this, a variety of infrastructure options are explored to achieve half hourly frequencies to Honiton and/or Axminster. The cheapest of these, the Feniton short loop, would enable an almost half hourly service to Honiton. This is estimated to cost £15 million.

Although it would be desirable to provide an enhancement which facilitates a clockface half hourly service out to Axminster, this level of provision is not required as a result of the development and so larger contributions are not being sought.

To comply with current policy regulations, any contribution must be fairly and reasonably related to the development. As outlined above, Mosshayne development traffic is expected to account for 35-40% of the traffic relief provided by enhancing the rail frequency. Similarly, the development of 900 homes corresponds to roughly a third of the amount of development the enhanced rail frequency is expected to unlock. Therefore, a proportionate cost of $900/3400^{\text{ths}}$ of this – totalling £3,998,000, is sought from this development through an appropriate agreement.

Without the above contribution towards public transport or an alternative, justified, form of appropriate mitigation the County Council would recommend refusal.

Internal Roads

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets. To assist in achieving this it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval.

Details of the internal road layout will need to be submitted to and agreed by the Local Planning Authority before occupation of the development. A condition of that effect is recommended as part of any permission. This includes a design that is suitable for accommodating a bus route through the site and for high quality pedestrian/cycle connections to and from the Blackhorse Lane Primary cycle route.

Travel Planning

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan. DCC is currently seeking that in the Exeter Area contributions are paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured as part of any S106 agreement.

Transport Contributions Summary

Negotiations regarding developer contributions for transport are in progress and are expected to include:

- £3.998 million towards rail infrastructure on the to enable a half hourly rail frequency between Exeter and Honiton
- £0.390 million towards walking and cycling links from the site to adjacent facilities
- £500 per dwelling towards implementing a residential travel plan
- Up to £1.5 million to fund completion of the Link Road

Conclusion

The additional travel demand from 900 more homes at Mosshayne is significant and whilst there is some benefit of trip internalisation with a larger development, the west end of East Devon is subject to significant growth.

The highway network is expected to be operating at capacity with the already consented developments, with little scope for further enhancement. Travel demand from Mosshayne presents a significant challenge putting the network under further strain unless substantial public transport mitigation impacts are included.

It is therefore essential that that this development enables significant improvements in public transport provision to support further development along the corridor.

Enhancing the rail frequency towards Honiton is identified as one way of achieving this and therefore funding should be secured towards this public transport enhancement. The contributions for this outlined above are fair, reasonable and essential to make the development acceptable in transport terms. In the absence of these, the development would not be acceptable and the County would recommend refusal.

Environment Agency

We have no objections to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment.

We broadly support the conclusions and recommendations of the flood risk section of the drainage strategy, as prepared by Parsons Brinkerhoff (ref. 287396A-02 Tithebarn Green Mosshayne FRA final October 2014). We would expect to be consulted on a detailed surface water drainage scheme and this should form a condition of any granted planning permission.

Any engineering work located within the designated floodplain of either the Pin Brook or River Clyst adjoining the site will require approval from the Environment Agency through the flood defence consent process

Highways Agency Exeter

Initial comments

The Agency has now considered the above planning application and our comments are provided below. These comments reflect DfT Circular 02/13 The Strategic Road Network and the Delivery of Sustainable Development.

Development Proposals

The proposal comprises the development of 900 homes on land immediately east of existing consented residential land at Red Hayes, with intended access taken via 'to be built' access roads forming part of the latter to junctions with the Tithebarn or Phase 3 Link Road (TLR). The latter is also to be completed, with the Phase 1 section between Cumberland Drive and the Science Park Drive (North) junction expected to be completed by March 2015, but the remaining Phase 2 section to Honiton Road needed to serve this development not expected to be completed until 2018/19. The supplied Masterplan shows that the development would have two highway connections with the internal road layout planned for the Red Hayes land, with development traffic subsequently channelled to two major-minor 'priority' junctions proposed on the line of the Phase 2 section of the TLR.

Trip Generation

The vehicle trip rates applied are the same as those used previously in assessing the impact of the residential development now consented on the Red Hayes land. Given the proposal is effectively an extension of the housing here this is accepted. The two way trip-rates/dwelling of 0.626 and 0.560 used for the weekday AM and PM peak hours are considered sensible and realistic.

Trip Distribution

In paragraph 6.5.1 of the Transport Assessment (TA) it is stated that "The vehicle trip distribution for Tithebarn Green Mosshayne development has been taken from the East of Exeter SATURN model", and in paragraph 6.5.2 "The majority of the trips come from and go towards the east of Exeter rather than the City Centre". Tables 6.1 and 6.2 which provide details of the distribution assumed shows that 63% of all vehicle departures in the AM peak have destinations in Red Hayes/Cranbrook, with 63% of all arrivals in the PM peak coming from this area. Given that the biggest trip attractor will undoubtedly be the Exeter urban area, the fact that nearly two thirds of the vehicle trips are expected to be 'local' to Red Hayes or routing east towards Cranbrook demands some further explanation and an evidence base. The use of local census Travel to Work Area (TIWA) data for 2001, or ideally 2011 if available, is likely to show a distribution more biased towards Exeter, but it is possible that some adjustment has been applied in the DCC modelling supplied to account for future employment at the Exeter Science Park (ESP), Sky Park and the IMFT. In respect of the Science Park it would be hoped that a lot of these 'local trips' would be made by sustainable modes rather than car, although it is unclear whether the definition of 'Red Hayes' in Tables 6.1 and 6.2 includes the ESP. In short, the Agency requires further information to support a predicted vehicle trip distribution which, at face value, appears biased towards local trips or movement away from Exeter to the east.

Highway Impact Assessment

The capacity modelling analyses are confined to two 'access' junctions on the TLR and its terminal junctions with Cumberland Drive and Honiton Road. Although the TLR is not part of the SRN the provision of this road is intended to take traffic pressure off the A30(T) through M5 Junction 29 and Moor Lane Roundabout, as well as accommodate access to the currently planned and consented development along it. It is thus important to the Agency that the TLR retains sufficient capacity to fulfil its 'through' traffic function between Cumberland Drive and Honiton Road in the future, and that this is not compromised and eroded by further local access demand placed upon it by further development such as the Mosshayne extension.

TA79/99 'The Traffic Capacity of Urban Roads' gives typical maximum one-way flows for different types of urban single carriageway roads. Looking at the number of accesses proposed along the TLR in the DCC 'Feasibility Design' drawings included in Appendix C of the TA, the road type definitions in Table 1 to TA79/99 would best define this as a UAP2 type. Table 2 in this document states that the typical maximum one-way flow associated with an urban single carriageway of this type would be 1,260vph for a road with a carriageway width of 6.75m, and 1,470vph for one of 7.30m width. Unfortunately, the DCC drawings included in Appendix C are very faint and difficult to read, so the concept cross-section and widths indicated on these are illegible. In the TA it is stated that the effect of the development will increase the flows on the TLR by 12%, with the maximum one-way flow reaching 1,200vph. Whilst it is accepted that this could be accommodated by the link capacity available along the TLR in 2029, it is also the case that design capacity will inevitably be reached sooner and the design life achieved by the TLR may not extend 15 years to 2033 (assuming an Opening Year of 2018).

Appendix B to the TA includes a number of traffic flow plots obtained from the 2029 modelling done with the East of Exeter SATURN traffic model, presumably through agreement with DCC. The Agency is fully in accord with the use of the DCC model for assessing the impact of the Tithebarn Green-Mosshayne proposals, although we have not been party to any recent discussion with DCC about the assumptions used in modelling a 2029 situation with the full link road completed. The supplied plots in Appendix B to the TA (EIA Chapter 8) are again very faint and numbers shown difficult to read. These need to be provided in a suitable legible format to allow actual flows and changes expected with the Mosshayne extension to be properly scrutinised. The Agency is clearly interested in the actual volumetric changes expected at MS Junction 29, and also M5 Junction 30. The latter are not included in the flow plot information supplied but need to be.

The information assumed regarding 'committed' development and the network shown on the flow plots leads to some additional questions which the Agency would like clarified, insofar as the effect they could have on the predicted flows on the TLR in 2029:

- in paragraph 6.3.2 of the TA it is stated that the committed development assumed in the 2029 East of Exeter SATURN model includes 1,160 jobs at Exeter Science Park. Clarification is sought as to whether this equates to the full expected build-out of Phases 1 and 2 of this development, which the Agency believes should

be the assumption for 2029. A Deed of Variation to the s106 Agreement for the Science Park, when completed, will allow Phase 2 development to come forward before the full completion of the eastern or Phase 2 length of the TLR, on the proviso that Science Park Drive is made available as a public highway open to all vehicular traffic in the interim. As such, development of the Phase 2 land will now be able to proceed earlier than conditioned in the original s106;

- the plots included in Appendix B show Science Park Drive included as part of the model network, as well as another internal east-west access road linking this route to the TLR. With the completion of the TLR it is proposed that Science Park Drive would be returned to its use as a private road. In view of this the 2029 scenario test should not allow for the assignment of 'general' through traffic via Science Park Drive, but only access traffic to/from the Science Park. It is unclear whether this has been assumed, but if not through traffic on the TLR may be understated if some is routing through the Science Park in the 2029 scenario modelling; and

- in paragraph 6.3.4 of the TA it is stated that "In terms of committed infrastructure improvements, Junction 29 improvements, the Clyst Honiton Bypass and the proposed East of Exeter Phase 3 Link Road are included in the future year assessment". Notably the DCC improvement scheme for Moor Lane Roundabout is not mentioned, although earlier comment in the TA is made about this being a pre-2018 commitment. With the delivery of the TLR now on a reduced programme, and the high likelihood of an interim linkage being in place via Science Park Drive, there is less certainty that DCC will go ahead with this scheme. It is certainly the case that Grampian conditions linking already consented development in the Monkerton area to the delivery of the Moor Lane Roundabout scheme have been recently modified to give the alternative proviso of the Phase 3 Link Road being in place. The main effect of the Moor Lane improvement would be improved capacity for the right turn from the A30 Honiton Road to Ambassador Drive, so alleviating the current problem of weekday AM peak hour queuing extending into and exit blocking MS Junction 29. With the full TLR in place, or the interim through route afforded using Science Park Drive, a lot of the right turn demand will be removed. On this basis the need for the Moor Lane Roundabout scheme as part of the overall highway improvement in the area is less certain, but this will of course be dependent of sufficient residual capacity still being available on the TLR in the westbound direction. Whether or not the Moor Lane scheme is assumed to be in place in the SATURN model assessment needs to be clarified and, if so, whether this is still realistic. Either way, the Agency would wish to see the appropriate DCC LINSIG model of Moor Lane Roundabout used with the predicted 2029 flows to ensure that no worsening of existing queuing conditions on the westbound A30 Honiton Road approach occurs.

Conclusions

On the basis of the information presented to date there is insufficient evidence to allow the Agency to formulate a full response to this development application. Further evidence is requested to support a vehicle trip distribution which seems unduly biased to local trips, or routes to/from the east, as opposed to Exeter.

The future function of the TLR as a 'through' route between Honiton Road and Cumberland Drive is important to the Agency in ensuring that the future operation of M5 Junction 29 is not compromised by the already significant development coming forward in the area. As such, there is some concern that further substantive development taking access from it will only serve to reduce its capacity in this respect. The TA predicts that the maximum one-way link flow with Mosshayne in place could rise to 1,200vph, so close to its capacity. The link flow information presented in the TA in Appendix 8 is, however, very faint and unreadable, so these plots need to be re-submitted in a form and size which are able to be properly examined.

Further to the above, a number of points of clarification are requested on the assumptions made in the modelling of the 2029 scenario with the East of Exeter SATURN model (DCC), all of which could potentially affect flows predicted on the TLR and the traffic routing via M5 Junction 29 and Moor Lane Roundabout. In respect of Moor Lane Roundabout the Agency would wish to see further supporting LINSIG analyses of this junction with the predicted 2029 flows. As the likelihood of the DCC improvement scheme here going ahead is now less certain, this should include a test with the existing layout and control.

The Agency recognises that a prosperous society depends on our roads. It aims to support growth and facilitate development by understanding traffic conditions and behaviour, in order to manage the effects of development and ensure continuing road safety and efficiency. Sometimes, as in this case, we need extra information or evidence in order to give sound advice to local planning authorities.

Please therefore find attached an Article 25 direction preventing the granting of planning permission for a period of 6 months to allow the applicant time to submit the necessary additional information. I trust this is useful and clarifies the Agency's position, but if you have any queries or wish to discuss please do not hesitate to contact me.

Directs that planning permission not be granted for a specified period (see Annex A).

Reason(s) for the direction given at b)', c) or d) overleaf and the period of time for a direction at e) when directing that the application is not granted for a specified period:

East Devon District Council shall not grant permission to planning application reference 14/2761/MOUT for a period of 6 months from the date of this direction for the following reason:

To give the applicant time to provide additional information to enable the Agency to understand the impact of the proposals on the strategic road network, specifically the A30 and M5 junction 29.

Further comments following receipt of additional information

The Agency considered the above planning application in December 2014 and provided comments and a holding direction pending the receipt of additional

information to confirm the level of impact on the SRN, notably M5 Junction 29. This response relates to the Addendum Transport Assessment received on 20th February 2015. The comments made in this letter reflect DfT Circular 02/13 The Strategic Road Network and the Delivery of Sustainable Development.

Development Proposals

As noted in our earlier response dated 9th December 2014, the proposal comprises the development of 900 homes on land immediately east of existing consented residential land at Redhayes, with intended access taken via 'to be built' access roads forming part of the latter to junctions with the Tithebarn or Phase 3 Link Road. The latter also needs to be completed, with the Phase 1 section between Cumberland Drive and the Science Park Drive (North) junction expected to be completed by March 2015. However, the remaining Phase 2 section to Honiton Road needed to serve this development is not expected to be completed until 2018/19.

Trip Generation

In the original Transport Assessment the two way vehicle trip-rates/dwelling of 0.626 and 0.560 used for the weekday AM and PM peak hours were consistent with those applied previously for the consented residential development at Redhayes. This was accepted by the Agency, but in the Addendum Transport Assessment the case is made for reducing the predicted two way rates to 0.540 and 0.500. Supporting information in Appendix B to the Addendum compares the original rates with data from other sites in the East of Exeter area and TRICS database analyses. The case is made that the larger overall quantum of development at Redhayes, including a primary school and local retail centre, will create greater potential for internalisation of trips. The comparable data presented certainly supports the case for adopting lower vehicle trip rates for the Mosshayne extension, whilst the Agency is mindful that agreed figures for Monkerton to the immediate west are lower than the figures now proposed here. Furthermore, residential trips rates agreed for Cranbrook are also lower, with two-way vehicle trips rates per dwelling of 0.419 and 0.378 in the weekday AM and PM peak used for assessment. In view of all the above factors and the evidence base the Agency is content with the revised lower trip rates presented.

Trip Distribution

In the original Transport Assessment the vehicle trips distribution was heavily skewed to either local destinations or the east. This was challenged by the Agency given the proximity of Exeter and the much greater number of trip 'attractors' concentrated here. The revised AM and PM distributions presented in Tables 3.1 and 3.2 of the Addendum Transport Assessment are considered far more realistic. This is based on the previously assumed distribution for the consented Redhayes development, as opposed to one based on the wider overall route distribution seen in the East of Exeter SATURN model. The revised distributions are considered to give a more balanced prediction between trips to Exeter or the M5, local trips and those to Cranbrook and the east. As such, the Agency is content with the revised distribution set out in these tables for the Mosshayne development and applied in the SATURN modelling.

Committed Development

There was a degree of uncertainty concerning the level of committed development assumed in the 2030 base-line case in the original Transport Assessment. This is now clearly stated in paragraph 4.1.3 of the Addendum Transport Assessment, and follows an interim meeting with both Parsons Brinkerhof and Devon County Council (DCC) on the 17th February 2014 at which such assumptions were specifically discussed. The Agency notes that the base-line makes allowance for 6,500 dwellings being constructed at Cranbrook (as opposed to the 3,500 consented being stated in the original Transport Assessment). This gives a greater degree of surety over the base-line hourly flows predicted for the Phase 3 or Tithebarn Link Road (TLR) in 2030. The latter predict maximum one-way directional flows of circa 900vph and 1200vph on the north-south Phase 2 section of the TLR between the access junctions serving Mosshayne and the C832 Honiton Road junction. With Mosshayne traffic added the said maximum one-way flows rise to circa 1,110vph and 1,400vph in these two peak hours.

In the previous response the Agency noted that "Although the TLR is not part of the SRN the provision of this road is intended to take traffic pressure off the A30(T) through M5 Junction 29 and Moor Lane Roundabout, as well as accommodate access to the currently planned and consented development along it. It is thus important to the Agency that the TLR retains sufficient capacity to fulfil its 'through' traffic function between Cumberland Drive and Honiton Road in the future, and that this is not compromised and eroded by further local access demand placed upon by further development such as the Mosshayne extension". The latest figures suggest that the maximum directional link capacity of this single carriageway road is likely to be reached on critical sections in the two peak hours in 2030, as was previously surmised. However, it is now clear that these flows take into account anticipated development growth at Cranbrook, with previous Phase 3 work suggesting that the TLR and M5 Junction 29 changes would support around 6,500 dwellings at Cranbrook. As such, a 2030 situation showing a large residual reserve capacity on the TLR would not be expected.

Highway Impact Assessment

M5 Junction 29

The revised Addendum now includes detailed LINSIG modelling of M5 Junction 29. This was not requested in the earlier response, but subsequent discussion and examination of parallel work being undertaken for Cranbrook Phase 3 indicated a clear need to consider operating conditions here in detail. Although the recent improvements made at M5 Junction 29 are substantial, it is important to recognise that the scale of works here and the completion of the TLR was only anticipated as being adequate to accommodate all existing committed development at Monkerton and Redhayes, the full build-out of the Science Park, Skypark and IMFT and a further phase of development at Cranbrook. By definition, the Mosshayne extension is additional to this.

The base-line models show that M5 Junction 29 is expected to suffer over-capacity problems in two key areas by 2030 as follows:

A30/M5 Southbound Exit Slip-Road

The right turn from the slip-road and the eastbound straight-ahead movement on the A30 are both over-capacity in the AM peak hour. The same two movements are expected to be at-capacity in the PM peak hour; and

A30/B3170 Science Park/M5 Southbound Entry Slip-Road

The left turn movement from the A30 East to the M5 southbound entry slip-road is over-capacity in the AM peak hour and heavily so in the PM peak hour. The eastbound A30 approach is also at-capacity in both peak hours. Furthermore, the cross movement from the B3170 approach to the slip-road is also close to or at-capacity in both periods.

In view of the above, accommodating further traffic demand in these critical areas is clearly undesirable. However, the Mosshayne development traffic does not affect either of the capacity critical movements at the A30/M5 southbound exit slip-road junction so it is accepted that conditions here would not be adversely affected. In the AM peak hour the development traffic distribution shows that an additional 110 vehicle movements are likely to be generated on the B3170 entry, with circa 60 of these drivers making the movement to the southbound entry slip-road to the M5. Whilst this does conflict with the left turn movement from the A30 experiencing capacity problems, it is also noted that the predicted additional effect on the degree of saturation and queuing is marginal. In the case of the latter the mean maximum queue (MMQ) of circa 25 vehicles is only expected to increase to 26 vehicles. This will not exacerbate any safety risk with queuing here backing into the main-line A30, particularly as this left slip-off lane does extend for some considerable length from the stop-line to the diverge point.

In the evening peak hour the predicted operating conditions associated with this left turn off the A30 are of more concern to the Agency, given that LINSIG modelling predicts a degree of saturation of 116% and a MMQ of 234 vehicles. This has the potential to affect the westbound A30 main-line, although it is accepted that the Mosshayne development has very little potential to make this worse. This is because eastbound development traffic on the A30 turns off onto the B3170 before this junction, whilst any development related demand on the B3170 approach to the A30 is shown to be small in this period.

In view of the above The Agency is content to accept that the Mosshayne development will not result in a severe impact on operating conditions at M5 Junction 29, even though LINSIG results show base-line conditions in 2030 will exhibit over-capacity conditions at two of the four signalled nodes controlling the road layout here.

Moor Lane Roundabout

The future operation of Moor Lane Roundabout is also a concern to the Agency, insofar as current queuing in the weekday AM peak hour can extend back into M5 Junction 29. In the earlier response the need for and likelihood of the DCC improvement scheme was queried in light of progress with the TLR, as well as whether its inclusion was assumed in the 2030 scenario runs undertaken. In subsequent discussion with both Parsons Brinkerhof and DCC it was confirmed that

the SATURN modelling makes the inherent assumption that this scheme is in place by 2030. From the Agency's perspective this raises a number of issues with the timing of the delivery of this scheme, and related to this how much post-TLR and presently unconsented development should be allowed to be built and occupied before its completion. Looking at the base-line flows for the critical AM peak hour the following is evident

- Despite the completion of the TLR the westbound flow on the A30 westbound A30 to Moor Lane Roundabout is expected to reach nearly 2,800vph, with the right turn to Ambassador Drive around 800vph;
- Comparing this with 'existing' the current flow accommodated on this arm is circa 2,300vph, with the right turn accounting for about 750vph. This level of demand is sufficient to cause queuing affecting the SRN. So, accommodating the predicted 2030 flow here is dependent on the improvement scheme going in. Whether this is irrespective of the TLR is unknown, as modelling tests undertaken and presented did not include a scenario with Moor Lane Roundabout remaining unimproved; and
- Timing of this scheme will be critical. In the early years following the completion of the TLR the availability and capacity of this new route will most likely reduce the traffic on the westbound A30 approach to Moor Lane Roundabout to a level below existing. However, the 2030 results suggest that, with the build-out of development, this volume using the A30 is likely to increase to pre-TLR levels over time. At some point the current flow will again be reached, triggering the need for the improvement scheme to accommodate demand expected and predicted by 2030.

From the Agency's view an expected programme date is needed for delivery of the Moor Lane scheme. Furthermore, in the case of both this development and Cranbrook, an idea of how much could be built and occupied before the need for this scheme is 'triggered'.

Unfortunately the modelling presented does not give a view on this. As such, the approach below has been used:

- The 2030 AM figures show overall westbound traffic on the A30 and the TLR at the Ambassador Drive/Cumberland Way junctions is 3,414vph, so around a 1,100 increase on the westbound capacity currently available on the A30 at Moor Lane Roundabout. This equates to a 70-80 vehicle increase per annum over the period 2015-2030. The westbound flow on the TLR in 2030 is 641vph, so assuming all growth is initially catered for by this route this volume would be reached in around 8-9 years. This suggests the completion of the Moor Lane improvement scheme would need to be targeted for about 2023-2024; and
- The Transport Assessment is silent on the expected Opening Year of the Mosshayne development in terms of first occupation. In view of this this information was requested and in response the developer has advised that first occupation is expected around 2018, with an annual build-rate of 75-100

dwellings expected leading to full completion of all 900 units by 2028/29. Assuming, say, a mean completion rate of 85 units/annum, the number built and potentially occupied prior to 2024 would be circa 500 dwellings. On this basis it would be reasonable to allow the construction and occupation of up to 500 dwellings before the completion of the Moor Lane Roundabout improvements.

Whilst it is accepted from the Transport Assessment that this development has very little direct impact on Moor Lane Roundabout, the fact that it contributes to traffic growth on the TLR will inevitably bring forward the need for the improvements at this junction. The 2030 scenario results show clearly that the Moor Lane improvement scheme is needed before 2030 to accommodate post-TLR development growth, of which this would be a part. In order to protect the operation of the SRN, the quantum of such development needs to be controlled and limited until this vital local infrastructure scheme is also in place.

Conclusions

On the basis of the information and analyses provided the Agency is able to accept the residential development proposals at Mosshayne, but subject to a condition restricting the construction and occupation of the 900 dwellings proposed to no more than 500 until such time as the proposed DCC improvement works to Moor Lane Roundabout are implemented. The developers own analyses show that there will be proven need for this scheme before 2030, irrespective of the completion of the TLR, with this need occurring within the build-out period of the Mosshayne development. No modelling evidence has been submitted to the contrary confirming/demonstrating that the whole of Mosshayne plus the assumed base-line demand could be wholly accommodated in 2030 via the TLR, without a need for undertaking the Moor Lane Roundabout improvement scheme.

This condition will ensure that potential operating problems with the current layout at Moor Lane Roundabout are addressed before post-TLR developments contribute to a level of recurrent traffic growth on the westbound A30 approach in the AM peak hour, which is sufficient to recreate or worsen existing congestion levels affecting M5 Junction 29.

Further to the above please find attached an Article 25 direction directing the inclusion of the said condition in any planning permission which EDDC may be minded to grant:

Referring to the notification of a planning application your reference 14/2761/MOUT in connection with the M5 and A30 and demolition of the existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle parking, public and private open space together with landscaping and associated servicing (all matters reserved) at Mosshayne, land north of Tithebarn Lane, Clyst Honiton, Devon, notice is hereby given under the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Secretary of State for Transport:-

Directs conditions to be attached to any planning permission which may be granted;

Condition(s) to be attached to any grant of planning permission:

The construction of no more than 500 of the dwellings hereby approved shall commence until:

1. A full scheme of works for improvements to Moor Lane Roundabout has been approved in writing by the Local Planning Authority (in consultation with Devon County Council and the Secretary of State for Transport)

and

2. The approved works at Moor Lane Roundabout have been certified in writing as complete by the local planning authority (in consultation with the Secretary of State for Transport).

Reason(s) for the direction given at b), c) or d) overleaf and the period of time for a direction at e) when directing that the application is not granted for a specified period:

To ensure that the capacity of Moor Lane Roundabout is sufficiently enhanced to reduce the risk of vehicular queues on the westbound A30 Honiton Road approach extending into and adversely impacting upon the operation of M5 Junction 29. The applicants own analyses shows that, even with the full construction of the Phase 3 Link Road to the north, the westbound flow on the A30 at this junction in the weekday AM peak hour is expected to be well above the level that currently causes queuing back into M5 Junction 29.

The developer's assessments have only assumed scenarios whereby the DCC improvement scheme to Moor Lane roundabout is in place. No assessment has been presented to demonstrate when, during the occupation of the development hereby approved, those improvements become necessary. The Agency's own assessment suggests that the improvement scheme will need to be in place by 2024 which is 6 years after the expected completion of the Phase 3 Link Road and within the build-out period of the Mosshayne.

East Devon Growth Point Team

GI Objectives

'Quantity objectives'

1. Establish Clyst Valley Way as multi-use trail along Mosshayne Lane, including a traffic light cycle crossing of Honiton Road from Sowton Lane. Enhance it as a greenway by tree and shrub planting to hedgebanks.
2. Enhance the quality of habitat along the Pin Brook through tree planting, allowing the brook to meander naturally and for natural storage of water in the floodplain.
3. Create new public access along the Pin Brook linking to Langaton Lane and the Clyst Valley Way and Regional Park.

4. To create a circular walk in the Clyst Valley incorporating the existing footpath alongside Carrow Mill for the benefit, in particular, of Clyst Honiton parish, who do not have access to any other natural green space.
5. Establish a bird hide overlooking the 'Sainsburys' wetland.
6. Establish Blackhorse Lane as a multi-use trail and enhanced greenway by tree and shrub planting to hedge banks.
7. Achieve a greater amount of Public Open Space than required through the draft local plan policy standards. This is warranted given the location of the application partially within the Clyst Valley Regional Park (CVRP).
8. Collect the Habitats Regulations levy to mitigate against damage to European wildlife sites.
9. 'Quality objectives'
10. Noise will be a significant impact on people living at Mosshayne. The footprint is partially within the 57dB aircraft noise vector, but also of note is the proximity to the main rail line to Waterloo, the Intermodal Freight Terminal, and Honiton Road, which will grow busier. Buildings within the 57dB noise vector must be of very high quality in terms of noise mitigation, employing green roofs and green walls. Scientific studies have demonstrated that a green roof can reduce noise by 41dB, compared with only 33dB for a conventional roof.
11. Hard surfaces such as brick walls, which bounce sound around, should be minimised in favour of hedges, shrubs and trees, not only in public open space but also in gardens and property boundaries. Planting "noise buffers" composed of trees and shrubs can reduce noise by five to ten decibels for every 30m width of woodland, especially sharp tones, and this reduces noise to the human ear by approximately 50%.
12. Sustainable Urban Drainage Systems should achieve multiple benefits by not only functioning to soak up and slow down water, but benefit wildlife through the use of species-rich wildflowers, native wetland plants and trees, and being accessible to the public, with gentle slopes which minimise safety risks and help with management. Green roofs and rain gardens should be part of a comprehensive SUDS scheme, in addition to swales and attenuation ponds.
13. Because of the proximity to several modes of transport, air pollution will also be a significant impact on the community at Mosshayne. The same soft landscaping solutions (green roofs, walls, extensive tree and shrub planting) will significantly enhance air quality by stripping out pollutants.
14. Given the setting of the proposal partly within the CVRP, the impact on landscape character and visual quality will be significant. High quality design will be essential on high points e.g. western edge of site, where the site can be viewed from the CVRP, from the multi-use trails (Mosshayne Lane, Blackhorse Lane) and from the site to all of these locations plus Ashclyst Forest.
15. High quality building design reflecting local character will also be crucial at high points, and where buildings are viewed from CVRP and multi-use trails.

Assessment

An assessment of how the proposal scores against the objectives 1-14 above is given below.

1. The application implies delivery of the Clyst Valley Way only within the red boundary and no detail has been offered on the legal status of this section along Mosshayne Lane. We need a commitment to an upgrade of the public footpath to a restricted byway under the Countryside and Rights of Way Act 2000. In an addition, a commuted sum towards Devon County Council should be secured to deliver Blackhorse Lane as a restricted byway, and to maintain both routes in perpetuity. We request a commuted sum via a S106 obligation for delivering a cycle/pedestrian crossing of Honiton Road. The application does not offer it, but it is an essential element and materially connected with the development and the delivery of a sustainable neighbourhood and the GI Strategy. The preferred route of the Clyst Valley Way would bring people north out of Sowton village along Sowton Lane. At the T junction with Honiton Road, people will need to cross safely, and the road will become busier as a result of this housing proposal. DCC have been asked whether they would deliver this crossing point and once a reply is sent, this will be forwarded.
2. Alternatively, as suggested by DCC, a commuted sum could be sought for unspecified improvements to cycling infrastructure within 1km of the development boundary.
3. Insufficient information has been provided by the applicant to assess whether there would be any enhancement of the quality of habitat within the Pin Brook. Indeed, other than explaining that hedgerows will, in the main, be retained, and indicating that boundaries will be enhanced by new tree/hedge planting, there is no other information to enable an assessment of whether the development is likely to be net positive for biodiversity, as required by the NPPF. The Biodiversity Offset metric should be used, and this will require more accurate information on quality of hedges and quantities destroyed or damaged by the proposal. Despite requests during pre-application discussions, the applicant has not offered to include the triangle of land shown on the attached Figure 1. This land lies within the floodplain of the Pin Brook and connects with an important piece of wet woodland to the north of the railway line, via an underpass. As such, it is crucially important to the enhancement of the Pin Brook as a habitat corridor, and would benefit from native tree planting.
4. A new footpath is indicated within new Public Open Space as part of the Pin Brook and this is shown linking to the Clyst Valley Way and Regional Park via Mill Lane. Again, we need a commitment to an upgrade of the public footpath along Mill Lane to a restricted byway under the Countryside and Rights of Way Act 2000.
5. The existing public footpath along the river is not shown on the access & movement plan. No commitment is given towards delivering a circular footpath, though it would be possible via Mosshayne Lane. However, this is not the quality desired, as much of the route would be within the lane between housing. A commitment to deliver the route depicted on Fig 2 is requested.
6. A commuted sum (c£10,000) via a S106 for delivering a small bird hide on land owned by Mr Gent would be welcomed.

7. There is a commitment to deliver Blackhorse Lane as a multi-use trail, and enhance the boundaries through tree and shrub planting, but see comments in 1 above.
8. Approximate amounts of POS have been calculated by Graeme Thompson based on the submitted plans - see Fig 3 attached. The minimum requirements are exceeded. However, it is worth noting that the application site is presently deficient in access to Natural Green Space of >20ha size, and some of the site lies outside the 5km range to Natural Green Space >100ha size. The need for new public access routes through the adjoining Clyst Valley Regional Park are thus of paramount importance.
9. A commitment is made to pay the Habitats Regulations levy, rather than deliver SANGS on site. The GI Board's priority is to use this money to deliver the Clyst Valley Way along Mosshayne Lane north of the red line boundary. However, this project will have to be approved by the Habitats Regulations Joint Committee. The application is silent on this aspiration and yet Mr Gent has indicated no objection in principle. The application, at the very least, should include specific reference to this aspiration and an indicative route.
10. Reference is made in the design & access statement to the need for 'noise barriers' (unspecified) between source and receptor. This is wholly inadequate and a commitment to soft landscaping solutions as set out in 'quality objective 9' above is sought.
11. See 9. Above.
12. We would like a commitment to species-rich wildflowers and tree planting to slopes of SUDS basins and swales, and to native wetland plants within them. A commitment should be secured for the inclusion of rain gardens and green roofs.
13. Indicative amounts of tree planting need to be increased to ameliorate the increase in air pollution arising from transport.
14. There are insufficient viewpoints in the visual appraisal. Assessment of impact and mitigation on views from Blackhorse Lane at the ridge top, Mosshayne Lane at the railway bridge and at the crossing of the Pin Brook all need to be included, as well as viewpoints from the existing public footpath along the River Clyst. Photomontages including the two-storey building roof profile are also required to allow full assessment of impact on visual landscape quality. Views from roads and railways are given too much weight in the assessment.
15. There is reference to the need for sensitive design at high points and on the frontage to the CVRP, with lower density housing and higher amount and quality of green space offered as mitigation.

The Environmental Impact Assessment

I have referred back to my comments on the scoping of the EIA, sent on 28th August 2014.

Soil

The loss of 6% of the local resource of 'Best and Most Versatile' agricultural land is significant and counter to local plan policy. The EIA should include a more thorough assessment of the soil resource, paying particular attention to the NPK status and the options for creation or restoration of biodiverse open space, and the location of allotments.

Climatic factors

The EIA makes scant reference to climate change. Although not yet required by law, this is good practice and the attached guidance note by the Institute of Environmental Management & Assessment is useful. Climate predictions for temperature and precipitation should inform an analysis of risk from extreme heat and rainfall events. It should consider how the use of trees, green walls and roofs, SUDS and other green infrastructure designed into the development can ameliorate the anticipated increase in summer temperatures, which are more extreme in urban centres where there is a lot of hard surfacing.

Landscape & visual character

It is vital that the impact of the development on the character of the proposed Clyst Valley Regional Park (CVRP), and other sensitive receptors such as Public Rights of Way, is fully assessed, with mitigation of negative impacts and enhancement of positive features part of an iterative process of design. The CVRP is to form a major recreational, landscape, biodiversity and heritage asset for the region (see Strategy 10 of the draft Local Plan).

Pollution

The assessment of noise is not complete. It needs to consider the extent to which green infrastructure, notably green walls and roofs, can ameliorate ambient noise levels on completion of the development. The mitigation of noise is limited to considerations of the orientation of open space and unspecified barriers between source and receptor. This is wholly inadequate. The EIA does not adequately assess the impact of development on dark skies. No maps of ambient lighting are included in the assessment.

Devon County Archaeologist

Historic environment impacts

The proposal is an extensive development in an area of known archaeological interest and potential.

Specifically, the proposal is within 250 metres of the Pinnbrook Enclosure(s), an extensive settlement site of county or regional importance. Also, within the proposal area, north of Tithebarn Lane, aerial photographic survey and geophysical survey have recorded a probable early Bronze Age round barrow and a large square enclosure that may be of prehistoric or Romano-British date. South of Tithebarn Lane, a scatter of potentially Neolithic flint tools suggests earlier prehistoric settlement.

The significance of this archaeology, and other features identified in the geophysical survey, needs to be tested by archaeological evaluation prior to determination of this

application. This work should inform the planning decision, the master plan and any proposed archaeological mitigation. This would accord with NPPF paragraph 128.

Once this additional information has been submitted, should East Devon District Council be minded to grant consent for the development in the current or an amended form, then I would expect consent to be conditional on a detailed programme of archaeological excavation, recording and publication NPPF Paragraph 141.

If appropriate archaeological investigation as outlined above is not undertaken before the planning application is considered by planning committee, the county council would recommend refusal. Furthermore, if significant heritage assets are identified, the impact upon these should also be considered in the determination of the application.

Further comments following receipt of the results of additional survey and evaluation

I refer to the above application. The proposal is sited in an area of known archaeological potential. The results of archaeological geophysical survey and evaluation, submitted by the applicant, have confirmed the presence of archaeological remains of county and more local importance within the proposal area. Much of these remains will be destroyed by the proposed development, therefore they should be archaeologically recorded to a level commensurate with their significance.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological investigation and recording, including further geophysical survey, evaluation trenching and open area archaeological excavations. Opportunities for community engagement with the recording programme should be maximised and set out in the submitted Written Scheme. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

Environmental Health

I have considered the application and the information provided within the Environmental Statement dated November 2014 and prepared by Tom Sylger Jones. The Statement contains a Noise Impact Assessment prepared by Clarke Saunders Associates and dated November 2014. The noise assessment considers the cumulative effect of noise from the nearby main road and motorway, railway and airport and it is important to remember this when considering site suitability, orientation and mitigation. In our view all of the houses on this development may be affected by one or more of these sources and therefore a high standard of mitigation should be incorporated throughout the site - in any case it is easier for the developer if just one specification for windows is recommended. The noise report concludes that a small number of houses, around 30, will fall within the 2030 predicted airport noise contour of 57dBa. At present these houses are outside of the current noise contour and it may be the case with improved aircraft technology and reduced predictions of passenger numbers that these contours are reviewed within the next few years. The noise predictions suggest that some houses will fall within areas where the occupants may be moderately annoyed by noise from all sources (a term described in the report and the NPPF Noise SPD). The applicant suggests that mitigation will be in the form of an enhanced standard of sealed unit secondary glazing incorporating trickle vents, and that the site has been designed so that amenity spaces are in the worst affected areas. Some houses have also been reoriented in the site plans. Sound insulation provided by windows is measured in terms of Sound Reduction Factors and a minimum SRF of 39dB is suggested as achieving the highest standard.

I therefore recommend that the noise mitigation offered in the noise report is required in full throughout the site in order to assure that a higher than minimum mitigation standard is achieved across the site.

A suitable condition is:

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within all residential units will conform at least to the "good" design range identified by BS8233:1999 Sound Insulation and Noise Reduction for Buildings and to the recommendations in the Noise Impact Assessment prepared by Clarke Saunders Acoustics dated November 2014, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of future residents from road, rail and aircraft noise.

A construction and environment management plan will be required in order to ensure that the impact of the construction process on the local community is kept to a minimum and properly controlled. The developer must comply with the EDDC Code of Practice on Construction and Building Site Nuisance in drafting the CEMP. This code will be provided to any interested parties on request, including local communities, as a means of achieving consistency. A suitable condition for this is:

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."

Contaminated Land Officer

I have considered the report prepared by Geoconsulting Engineering Ltd and dated November 2014. The land is currently in agricultural use with a usual range of buildings including a derelict above ground fuel tank. An intrusive investigation has been carried out and this has concluded that there are no contaminants of concern in the areas tested. These are the results that are typical in previously undeveloped land. I therefore do not anticipate any contaminated land concerns as the tank, buildings and oversite will be removed during the groundworks. In order to ensure that any unforeseen contamination is dealt with I recommend that the following condition is included in any approval:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Housing Strategy Officer

As this proposal is likely to be considered within the current Local Plan we will be seeking a minimum of 40% of the proposed residential development for affordable housing.

With regard to the first phase at Tithebarne Green (12/1291/MOUT) it was recognised, without a full viability assessment, that due to major infrastructural costs a reduced percentage (28%) of affordable housing was agreed at Development Management Committee. Based on this it is considered that many of the infrastructural costs allowed for will not be required as part of this application. As a consequence we will be seeking a full affordable housing contribution.

If this application is supported at Committee we expect all the affordable homes to be constructed to the current Homes and Communities Agency Design and Quality Standards, and to at least Code level four for Sustainable Homes or equivalent. As well as this we will also be seeking Lifetime Homes standards on all the affordable homes. All the affordable homes should be tenure blind, pepper potted throughout the proposed development in cluster of 25 - 30, remain affordable in perpetuity with staircasing restricted to 80%, and be transferred to and managed by a Preferred Registered Provider.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 (East Devon updated Aug 2011) we expect to see a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document, and approved by East Devon District Council. Unlike the first phase we will be seeking a higher percentage of social rented homes, circa 35%, the remaining 65% as affordable rented homes.

We also expect that a nomination agreement is in place before works commence that enables the Local Authority or the Preferred Registered Provider to nominate individuals from the Common Housing Registers, and that the developer or Registered Provider establish if grant funding is available from the Homes and Communities Agency or any other public body at that time.

In the event that a viability assessment concludes that 40% affordable housing cannot be delivered then we would expect to see an Overage clause in favour of affordable housing included within the Section 106 Agreement.

Furthermore, consideration should also be given to providing a number of affordable homes suitable for individuals with mobility difficulties.

8 December 2014

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our comments are based upon the following documents:

- Environmental Statement
- Illustrative Masterplan
- Green Infrastructure Plan
- Access and Movement Plan

CONSERVATION OF HABITAT AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 5.5km of the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as a Ramsar site.¹ It is also within 7km of the East Devon Heaths SPA/East Devon Pebblebed Heaths Special Area of conservation (SAC). Both are notified at a national level as a Site of Special

Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection - subject to delivery of proposed mitigation measures

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

The proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. Specifically, the applicant has agreed to:

Make a financial "Habitat Mitigation Contribution" towards strategic mitigation measures to avoid impacts resulting from increased recreational pressure from additional residential development on the Exe Estuary SPA and East Devon Pebblebed Heaths SAC/SPA, as set out in the "South East Devon European Sites Mitigation Strategy". This is referred to in the ES (5.6.2.1) and, we understand that it is already included within the draft heads of Terms of the S106 agreement.

Provide appropriate SUDS to avoid any water quality impacts on the SPA resulting from the development

Natural England considers that, subject to agreement of the detailed relating to the nature and timing of the delivery of these measures, they should be effective in avoiding a likely significant effect on the SPA.

Biodiversity and Green Infrastructure

S40 of the NERC act places a duty on all public bodies to have regard to the purpose of conserving biodiversity. P.109 of the NPPF requires you to minimise impacts on and provide net gains in biodiversity and P.114 requires the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The proposed development is within an area that Natural England considers would benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of additional GI into this development. Multi-functional green infrastructure can perform a range of functions including improved

flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Natural England is concerned that the proposal does not contain sufficient Green Infrastructure (GI) provision for a development of this scale. This is partly due to the fact that the entirety of the "Mosshayne Open Space" shown on the Green Infrastructure Plan lies within Flood Zone 3. We consider that a further area of land to the north, between the Pin Brook and railway line, and outside the floodplain, should be included as part of this development's contribution towards the 'Clyst Valley Regional Park.' This would enable a recreational space and access route to be provided which would still be useable at times of flooding and provide additional scope for habitat creation/restoration and biodiversity enhancements.

Section 4.1.5 of the ES refers to the GI plan which has been submitted but we consider that further detail of the retention, enhancement and creation of habitats and how these will be managed, during establishment and in the future, should be provided by the applicant. We therefore recommend that a Green Infrastructure delivery plan, to be approved by your authority prior to commencement, should be required by a condition of the outline permission. This should incorporate all landscape, biodiversity and open space provision in a holistic document for the development area.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

DEVELOPMENT MANAGEMENT PROCEDURE ORDER

Soils and Land Quality

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 112 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following land quality and soil considerations: Based on the information provided with the planning application, it appears that the proposed development comprises 43.3ha with 39ha of agricultural land, of which 32.7ha is classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

We hold data from ex MAFF post 1988 ALC surveys covering c. 25ha of the application area which supports these figures given in Chapter 12 of the ES.

An element of the proposal will be open space and sports pitches, also referred to as 'soft uses', however the rest of the 'best and most versatile' land will be irreversibly lost.

Government policy is set out in Paragraph 112 of the National Planning Policy Framework which states that: 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management. Consequently, we advise that, if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site

Detailed guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Devon County Council Education Dept

Local education provision (including early years)

Devon County Council is the Local Education Authority and therefore has a statutory duty to ensure that all children have a school place which they can attend. The manner in which the county council undertakes school place planning is set out in our Education Infrastructure Plan, which is available here: <http://www.devon.gov.uk/education-infrastructure-plan-v1.pdf>

Primary & early year's education

The development is on a greenfield site and there are no schools that, when taking account of other developments that have permission but may not have been built yet, have sufficient capacity to accommodate this development. In addition, the site is fairly remote, being greater than 1.5 miles from existing schools. As a result the new development would not be within safe and convenient pedestrian access to primary school facilities.

In response to this, the proposal includes the provision of a new primary school site. The size of the school site should be at least 1.8Ha in size and it should be provided on level ground with services also provided by the developer. The school will also have to be built at an appropriate time in phase with the development (this phasing also needs to take into account the development at Redhayes which already has permission, and which is in the control of the applicant). The school site will need to be offered to the Education Authority prior to the commencement of development and fully serviced at a very early phase of the development.

The proposed school site freehold and access rights should be transferred to the County Council for a nominal sum (most likely £1).

Contributions towards primary school facilities infrastructure will be sought in accordance with Devon County Council's education section 106 policy¹.

The policy sets out that each eligible dwelling (2 bedroom plus) will produce approximately 0.25 primary pupils. The development of 900 dwellings is therefore anticipated to generate approximately 225 pupils.

As discussed above, there are no schools nearby which are suitable to provide for the needs of this proposal. As such, this development will need to fund its own need in its entirety. The department for education sets out the cost per pupil of building a new primary school, this is £13,330 or £3,332 per eligible dwelling.

There is also a requirement to provide early years education for 2, 3 and 4 year olds. It is proposed therefore that the school will include early year's provision which is estimated at a further £300,000 and therefore a contribution of £200,000 is sought, being the proportional cost of the facility to support this development.

It is also proposed that the school will feature space for Children's Centre Services, although this should be addressed in the design of the school, rather than through an additional payment.

Secondary education

The designated school for this development is Clyst Vale Community College but it is recognised that there is also provision in Cranbrook and Exeter. As such, it is recognised that parents are likely to choose between schools. However, factoring in approved and unimplemented housing development, none of the schools within reasonable distance of this application have any residual capacity to meet the needs arising from the Mosshayne proposals. It will therefore be necessary for this development to contribute towards the provision of new secondary school capacity.

It is considered that the most appropriate way to achieve this is for the development to contribute towards the provision of secondary education facilities through a planning obligation. The amount of contribution should be calculated using Devon County Council's education section 106 policy.

The county councils policy sets out that each eligible dwelling will generate 0.15 secondary pupils. The development of 900 dwellings is therefore anticipated to generate approximately 135 pupils.

The department for education sets out the cost per pupil for constructing new secondary schools, which is £18,240 per pupil place or £2,736 per eligible dwelling.

If the planning obligations set out above cannot be secured, Devon County Council would recommend refusal of this application.

Further DCC Education comments received

Background

The Devon County Council (DCC) response of 13 January set out that due to the existing capacity at local schools being taken up by other developments anticipated in the area, there is no capacity for pupils living within the Mosshayne development at either primary or secondary age. As such, this development will be required to provide school capacity through contributions.

Primary education and early years

As set out above, a primary school is proposed as part of the development. Due to the need to scale schools to provide for appropriate class sizes and ages of children within those classes, the school would have a final design size of around 420 pupil places (two classes of each year group).

School site

The primary school would require a site of approximately 1.6Ha – it should be noted that this updates the county council's previous comments on the school site area, which set out that 1.8Ha would be required.

It is important that the size of the primary school site relates to the impact of the development. According to county council research on pupil generation from new houses, the development will generate around 225 primary age pupils. The land contribution therefore only needs to relate to the 225 pupils, as a percentage of the overall 420 – which is 0.86Ha. This element of the site should be transferred to the county council for a nominal sum (most likely £1).

The county council is willing to procure the remainder of the site (0.74Ha) from the developers. The value of this area will be agreed between the two parties, most likely informed by an independent valuation procedure that is acceptable to both parties. This amount may be paid directly to the site owner by the county council, or offset against facilities contributions (set out below). Bearing in mind the county council

would be paying a fair price for the land, we would not accept a site with a restrictive covenant.

Due to the urgent need to provide education facilities to support the development, it is important that the site is transferred as soon as possible, preferably prior to commencement. The site should be provided levelled, clear from spoil / waste and serviced soon after. Specific timings of servicing can be discussed.

Primary school and early years facilities

In addition to the primary school site land contribution, it is also necessary to provide funding for primary school and early years facilities – the buildings and the IT. It should be noted that there are no additional funding streams to provide facilities to meet the needs generated by the Mosshayne development.

In accordance with the county council's education s106 contribution policy, and as set out in the response of 13 January, it will be necessary for each eligible dwelling to contribute £3,332 towards primary facilities. For clarity, 'eligible' dwelling is defined as any dwelling of two bedrooms or more in size. This includes the affordable housing provision – affordable housing also generates children.

Early years facilities will be required at the school, which are likely to cost £300,000 to deliver. According to the pupil generation anticipated and the size of the school (225 is 53.6% of 420), the Mosshayne development should contribute £168,000 to early years provision. This is again, updated from the 13 January response, which stated that £200,000 would be required.

Final contribution amount and phasing

It is recognised that the development only needs to provide contributions for eligible dwellings – those of two or bedrooms in size. It is also recognised that there may be cashflow issues when developments are in progress. As such, it is anticipated that the final contribution should be based on the number of dwellings with two or more bedrooms (whether affordable or open market tenure) . This should be calculated based on the reserved matters approvals for house sizes / types. Therefore, the contribution would be payable for each reserved matters application area (if several reserved matters were made for the overall outline permission sought). The phasing of payments would be appropriate with the first half of the contribution being paid on completion of 10% of the eligible dwellings, with the remaining half of the contribution payable on 50% of the eligible dwellings.

For clarity, all contribution amounts will be linked to the BCIS index.

Secondary education facilities

Secondary education contributions

As also set out above and in the 13 January response, there is no secondary school capacity within reasonable distance of the Mosshayne development. In accordance with the county councils education s106 contributions policy, it is therefore

anticipated that a contribution of £2,736 per eligible dwelling should be paid. Note that eligible dwelling has the same meaning as that for primary contribution – all dwellings of two or more bedrooms in size (whether these are affordable or open market).

Final contribution amount and phasing

Consistent with the primary education facility payments, it is considered that the payments should be calculated on the basis of the reserved matters approvals for house sizes / types. Therefore, the contribution would be payable for each reserved matters application area (if several reserved matters were made for the overall outline permission sought). The phasing of payments would be appropriate with the first half of the contribution being paid on completion of 10% of the eligible dwellings, with the remaining half of the contribution payable on 50% of the eligible dwellings.

For clarity, all contribution amounts will be linked to the BCIS index.

South West Water

I refer to the above application and would advise that South West Water are not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding.

As such should your Council be mindful to approve the application the following condition needs to be imposed; Foul Drainage No development shall commence until:

- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and
- b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

Western Power

I write on behalf of our client, Western Power Distribution (WPD) in respect of the current major outline planning application submitted to East Devon District Council by Eagle One for 900 new dwellings, a primary school and associated infrastructure on land at Mosshayne, Clyst Honiton.

Further to my telephone conversation with Andy Carmichael on Tuesday 16 December, I understand representations will be accepted on this application at least until Christmas.

Our client's interest in the planning application relates to the potential impact of the proposals on its strategic infrastructure which crosses the application site. This

comprises two overhead power lines. one crossing the north-east corner of the site and the second running parallel with the site's eastern boundary. Officers will be aware that the line which crosses the north-eastern corner of Mosshayne also crosses land at Redhayes for which outline planning permission has already been granted based on a masterplan which assumes diversion of the overhead line.

WPD is in negotiations with Eagle One with regard to the possible diversion, either overhead or underground, of the 132kV overhead line which crosses the Redhayes site. There is currently no agreed position but discussions are continuing. WPD for its part has to consider its statutory obligation as a regulated electricity network operator and that includes operating an economic and efficient network. WPD therefore always considers, for sites like this, the cost and benefits of various options, including to retain in situ, divert overhead or divert via underground cables.

In respect of the current proposals at Mosshayne, we note that no reference is made within the application to the 132kV line which crosses the north-western corner of the application site; the line is only shown on the OS base up to the first pylon within the site. The planning application does not address the applicants' intentions for accommodating this overhead line. WPD reserves its position on whether it is possible to move this section or whether the proposed masterplan needs to be amended. Our client welcomes and is open to further discussion on this issue with the applicant. WPD would resist and object to any obligation to relocate the overhead line as our client is not party to the planning application and in any case an obligation would conflict with its statutory duties.

It is noted that there are overhead lines running alongside the eastern boundary of the site which are proposed for retention and are identified as a constraint to development within the Design and Access Statement. We support the efficient use of the land beneath the lines to accommodate sustainable urban drainage features. WPD would need to assess the detail of the layout to ensure the proposals allow for sufficient clearances to the line and provide access to the line and tower positions by vehicle for works and maintenance.

We support the creation of a green corridor along the western site boundary top accommodate the existing right of way, existing hedgerows and create permeability for pedestrians and cyclists between the two residential areas of Redhayes and Mosshayne.

In view of the ongoing discussions between Eagle One and WPD in respect of the overhead line on Redhayes, we suggest that the proposed masterplan for Mosshayne could accommodate a solution which would unlock development at Redhayes. By ensuring the provision of a green corridor approximately 30m wide along the western boundary of Mosshayne, it would be possible (subject to design and survey) to accommodate the realignment of the existing overhead line. An amendment to the masterplan to relocate green/open space in this corridor may be necessary.

An underground diversion into this corridor would also be possible (subject to design and survey) but would have a higher capital cost which WPD would need to balance against its statutory obligations.

WPD would need to do further work and prepare costings to fully assess these options. However, these proposals could assist in expediting delivery of the consented scheme at Redhayes.

Should you wish to discuss matters further, please contact me or my colleague Dr Colin Bloch and we would be happy to assist. I would also reiterate our client's willingness to meet with Officers and the applicant during the determination process to contribute positively to the scheme's masterplan.

Campaign To Protect Rural England

Assessment of housing need in East Devon is currently beset with difficulties. The Inspector in the Examination in Public of the Local Plan has said that 15,000 housing number in the Local Plan is not based on objectively assessed need, and further work has to be done. In recent years, on the basis of appeals in Ottery St Mary and Feniton in particular, the draft RSS housing figure of 17,100 has been used, but the evidence for this is now very dated and it cannot be relied on. The number of houses needed during the new Local Plan period is therefore not known, and hence calculation of the five year housing land supply is impossible.

Notwithstanding this, East Devon District Council has been working on the basis that they do not have a five year supply of housing land, as stated in reports to the DMC on 26 June 2014, 26 August 2014 and 21 October 2014. The disaggregated approach to expressing five year housing land supply is not supported by the Planning Inspectorate, but it is worth noting that the greatest current shortfall in the supply of housing is in the West End of the District, largely because of the slow start-up to building at Cranbrook.

There are already over 5750 dwellings with planning permission, or a resolution to grant planning permission, in Cranbrook and the West End, with another 100 or so in the planning system (not counting this application). In addition there are a further 2,500 dwellings allocated at Cranbrook to come forward during the Plan period. Therefore there are a total of at least 8,250 dwellings that can confidently be predicted to be built during the Plan period. This is in well in excess of the 7,500 that were planned for Cranbrook and the West End in the Publication Draft of the Local Plan. The problem with demonstrating a five year supply of housing land lies not with the overall permissions, but the rate at which they can confidently be expected to come forward as development.

In the absence of a five year supply of housing land, paragraph 14 of the NPPF is engaged, and (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

The benefits of the scheme would be to provide housing which is needed, including 28% affordable housing, together with provision of a primary school and open space. There would be a boost to the economy (one of the three areas in sustainable development) with a large stimulus to the building industry. If the scheme were to be

approved, supplying housing on this site in the West End would help to lessen the pressure for additional housing in the rest of East Devon's towns and villages. However, in order to assist the five year supply issue, the Council needs to be assured that this scheme could come forward with significant numbers of houses within 5 years. As this is an outline application, there is inevitably a significant lead-in time needed. If the Council is minded to approve this application, it would be suitable to impose a condition that construction must start within two years of the date of approval.

The level of affordable housing at 28% is not acceptable. Under current policy (the adopted East Devon Local Plan) there should be 40% affordable housing. It is not for the developer to cherry-pick which policies are followed from the adopted and emerging Local Plans. The amount of affordable housing needed in the District will be determined from the new SHMA and this information is not yet available. The previously proposed 25% level of affordable housing for the Exeter Growth Point area may not be substantiated in the emerging Local Plan once the evidence from the SHMA is incorporated.

The scheme involves the loss of a significant amount of best and most versatile land, mostly Grade 2, which is a scarce resource. This is a serious adverse impact. The site has not been allocated in the emerging Local Plan, and is outside any built-up area boundary. Policy S5 (Countryside Protection) of the adopted East Devon Local Plan is still relevant, even though the plan is considered out-of-date where the policies seek to restrict building.

The scheme would lead to the urbanisation of the area, with almost continuous development from Exeter to Cranbrook. This would have a significant landscape and visual impact. Although there is no green wedge designation, the agricultural land at present is a welcome break in development.

In assessing the planning balance, the benefits of the scheme in helping to fulfil a requirement for a five year supply of housing land are minor. The contribution to housing in the next five years would be small, but if built, the supply over the later years of the scheme may well be in excess of that needed. The adverse impacts of the scheme are significant, and on balance therefore CPRE consider that the application should be refused.

Sport England

The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

Sport England has assessed the application in the light of Sport England's Land Use Planning Policy Statement 'Planning for Sport Aims and Objectives'. A copy of which can be found at http://www.sportengland.org/media/162412/planning-for-sport_aims-objectives-june-2013.pdf

The statement details Sport England's three objectives in its involvement in planning matters;

- 1) To prevent the loss of sports facilities and land along with access to natural resources used for sport.
- 2) To ensure that the best use is made of existing facilities in order to maintain and provide greater opportunities for participation and to ensure that facilities are sustainable.
- 3) To ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future demands for sporting participation.

The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment (para 73 of the NPPF).

This requirement is supported by the Governments National Planning Policy Framework, which states:

"Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs." [Paragraph 17]

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments"
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services." [Paragraph 70]

This is an outline application for 900 new homes (1850+ new population) and clearly forms part of a wider 10,000-12,000 new homes development on this edge of Exeter. This is a significant development that will have implications on the existing sport and recreation infrastructure in the area. We note an indicative 'green area' on

the Masterplan which we presume is for the formal provision of pitch sports on a playing field and that all matters is reserved.

Work has started by both Councils (Exeter and East Devon) on the delivery of a Playing Pitch Strategy which should provide evidence of supply and demand and a scenario for future demand. East Devon's work is emerging, Exeter's has stalled temporarily. No strategic planning work has been undertaken on the delivery of other traditional sports e.g. swimming, sports hall use, tennis, bowls, netball, etc in line with the provisions of para 73 of the NPPF.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The Council is recommended to use the tool to influence the discussion on this proposal <http://sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/sports-facility-calculator/>

Whilst we acknowledge that this is an outline application only, we are extremely concerned over the proposal. We have sought the views of the National Governing Bodies for Sport (NGBs) including the ECB, FA, RFU, England Hockey and LTA.

ECB

1. Currently there is an undersupply of cricket pitches in Exeter so additional housing will put extra pressure on existing limited facilities. The masterplan does include a cricket ground which is welcomed and will address this issue.

2. The total playing field area looks a decent size so more work needs to be undertaken to understand the exact needs of the site. How many and what types of pitches.

In relation to cricket there are a number of key considerations.

- Orientation of the pitch, needs to be on a north south boundary.
- Needs to meet min pitch dimensions, guidance attached.
- Need to involve a fine turf consultant from Sport England framework from a very early stage to undertaken a feasibility study and subsequent design of the playing field needs, very important for cricket.
- Location of cricket ground and proximity to housing. Balls often leave the field of play so consideration needs to be given to the design and layout of not just the playing field but the neighbouring land as well. Potential ball stop measures to reduce risk but best solution is to make sure the risk is not there in the first place.
- ECB can support this design process to ensure best solution is found.
- Pavilion spec and size will need to be determined by final usage plan and provision on the site.

The critical part of this is getting the design and layout right from the beginning to reduce risk of ball impacts on neighbouring properties. Often overlooked on housing developments and could make the cricket ground unusable if not considered at an early stage.

FA

1. There will be an impact of more demand generated for football through this development. The emerging Exeter/East Devon Playing Pitch Strategies will show the potential number of new teams generated through Team Generation Rates

2. The FA would wish to see the evidence behind the number and type of pitches proposed in the absence of a completed Playing Pitch Strategy in Exeter and with the emerging East Devon PPS providing some evidence. We would recommend that a square shape plateau area with moveable goals is provided to allow for a number of different pitches to be marked and so this can easily change as the pitch needs of football change from season to season, this also allows for rest and rotation of pitches to help ensure the quality of the pitches remain. In addition:

- The FA would recommend that advice from an independent sports pitch consultant is sourced to advise on the technical detail of the pitches to ensure they meet The FAs Performance Quality Standard (PQS) with a detailed maintenance schedule to be followed
- Whilst the sharing of pitches is acceptable for some of the smaller junior pitches located on school sites, it is strongly recommended that older junior pitches and adult pitches are only used for community activity and that this is clearly marked/separated if in the same area.
- The FA recommended Pitch Sizes can be accessed via this link: [Pitch and Goal post size Guide](#)
- For advice towards designing technically compliant changing pavilions (with appropriate storage) please follow this link to the Football Foundations Technical guidance sheet - [Link](#) - it is advised to keep player and spectator facilities separate. The FA recommend that a kitchen area and if appropriate a social area are included to allow any clubs using the site to generate an income
- The location and accessibility (including car parking) of these is also an important factor and The FA can comment on this when any draft plans are produced.
- What are the proposed management and maintenance agreements being drawn up? The FA would wish to see a Community Use Agreement in place to protect community access.
- Football can share with Cricket, but this usually works better with smaller youth pitches with youth teams also causing less outfield wear and tear during the football season.

1. Is there any synergy of this application and planned sport provision with the larger Cranbrook development? - it would make sense to complement not compete.

RFU

1. A further development of 900 homes in this locality would have a significant impact on the potential growth in rugby activity within Exeter. Currently East Devon and Exeter City Council are developing their Playing Pitch Strategies which will identify the supply and demand challenges of sports pitches in the authorities and identify a clear action plan throughout a planned period to address the outcomes. Currently the two clubs located closest to this proposal have built facility and pitches deficiencies and further active participants would provide additional operational challenges.
2. All new pitches would need to meet the MQS of the NGB in terms of dimensions, orientation and construction to ensure the provision is fit for

purpose. The RFU have guidance on both Natural Turf Pitches for rugby and built changing facilities with specific requirements for changing rooms, match official rooms and medical provision. These are available at www.Englandrugby.com

3. The RFU would like further details on the specification for the pitch and changing facilities before they can support this application.

England Hockey

1. There are currently 5 England Hockey affiliated clubs based in Exeter, who use all eight of the hockey suitable AGP facilities for training and matches. Devon HA also use the AGP's for Single System use adult competitions and junior leagues. There are three affiliated clubs that are based outside of Exeter but use the AGP's for matches only - Ashmoor HC, Dart HC and Exeter & Culm Vale Hornets HC and one club who train in Exeter - Honiton HC. It is important to consider the capacity of the AGP's to meet demand for competitive hockey fixtures in Exeter. England Hockey guidance suggests that no AGP should be considered able to sustain more than 4 games on any one day. Current usage shows there is demand for 14 league matches per Saturday from Exeter based clubs, with displaced demand from 2 external clubs at 7 matches per Saturday. With a total of 21 matches need to be accommodated, this equates to 5.25 AGP's.
2. We are currently at capacity on two AGP sites in terms of hockey provision within Exeter. There is potential capacity however at other sites across the city for hockey, but unfortunately all sites are dominated by football usage and hockey has a real difficulty in accessing additional pitch time. Two hockey clubs are looking to expand, this will have an impact on the sand facilities on a Saturday and for training and this need careful planning and opening up access to other sand AGP sites we should be able to meet demand. There are currently three clubs playing matches in Exeter (Ashmoor HC, Dart HC and ECVH HC) who have been displaced from their locality due either suitable AGP provision or a lack of pitch time in their home town. Ideally, we would like Honiton Ladies HC to be able to train and play matches within East Devon instead of being displaced into Exeter. The provision of sand AGP facilities in the surrounding district of Exeter is at capacity. Potentially, the new AGP at Cranbrook could release valuable pitch time on the AGP's sited in East Devon and in Exeter, where there is an increasing demand for the sport but sites are at capacity.
3. We would be in support of this planning application if sufficient provision is made for the increased population, this development would accommodate, without impacting on the current AGP stock. We would support development of a football specific surface in this area to relieve current football activity on the existing AGP stock which we could then utilise for hockey.

LTA

There are a number of small tennis clubs within the vicinity of the development, along with two public park facilities in Exmouth. There is also East Devon Tennis Centre which has 6 indoor courts. All the outdoor facilities have some capacity to be filled, however, in light of the proposed developments there is not sufficient capacity for the potential population increase locally. The LTA request that provision of

publically accessible tennis facilities are included within the plan to ensure that there tennis facilities available to the increased population.

On review of the available documentation, the proposal is considered NOT to accord with Objectives of Sport England policy and NPPF as set out in this letter. This being the case, Sport England does not offer its support to this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

Additional comments received on the amendments

Thank you for re-consulting Sport England on the above application. Further to our letter dated 15th December 2014 we have the following comments.

This is an outline application for 900 new homes (1850+ new population) and clearly forms part of a wider 10,000-12,000 new homes (22000 to 25000 new population) on this edge of Exeter. This is a significant development that will have implications on the existing sport and recreation infrastructure in the area. We note the revised Design and Access Statement and in particular page 10.

Work has started by both Councils (Exeter and East Devon) on the delivery of a Playing Pitch Strategy which should provide evidence of supply and demand and a scenario for future demand.

Whilst we acknowledge that this is an outline application only, we remain extremely concerned over the proposal. We have sought the views of the National Governing Bodies for Sport (NGBs) including the ECB, FA, and RFU.

ECB

No issue with the proposal for a cricket ground and the dimensions look acceptable. Some serious thought needs to be given to the neighbouring houses as balls will frequently leave the cricket ground into those properties.

Either substantial ball stop netting needs to be erected or an alternative location for the cricket ground has to be found.

Preference would be the later due to the maintenance cost and unsightly nature of ball stop netting.

FA

Mosshayne:

Good number of pitches provided and they all meet the recommended size which includes runoff areas for a 11v11 adult pitch, 11v11 U16 pitch, 9v9 youth pitch and 7v7 mini soccer pitch.

o The area identified though is tight and leaves little room for rest and rotation of pitches - e.g the adult 11v11 pitch cannot be moved unless turned 90 degrees and over marking the youth pitches.

o No option for a higher level of football to be reached based on ground constraints and the inability to meet ground grading criteria.

If the pitches are constructed as it is suggested in the D&S The FA would wish to see the details of this - it is recommended that an independent agronomist is appointed (Institute Of Groundsmanship would be fine) to produce a specification report to meet the performance standard noted and the maintenance required to sustain this standard.

No changing room detail provided so unable to comment on this - it is understood that this is to be provided on the Redhayes site

o No detail on the access arrangements to the Mosshayne pitches from Redhayes Changing pavilion

Encouraged that the primary playing field area is separate to the proposed community based provision - obviously some agreed use is possible such as sports day etc, but limited.

The management arrangements are loose- the design of the pavilion and ability to generate and income will be key to what organisation eventually takes this on, it could be an overarching sports association that is formed - Is there a plan B if no group agrees to take on the management? The FA would request a Community Use Agreement is put in place to protect community use of the pitches.

Redhayes:

Unsure on the need for a dedicated grass training area? - could this simply be another recommended size pitch?

Unless cricket disagree, but with mini soccer shown on the outfield - with agreed operating procedures this should be fine although not preferred.

No detail on the changing pavilion - i.e number of changing rooms, layout, spectator toilets, will social facilities be provided etc.? Any storage for maintenance equipment? - The FA have guidance on this so would request the ability to comment on any draft designs before agreement is reached to build.

No detail on the car park which looks small?

RFU

1. A further development of 900 homes in this locality would have a significant impact on the potential growth in rugby activity within Exeter. Currently East Devon and Exeter City Council are developing their Playing Pitch Strategies which will identify the supply and demand challenges of sports pitches in the authorities and identify a clear action plan throughout a planned period to address the outcomes. Currently the two clubs located closest to this proposal have built facility and pitches deficiencies and further active participants would provide additional operational challenges.

2. All new pitches would need to meet the MQS of the NGB in terms of dimensions, orientation and construction to ensure the provision is fit for purpose. The RFU have guidance on both Natural Turf Pitches for rugby and built changing facilities with specific requirements for changing rooms, match official rooms and medical provision. These are available at www.Englandrugby.com

3. The RFU would like further details on the specification for the pitch and changing facilities before they can support this application.

Whilst we acknowledge the indicative provision of football and cricket on-site (details to be worked up to deliver high quality usable playing fields) we remain concerned

over the impact this development will have on other sports (for example bowls, tennis, hockey, netball, rugby) and in particular indoor sport including swimming.

On review of the available documentation, the proposal does not accord with Objectives of Sport England policy and NPPF. This being the case, Sport England does not offer its support to this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

DC Footpath Officer

As noted in the application documents, the site is crossed by existing public footpaths - Footpath Nos. 61, 63 and 65 Broadclyst. Currently the public have a right of way on foot only over these routes, although we are aware that these have been identified as key cycle/multi-use routes in the East Devon Growth Point Green Infrastructure Strategy 2009. Any proposed upgrade of these routes to accommodate cycle use as proposed would require the agreement of all affected landowners, including adjoining landowners as these routes continue beyond the site boundary. Unless adjoining landowners agree, any multi-use route proposed within the site boundary will have no destination. We would therefore expect the applicant to negotiate with affected landowners to achieve the proposed upgrade, and to liaise with us.

We would also expect the applicant to liaise with us concerning any proposed changes to the existing footpaths, including any change of surface.

I should also be grateful if you could clarify the meaning of 'Gateway' as shown on the layout plan at 5.5 of the Design and Access Statement on existing footpaths and a county road.

The Health & Safety Executive

HSE is a statutory consultee on relevant developments within the consultation distance of a major hazard site or a major accident hazard pipeline. Planning authorities should use PADHI+, HSE's on-line software decision support tool, to consult HSE on such applications and produce a letter confirming HSE's advice.

PADHI+ should be used to consult HSE on any developments which meet any of the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

HM Explosives Inspectorate should be consulted on any developments which meet the above criteria and which lie within the safeguarding zone of a licensed explosives site.

The Office for Nuclear Regulation should be consulted on developments within the vicinity of a licensed nuclear installation which meet any of the criteria listed at <http://www.hse.gov.uk/nuclear/land-use-planning.htm>

HSE's FOD Quarries Team should also be consulted if a development is proposed at a quarry, or within 1 kilometre of the agreed planning permission boundary of a quarry.

To help planning authorities to use PADHI+, a User Guide has been produced, which is available at <http://www.hse.gov.uk/landuseplanning/padhi/index.htm>. It provides information and advice on HSE's role in land use planning and how to use PADHI+, along with several video examples of planning applications being put through PADHI+, showing how it should be used to obtain HSE's advice in each case. If you need any assistance with using the PADHI+ please feel free to contact us on padhisupport@hsl.gsi.gov.uk

National Trust

The Trust owns the Killerton estate, which comprises 2585 hectares and 21 farms, and includes the grade II* registered park and garden. The special qualities of the parkland design relate to its use of the area's natural topography and the views are seen as a key aspect of its significance. The summary of significance of Killerton Park is set out in paragraph 1.2 of the 'Killerton Setting Study' (Land Use Consultants; April 2013). An electronic copy of the final report Killerton Setting Study is attached to the email version of this letter.

The Trust fully supports the 'plan-led' system and the local plan process as the best mechanism to determine the most sustainable sites for development when considered against reasonable alternatives. This site at Tithebarn Green Mosshayne, currently falls outside the New East Devon Local Plan 2006-26 proposed allocation for Blackhorse/Tithebarn Green (Strategy 9, 13), and therefore cannot at this stage be supported by the Trust in principle. However, if the LPA consider the circumstances in relation to housing land supply and the local plan examination process are such that they must accept the principle of development, the Trust raises the following detailed concerns.

Heritage Impacts

The Environmental Statement does not consider all likely effects of the development. Paragraph 4.3.1 states that chapter 7 'Heritage and Archaeology' provides: "a full account of the assessment of likely significant effects on heritage and archaeology." However, that chapter is an "archaeological desk based assessment" which focuses on archaeological impact and only considers heritage assets within a very narrowly defined 1.5km study area.

The National Planning Policy Framework (NPPF; 2012) requires applicants to supply sufficient information to understand the potential impact of a proposal on the

significance any heritage assets affected, and any contribution made by their setting (NPPF, para 128). It also states that: "local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence." (para 129).

A proposed change to the New East Devon Local Plan 2006-26 agreed through the examination process with the Council, encourages applicants to consider whether their site falls within the Killerton Setting Study area:

Para 22.3 - Where proposed development will have the potential to impact on a heritage asset or its setting, the Council will require the applicant to submit an 'Assessment of Significance'. Specific studies, such as that undertaken on behalf of the National Trust for the setting of Killerton Park (Killerton Setting Study: Land Use Consultants: Final Report April 2013) may be a material consideration when a planning application is determined and an Assessment of Significance in relation to that asset has been required. In such cases the Council will have regard to the relevant study as appropriate. Assessments of Significance are undertaken to inform a planning application. Applicants are encouraged to check whether their site falls within an area where a setting study has been undertaken and published on the Council web site, although such studies do not represent a finite limit of setting. (ref; email from Linda Renshaw; 20.03.2014)

The site at Tithebarn Green Mosshayne falls within the Killerton setting study area. There is an inadequate heritage impact assessment included with the application to understand the potential impact of the proposal on the significance of this asset.

An assessment of impact on setting should follow a systematic approach in line with "The Setting of Heritage Assets - English Heritage Guidance" (2011; paragraph 4.2). Such a systematic approach should undertake the following steps;

'Assessing whether, how and to what degree settings make a contribution to the significance of the heritage asset(s)' (STAGE 2)

'Assessing the effect of the proposed development on the significance of the asset(s)' (STAGE 3), which should take into account any change to the general character of the landscape context, among other attributes.

'Maximising enhancement and minimising harm' (STAGE 4)

The setting study for Killerton by Land Use Consultants (Killerton Setting Study, April 2013) already makes an initial assessment under STAGE 2, by assessing the extent to which the setting of Killerton contributes to the significance of the asset. This study has mapped a zone of influence to the registered park and garden, in the wider landscape, and assessed the character and condition of that wider landscape. It makes an assessment of the contribution of the setting to the significance of the asset (Killerton Park) defining component character areas and assessing their comparative sensitivity to change.

The site falls within the Lower rolling farmed and settled valley slopes landscape character type (LCT 3B) in the Devon landscape character assessment (2013). The

Killerton Setting study locates the site within a sub-area 1h which partially features in key views from Killerton garden. Whilst the study indicates sub area 1h to be of low significance to Killerton Park it notes that much of the higher land in that area remains undeveloped, and that residential development is a recognised force for change with a potential to impact on the setting of The Park.

It should also be noted that visual considerations are only one aspect of setting (The Setting of Heritage Assets, English Heritage, 2011; Page 5, 'Key Principles for Understanding Setting'), and a heritage impact assessment should take into account any change to the general character of the landscape context, among other attributes (The Setting of Heritage Assets, EH, 2011; Page 21, non-exhaustive check-list of attributes).

The national Planning Practice Guidance provides further detailed guidance, including that:

"When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change."

[PPG: Historic Environment; Paragraph: 013; Reference ID: 18a-013-20140306]

An assessment of impact on the setting of Killerton is required in line with the National Planning Policy Framework (NPPF, para 128). The application submission should provide a proportionate but systematic assessment of the impact on the setting of Killerton Park in line with the steps 2 - 5 in the "The Setting of Heritage Assets - English Heritage Guidance", having regard to the Killerton Setting Study (Land Use Consultants; April 2013).

Green infrastructure and accessing green space

The Trust strongly supports Green Infrastructure (GI) forming an integral part of the vision for sustainable growth in the Exeter and East Devon Growth Point area. The Killerton Estate and Ashclyst Forest 'Strategic Project' identified in the Green Infrastructure Strategy Phase 2 for the Exeter Area and East Devon New Growth Point (2009; Pages 12 and 15), plans for the "enhancement of Killerton Estate and Ashclyst Forest as a key recreation and leisure asset and valuable wildlife habitat."

The New East Devon Local Plan Strategy 10 promotes the Clyst Valley Regional Park as a Green Infrastructure initiative that will provide high quality natural green space, and makes clear that developer contributions will be used to help deliver this 'landscape' scale strategic project (Strategy 10 - Green Infrastructure in East Devon's West End).

The proposed development at Tithebarn Green Mosshayne should contribute to that wider GI investment as part of a planning obligation in accordance with Strategy 10 in the New East Devon Local Plan, subject to it being able to satisfy the three tests under paragraph 204 of the National Planning Policy Framework.

The Trust would like further information on the above two important issues before determination of the application.

Devon Countryside Access Forum

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000. Its remit is to give independent advice "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area" The Forum has fifteen members, appointed by Devon County Council, who represent the interests of land managers, access users and other interests such as tourism and conservation.

The Forum agreed a position statement on planning and Local Development Frameworks. This is attached and the DCAF advises the Council to ensure that the application at Mosshayne Lane accords with the desired aspirations of the Forum, as set out in the position statement.

POSITION STATEMENT ON LOCAL DEVELOPMENT FRAMEWORKS 2014

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000. Its remit is to give independent advice "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area" The Forum has fifteen members, appointed by Devon County Council, who represent the interests of land managers, access users and other interests such as tourism and conservation.

The Devon Countryside Access Forum recognises that not all these points will necessarily fall within the remit of the authority in all instances. However, where the authority is exercising its function as a planning authority, or is developing strategic principles and policies, the DCAF advises that these considerations are taken into account.

Functional walking and cycling

The DCAF advises that the district council should;

- maximise opportunities for walking and cycling within villages and towns. This would accord with the Government health agenda and sustainability proposals embedded in the National Planning Policy Framework;
- identify strategic walking and cycling routes within settlements and ensure these link to surrounding rural areas and the rights of way network;
- ensure new development proposals include safe and high quality provision for cycling and walking routes linking housing to schools, shops, employment areas and recreational and sports facilities;
- seek to develop circular routes within settlements to encourage healthier lifestyles and minimise car use;
- encourage opportunities to develop, facilitate and promote the National Cycle Network and its integration with other forms of transport;
- give adequate consideration to the requirements of those with mobility needs in the design of new walking and cycling routes, and in the improvement of existing routes.

Rights of Way

The DCAF advises that the district council should;

- recognise the rights of way network and its contribution to health, tourism and sustainability;
- protect the rights of way network from development proposals;
- ensure new housing developments link to the rights of way network, where appropriate;
- seek to improve the safety for rights of way users where routes meet or run along roads;
- explore integration of transport links with rights of way, particularly strategic long distance routes;
- recognise other routes, such as unsurfaced Unclassified County Roads, and their contribution to recreational opportunities.

New and improved rights of way and recreational access routes

The DCAF advises that the district council should:

- ensure liaison and consultation takes place with landowners and land managers at the earliest opportunity when new routes are being explored, and prior to any routes being included in policy documents;
- consult with landowners and land managers where there are proposals to promote existing routes or designate them for particular purposes;
- consult the local community;
- seek to create a network of circular routes around settlements to increase usage;
- seek opportunities to expand provision through any relevant grants and other funding mechanisms;
- explore opportunities for locally important or strategic routes along former railway lines and canals;
- ensure that, wherever possible, new routes are multi-use accordance with Devon County Council's Rights of Way Improvement Plan policies.

Other recreational space

The DCAF advises that the district council should;

- identify access land (open country and registered Common Land) and highlight the opportunities this affords for recreation;
- draw attention to permissive access opportunities, for example on farmland, in Forestry Commission woodlands and elsewhere;
- recognise the importance of green space, green linkages, playing fields and other similar areas and protect these from development;
- map and indicate legal uses of green space areas within the plan area;
- seek to develop green recreational areas within new housing and employment sites.

Up-to-date statistical information on a range of issues to support these statements is available.

Exeter and Devon Airport Ltd

We can confirm that we have no objection to the development in respect of safeguarding of flight surfaces from the airport.

However, we are concerned that the development is close to and partly within our projected noise contours. Further to the 2003 White Paper "The Future of Air Transport", UK Airports were required to develop master plans to define growth in airport activity and consequential development up to 2030. These plans were to include the impacts to the environment and to define steps where practicable to mitigate adverse impacts. EDAL's master plan was published in 2008 and, in common with other airports, provided an analysis of the noise impact generated by airport activities on a base date of 2006 and projected to 2030. The 2030 prediction took account of increased airport activity as well as likely technology changes that may change the noise characteristics of airport and aircraft noise generators.

The noise predictions were summarised as a series of noise contours that reflect average noise levels during daytime and night time periods due to airborne aircraft activity. The principal contour reflects the 57DBa average noise level which, the Planning Policy Guideline at the time stated, was the onset of significant community annoyance and that residential development should not be consented to within this contour. The applicant's design and access statement notes this requirement. It appears from the application that up to 30 dwelling out of a total of 900 are to be developed within the 57DBa contour.

Additionally planning guidance states that noise effects from mixed sources should be taken into account. The Mosshayne development is located between the airport and the M5 and we are aware that there is a significant background noise generated by road traffic on the M5 and that we do not believe that the applicants has carried out a mixed noise analysis to combine the effects of airport and road noise.

Furthermore, the airport's noise contours are for airborne noise sources and take no account of fixed, intermittent noise generation from a variety of ground based operational activities including pre and post start up APU and engine noise, taxiing of aircraft and engine ground running to name but a few. We do not believe that the applicant has carried out any analysis as to this additional operational noise generation at the airport to assess both the timing and impact upon its proposed development.

Whilst we believe that the vast majority of the development will be outside of the airport's 57DVBa contour, as published, and will be below the mixed source noise threshold and further not be adversely impacted upon by other, as yet un-modelled aviation generated noise, and that EDAL would not object to such areas of development, we do object specifically to the development of the 30 residential units within the projected 57DBa contour, as published, and reserve the right to object to any other areas that may exceed the mixed source noise threshold or be adversely

impacted upon by other airport activity which may generate noise levels beyond those giving rise to the onset of significant community annoyance.

In order that a full assessment of all noise affected areas is possible, we would also request that the Planning Authority requires the applicant to develop a mixed source noise model to establish the zone of the application that will be adversely affected and models other airport ground based activities giving rise to noise to assess its potential impact upon this proposed new community, if developed.

Exeter Airport (Safeguarding comments on amendments)

The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this the previously supplied AoA advice notes must be adhered to by developers.

Lighting near Aerodromes.

Potential Bird Hazards from Amenity Landscaping and Building Design.

Cranes and other Construction Issues.

Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS).

Accordingly, Exeter International Airport has no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AoA Advice Notes, and there are no changes made to the current application.

The plans for the part of the development being within the 57dB noise vector of the airport is a separate issue and has already been responded to separately.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

Other Representations

Ten letters of objection to the planning application have been received raising the following comments:

- Loss of safe walks which will impact on public rights of way.
- Loss of productive and good quality farmland.
- Where is the village centre, shops and pubs.
- Is a primary school really needed_
- For the sake of children attending the proposed school, the hedges and river should be maintained.
- The development has no 'heart' and is just an add on to Tithebarn Green.
- Lack of amenities/facilities.
- Does the RD_E have sufficient capacity for this number of houses.
- The proposed cycle use of the Mosshayne Lane through to the B3181 will impact on safety, privacy and not deal with maintenance issues.

- Development would exacerbate flooding in the area.
- Adversely affect wildlife habitats and associated flora and fauna.
- No development should be allowed until a detailed environmental impact assessment is done.
- Excessive noise.

POLICIES

New East Devon Local Plan Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 9 (Major Development at East Devon's West End)

Strategy 10 (Green Infrastructure in East Devon's West End)

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

Strategy 42 (Green Infrastructure Provision and Strategy)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN15 (Environmental Impacts, Nuisance and Detriment to Health)

EN16 (Contaminated Land)

EN18 (Maintenance of Water Quality and Quantity)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Adopted East Devon Local Plan Policies

S1 (Strategic Development in the East Devon Part of the Exeter Principal Urban Area)
S5 (Countryside Protection)
S7 (Infrastructure Related to New Development)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D3 (Access for the Disabled)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
D6 (Public Art)
EN6 (Wildlife Habitats and Features)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN15 (Control of Pollution)
H3 (Range and Mix of New Housing Development)
H4 (Affordable Housing)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments /Travel Plans)
TA4 (Footpaths, Bridleways and Cycleways)
TA7 (Adequacy of Road Network and Site Access)
TA12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Relevant Planning History

Outline planning permission was approved on 29th November 2013 for a cross boundary development with Exeter City for up to 930 dwellings (580 dwellings in East Devon), a new link road, employment area (Class B1a), park and ride facility, local centre/square, health and fitness centre, crèche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access). This site is known as Tithebarn Green and is located immediately to the west of the current application site.

No development has started on site in East Devon but in Exeter City, the link road is under construction which, as an interim measure, will link into the Science Park drive to form a temporary link road before the East Devon part of the link road is constructed. A reserved matters application for the East Devon section of the link road is expected to be submitted shortly.

Site Location and Description

The application site extends to about 43.3 ha in area, comprising agricultural land separated into fields. Within the site there are also a series of farm buildings which are intended to be removed and a small dwelling to be retained which is outside of the application site.

The site lies approximately 800m east of the M5 motorway which, at this point, also forms the administrative boundary with Exeter city. The northern boundary is formed

by the Pinn Brook which itself is a short distance south of the railway line. To the east is open land running down to the River Clyst but the dominant feature on this boundary is a double row of overhead power lines. To the south of the eastern part of the site is open agricultural land and to the south of the western part of the site is Blackhorse Lane and some associated houses. To the west is open agricultural land but this has outline planning permission for a mixed development known as Tithebarn Green. Further to the west is the Exeter Science Park which is in the initial stages of development.

The site is contained within the larger Exeter and East Devon Growth Point area which has a number of large developments close to the site. To the east, on the other side of the River Clyst, is the Intermodal Freight Terminal site and Skypark. Short distances to the north-west are the Pinhoe developments which have permission or a resolution to approve for about 1200 houses. On the west side of the M5, in Exeter, there are the substantial Monkerton developments.

The site itself is bisected by several minor roads and footpaths. From the west Tithebarn Lane runs into the site as far as Mosshayne Lane which runs north-south. Mill Lane exits the site to the east. The flood plain of the Clyst and Pinn Brook runs around the north and east sides of the site. The topography is undulating with the highest point of the site in the south west corner (27m AOD) and generally falls away to the east and north to below 13m AOD. There is also another high point at about 21m AOD within the northern part of the site.

There is an irrigation pond close to the north boundary which is to be retained and supports extensive, emergent and marginal aquatic vegetation.

Proposed Development

Outline planning permission is sought for the erection of up to 900 houses, including a primary school, car and cycle parking, public and private open space with landscaping and associated servicing. All matters are reserved.

Submitted with the application is a plan to show the application site (in red), an illustrative masterplan and various parameter plans: Green Infrastructure, access and movement, land use, building heights and plot ratios. In addition, various documents are included to support the proposals including a Design and Access Statement, Planning Statement, Utilities Report, Arboricultural Assessment, Sustainability Statement, Statement of Community Involvement, and a Ground Investigation Report.

The development is considered to be Environmental Impact Assessment (EIA) development and accordingly an Environmental Statement (ES) has been submitted with the application. The ES covers the following main topics:

- Biodiversity
- Landscape and Visual
- Heritage and Archaeology
- Transport
- Water Resources and Flood Risk.
- Waste.

- Ground Conditions.
- Soil.
- Noise and Vibration.
- Socio-economic impacts.

Following consultation on the ES and associated application, it was considered that further information would be required by virtue of Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This has been submitted and the required publicity undertaken.

The parameter plans show that the main primary route into the site would be from two access points from the Tithebarn Green development via a primary vehicular route loop around the site with secondary routes leading from this primary route to residential areas. Some green lane routes would be provided close to the existing lanes. The primary route would be punctuated by several urban and landscape nodes.

The primary school is indicated on about 1.6ha of land within the south west corner of the site and fronting onto the primary route, including the provision of school sports pitches at the rear.

A further area of sports pitches, at an indicated area of 2.3ha, is proposed to the east of the school site. Additional areas of the site (indicated at 12.3ha) for open space are proposed for the site. The main single block of open space would be the community park (about 6ha) at the north end of the site adjacent to the Pinn Brook. Further secondary areas of open space are along the existing lanes and around some of the periphery areas of the site which forms part of the sustainable drainage system (SuDS).

The masterplan also shows about 0.8ha of allotment land on three different locations. Play space is shown as two Local Equipped Area of Play (LEAP) and a single Neighbourhood Equipped Area of Play (NEAP) located close to the east-west axis of Tithebarn Lane and Mill Lane.

ANALYSIS

There are a number of important issues to be considered with this proposed development and these are considered below:

Policy Implications with reference to the general principle of the development:

The development plan for the district is the East Devon Local Plan 1995-2011 including all of the saved policies following the Secretary of State's Direction in 2009. Since March 2013, policies within this local plan that are not NPPF compliant carry no weight. The site is entirely located outside of any defined settlement within the local plan and is therefore countryside in accordance with policy S5 of the local plan. Policy S5 is still a relevant policy as it specifically relates to countryside/landscape protection and this is supported within the NPPF. This policy will only allow development in the countryside where it is in accordance with a specific local 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, including:

- Land form and patterns of development;
- Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings; and
- 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.

Within the housing section of the local plan there is not a policy that would explicitly permit housing on this site. The housing element of the proposal does not therefore accord with the development plan and as such the application was advertised as a 'departure' by virtue of regulation 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010.

The council has been working on the production of a new Local Plan for East Devon for the period 2006 to 2026. The draft local plan went to Examination before an appointed Inspector in February 2014 and at the end of March he wrote to the council to explain that further work was required. One area of work was the housing numbers as the Inspector was not satisfied that the 15,000 housing target was justified by the evidence submitted to the examination. Therefore, for the rest of 2014, the council's appointed consultants were undertaking a Strategic Housing Market Assessment (SHMA) which was published on the 9th March 2015. The SHMA indicates that 17,100 houses should be provided in the period 2013-2031 which equates to 950 houses per year. The proposed amendments to the emerging local plan are due to be considered by the DM Committee on the 23rd March 2015, followed by the Full Council on the 26th March 2015. In terms of the timescale for the publication of this agenda, the result of these considerations cannot be included within this report so this will be reported orally to the committee together with any implications for the determination of this application.

The draft local plan is therefore still some way from adoption and the NPPF advises that decision-takers may give weight to relevant policies in the emerging plan according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft local plan has gone through several stages in preparation, it nevertheless is now the subject of extensive revision and is some way away from adoption.

The NPPF advises local authorities to revise their plans to take into account the policies within the framework. Up until March 2013, the council could use fully relevant policies adopted since 2004 i.e. the local plan 2006, but after that, weight to policies in existing plans will be dependent on their degree of consistency with the framework. This therefore means that from March 2013, policies have only been applied to decision-taking if they accord with the framework.

The NPPF also requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

The latest 5 year land supply assessment of the council was based on figures up to the end of March 2014 and revealed that our housing supply was between 3.51 and 3.83 years. However, with the preparation of the SHMA it has become unrealistic, at the current time, to up-date the housing supply figures but it is still clear that we do not have a supply of specifically deliverable sites sufficient to provide five years worth of housing against the housing requirements.

There is still an under supply in East Devon and the provision of deliverable housing on this site would go some way to meeting this shortfall and relieve pressure elsewhere in the district where there is still a shortfall in housing supply.

The development is considered to be deliverable and any permission granted would greatly assist in the council's supply of housing in this area of the district. The NPPF advises that relevant policies for the supply of housing should not be considered up-to-date if the council cannot demonstrate a 5 year (plus 20%) supply of deliverable housing sites. The fact that the council cannot demonstrate an adequate housing supply is a significant factor and weighs heavily in favour of permission.

Whether the development is sustainable within the NPPF meaning

The NPPF advises that the 'golden thread' running through planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the development plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate development should be restricted.

The NPPF also advises that housing applications should also be considered in the context of the presumption in favour of sustainable development. To a certain extent this means approving development without delay if relevant policies are out-of-date (see comments in the above section relating to 5yr land supply) unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF. As will be identified in this report, there are no significant adverse impacts that have not been addressed and/or are intended to be controlled through conditions/S106, which would outweigh the benefits.

In terms of the economic dimension, house building in itself provides economic benefits through creating employment and economic activity is generated for the area during construction and when residents move in. The school will provide employment and spin off services to benefit the local community.

In terms of the social dimension, the development will provide a range of houses, including affordable, aimed at providing a balanced and integrated community. Overall, the combined developments will provide social facilities to allow residents and site users the ability to access local services.

In terms of the environmental dimension, the site is located close to the edge of Exeter and aims to provide public transport and walking/cycling routes to allow easy non-private vehicle access to Exeter and the surrounding area yet still have sufficient facilities on site in the wider development to encourage access to services and facilities on foot or bike. The development would clearly make changes to the local landscape but this has been assessed and it has been identified that the changes would be mostly local in an area that is and will be the subject to considerable change. Where particular parts of the site are potentially more sensitive, this has been assessed to consider how development could be ameliorated through layout, density, building heights, etc. The ecology of the site has been considered and the development aims to protect those important features and enhance the valuable aspects of the site through the provision of green infrastructure, retention of green lanes, open space and SUDS features.

Overall, and taken with the Tithebarn Green development, it is considered that this Mosshayne development could reasonably be considered as sustainable within the context of the NPPF.

Transportation

This development would have implications on both the local and strategic road network and consequently both the County Highway Authority and the Highways Agency have been consulted on the application. The applicant has submitted a Transport Assessment (TA) which forms part of the ES. In addition there is also a Travel Plan.

Access is proposed from the forthcoming Tithebarn Lane Link Road, through the approved development known as Tithebarn Green. From the link road, access points would connect a spine road through the site. As part of the development, cycle routes would be incorporated, together with pedestrian links and bus stops.

The County Highway Authority, to support growth in the area, has taken a holistic approach to transport provision and a number of improvements have taken place in the Growth Point area. As part of this, the Tithebarn Lane link road phase 1 is currently under construction and will utilise the Science Park drive for an interim period before the second phase to serve this development takes place. It is also anticipated by DCC that additional schemes are likely to be needed to support future growth and could include improvements to the rail frequency and junctions on the A30. DCC have identified that this development needs to contribute fairly to the relevant transport schemes planned for the area to provide sufficient capacity for this development to come forward. This mitigation needs to be informed by the submitted

TA. The original TA submitted by the applicant was assessed by DCC and further information was required before support could be forthcoming. This further information has now been submitted and has been considered by DCC.

The further information has been included as an addendum to the TA and relates to trip generation and distribution, traffic impact assessment and consented development.

Access

This would be taken from two ghost island priority junctions on the east side of the new Tithebarn Link Road and future years assessments show these junctions to operate within capacity and are therefore acceptable to DCC.

Whilst it may be desirable to have a new vehicular access at the eastern end of the site, this has not been proposed and the capacity assessments do not suggest that this is essential for the access junctions to operate within capacity.

Pedestrian/cycle

Dedicated car-free routes through the site are welcomed and to support sustainable travel and lower trip rates, these need to connect into the wider network. There is a concern about safe and suitable routes to nearby secondary schools, particularly the Clyst Vale School. The current route of Mosshayne Lane to the north needs to be improved and a sum of £250,000 has been identified. Similarly, a safe and suitable link to the east will be needed to include the up-grade of Mill Lane with a direct route to the C832 at an identified cost of £140,000.

Junction Impacts

The TA addendum identifies an additional 500 two way car trips on the highway network during peak periods. This is a significant volume of traffic, placing a strain on a number of junctions on the local and SRN. DCC have considered the junctions that would be affected and their detailed comments are contained within the technical consultee section of this report. In addition, the Highways Agency has also considered the further information and have, as a result, directed a condition to be imposed on any permission to require the Moor Lane roundabout improvement works to be implemented at a stage of the development (500 houses).

In overall summary, even without the Mosshayne development, the major junctions on the surrounding highway network are predicted to be operating at capacity. Therefore, without some form of mitigation, this development would place a significant strain on the local highway network with unacceptable impacts on strategic junctions.

Mitigation

The consented developments will consume the additional capacity in the significant highway infrastructure that is already planned and being delivered. There appears to be limited scope to improve the network further and therefore the mitigation at Mosshayne needs to concentrate upon improving the infrastructure and provision for non-car modes. DCC has therefore identified possible measures to mitigate and which could help remove the highway objection.

DCC have identified that an enhancement of rail frequency on the Waterloo line would help alleviate the vehicular demand on the Pinhoe Road/Heavitree Road corridors, equivalent to 2,900 to 3,400 houses. Enhanced rail frequency would also offset the demand for 250 two way radial route vehicular trips into Exeter in the AM peak hour, therefore, providing a significant volume of relief on the highway network. The TA addendum identifies that this development would put 96 two way vehicular trips onto Pinhoe Road and therefore the rail enhancements would provide some directly related relief in transport impact terms. The cheapest of the identified rail frequency enhancements, the Feniton short loop, would enable an almost half hourly service to Honiton and is estimated at £15 million. As this development would account for 35% to 40% of the traffic relief of the rail enhancement and would be about a third of the amount of development the rail enhancement would be expected to unlock, a contribution is being sought of just under £4 million by DCC for the rail frequency enhancements.

Accordingly, the main transport contributions identified by DCC to help mitigate the development are:

- 1) Just short of £4 million towards rail infrastructure to enable a half hourly rail frequency between Exeter and Honiton.
- 2) £ 390,000 towards walking and cycling links from the site to adjacent facilities.
- 3) £500 per house towards implementing a residential travel plan
- 4) Up to £1.5million to fund completion of the link road.

Travel Planning

DCC are requesting a sum of £500 per house to allow the council to implement the Travel Plan and its measures. This is included in the Heads of Terms for the S106.

The Highways Agency also identified initially that there was insufficient information in the TA (vehicle trip distribution) to formulate a full response to this development. They therefore put a 'holding direction' on the application to the effect that the planning authority shall not grant planning permission for the development for a period expiring 9th June 2015.

However, the applicants have now submitted further information in support of the TA which has now been considered by the Highways Agency and the holding direction lifted and replaced by a directed condition (see condition 27). The information on trip generation, trip distribution and the level of committed development is considered in the second Highways Agency response in the Technical Consultees section of this report together with an analysis on the highway impact on junction 29 of the M5 and the Moor Lane roundabout.

Although recent work has been done to improve junction 29, this was only anticipated to accommodate the committed development in the area and therefore does not include this site. The base line models indicate that junction 29 is likely to suffer over-capacity problems by 2030 and further traffic demand is undesirable.

However, the Mosshayne development traffic would not affect the identified A30/M5 southbound exit slip-road future capacity problems and the A30/B3170 Science Park/ M5 southbound entry slip road issues will not exacerbate any safety issues and the Mosshayne development has very little potential to worsen the situation. The Highways Agency therefore accepts that the Mosshayne development will not result in a severe impact on operating conditions at junction 29.

The Highways Agency are also concerned about the future operation of the Moor Lane roundabout. The westbound flow is likely to increase, even with the Tithebarn link road in, creating queuing affecting the SRN. So accommodating the predicted 2030 flow here is dependent on the DCC improvement scheme going in and the timing of this. The Highways Agency analysis indicates that up to 500 houses could go in before the Moor Lane improvements are required and accordingly they have directed a condition to require this.

Ecology and Nature Conservation

This topic is considered within the ES accompanying this application to consider the likely significant effects of the proposed development on ecology and nature conservation together with possible mitigation. The methodology was based on a desk study together with an extended Phase 1 Habitat Survey and additional survey work done during the summer of 2013.

There are no statutory designated sites of nature conservation interest within 1km of the site but there is the Broadclyst Moor Unconfirmed Wildlife Site (UWS), a non-statutory nature conservation site, within the northern extent of the site. The UWS is identified as supporting possible floodplain grazing marsh and is of district value. The UWS lies outside of any area proposed for residential development and consequently there will be no net habitat loss.

The main habitats on site are representative of a mixed agricultural landscape including arable and pasture fields which are bound by hedgerows, country lanes and a small watercourse. In particular the hedgerows, watercourse and pond on the site are of district value and are considered in the assessment, whilst the arable and grassland is low value.

Hedgerows - site clearance/earthworks during construction could have long-term major adverse effect and human activity is likely to cause degradation exacerbated by cat predation and artificial light. Mitigation is therefore required and will include retention of high quality hedgerows, fencing during construction and retaining connectivity. A condition is recommended to require that details of hedgerows be approved and justification obtained for their removal and how they will be managed.

Pinn Brook - Construction work should have little impact but increased public access will increase disturbance. Mitigation should be in the form of pollution control through construction and planting/fencing to limit disturbance thereafter.

Pond - again construction is likely to have a limited impact but general disturbance and littering will affect the quality. Pollution control measures should be put in place during construction and additional planting will enhance shelter and foraging for wildlife.

Protected species:

Bats - there are suitable roosting trees on site but there was limited amount of bat activity recorded on site; seven species. During construction habitat loss and lighting could have an adverse impact. Post construction, artificial light will still have an impact and create barriers. Cat predation will also occur and overall there could be a moderate adverse impact and therefore lighting will need to be carefully designed. It is recommended that a condition is imposed to require detail of exterior lighting.

Badgers - There is an outlier sett in the SE extent of the site and a subsidiary sett at the NW extent of the site but it is indicated that the extent of development will not adversely affect any sett structures and foraging and commuting potential will be maintained.

Birds - the hedgerows on site represent a suitable habitat for a number of nesting species and the denser grassland supports nesting skylarks. A Kingfisher has been recorded at the pond and the River Clyst and potentially the Pinn Brook provides suitable nesting habitat. Breeding Barn Owls are present. The proposed development will result in the loss of some bird nesting habitat, particularly hedgerows and grassland. To mitigate, vegetation removal, grassland removal, demolition or works affecting the Pinn Brook should be undertaken outside the nesting season. The existing Barn Owl boxes would be relocated to another suitable structure. Grassland habitat for Skylarks cannot be replaced like-for-like, however, the most valuable areas lie outside the development footprint. Some nesting provision can be included within buildings on the perimeter and a condition is recommended to achieve this. Some additional planting to the pond would enhance this habitat and hedgerow planting to off-set the loss and improve habitat corridors.

Dormouse - Previous surveys have identified their presence and the better quality hedgerows towards the northern extent have a high potential. The development would result in the loss of hedgerow and without mitigation there will be a moderate adverse effect, plus there will be more human disturbance and predation. The mitigation proposed to restore and enhance the habitat through supervision and precautionary timing of hedgerow removal, native hedgerow planting plus nesting boxes and planning the landscaping carefully to protect important corridors. A condition is recommended to ensure the council has control over the works to hedgerows.

Great Crested newts - a survey of the area was undertaken in 2012 and no presence was recorded.

Otters - There is evidence of otters in the area, particularly the River Clyst but there are limited commuting and foraging opportunities on the Pinn Brook. It is therefore considered that the development is unlikely to have a significant impact on otters.

Reptiles - overall the site has limited value to reptiles. There are some records of the presence of grass snakes, slow worms and the common lizard but located outside the extent of the development. To mitigate this impact the grassland would be regularly cut to maintain a short sward height to encourage dispersion and any

hedgerows to be removed shall be done under supervision. Urban gardens and landscaping would provide new habitat on site.

In terms of the Habitat Regs, the site is within the zone of influence of two designated European sites: the East Devon Heaths SPA/ Pebblebed Heaths SAC and the Exe Estuary SPA. The council, as the competent authority, should have regard to the potential impacts that this development may have. Following advice from Natural England, it is, however, reasonable to screen out from further stages of the Habitat Regulations Assessment because significant effects are unlikely to occur, either alone or in combination. This is due to the S106 offer for financial contributions towards strategic mitigation measures to avoid impacts resulting from increased recreational pressure from additional residential development as set out in the 'South East Devon European Sites Mitigation Strategy' and provided suitable SUDS are provided to avoid any water quality impacts on the SPA (see section on S106 Heads of Terms).

Flood risk and surface water drainage

The site is bordered by the Pinn Brook to the north and the River Clyst to the east. A Flood Risk Assessment (FRA) has been submitted with the application which is contained within the Environmental Statement. The majority of the site lies within Flood Zone 1 with a small strip of Flood Zone 2 close to the southern boundary of the site where open space is proposed. The northern part of the site is Flood Zone 3 but this area is shown as being the community park/Clyst Vally Park and would therefore be free from development. The site is not at risk from tidal/flood risk. The areas of the site proposed to be developed for housing/ school are therefore in the Flood Zone 1 where it is very unlikely that flooding will occur (less than 1 in 1000 chance of occurring each year).

Affordable Housing

The current policy for affordable housing is policy H4 of the adopted local plan 2006 which specifies 40% subject to viability. The emerging local plan specifies 25% affordable housing on the major strategic 'west end' development sites but the policy does identify that the viability of large west end sites may show scope to provide higher percentages. However, the emerging policy will carry limited weight at this time due to the stage of plan preparation and consequently the adopted policy at 40% should be used as it does recognise that viability issues could affect the overall percentage. Indeed, the housing viability study that underpins the emerging policy recognises that development closely associated with Exeter may attract higher values and strongly suggests that these sites could support a higher affordable housing requirement.

As members will be aware, the council has recently completed an appeal at Pinn Court Farm based in part on the level of affordable housing in relation to viability and whether the emerging policy on affordable housing should be used as more relevant than the adopted policy. At the time of writing this report, the council had not received the decision from the Secretary of State (SoS) but this will be clearly relevant to the current application being a large housing scheme in the west end of the district. The view is that should the SoS clearly support the emerging policy, then it would not be appropriate for the council to pursue the 40% affordable housing.

However, if the adopted policy is supported, then, subject to viability, the council will be in a strong position to require that 40% of the homes provided are affordable.

The applicant has amended the original offer on affordable housing from 28% to 40% (70% social/affordable rent and 30% shared ownership) subject to viability and clarification on the relevant policy, hopefully coming out of the Pinn Court Farm appeal decision which should be available before the committee meeting. Therefore, on the face of it, the current application can reasonably be seen to be compliant with policy.

Cultural Heritage

Within the application site itself, there are no nationally important designated or undesignated heritage assets. There are no conservation areas, scheduled ancient monuments, registered parks and gardens (RPG) or world heritage sites close to the site. However, outside of a 1.5km area there are a number of designated heritage assets including Poltimore House and Killerton House and Gardens (both Grade 2*), the Parish Churches at Sowton and Broadclyst (both grade 1) and Rockbeare Manor and gardens (Grade 1, RPG grade 2).

Policy EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan aims to protect the setting of listed buildings. The NPPF identifies that the significance of a designated heritage asset can be harmed or lost through development within its setting. There is a clear requirement therefore to consider the setting of designated heritage assets when considering development proposals nearby. In the heritage section of the ES, the applicant has undertaken an assessment of the heritage assets likely to be affected by the proposed development.

There are five assets to the north of the site: Killerton House and gardens, Poltimore House, Parish Church in Broadclyst and West Clyst Farmhouse. Of these (Killerton described below), none are visible from the site and there is no historical/function link that would indicate an impact.

The National Trust has identified that the development has the potential to affect the setting of Killerton Park as set out in the 'Killerton Setting Study', dated April 2013. The study identifies a 'Zone of Potential Influence' which could include the site which falls within Area 1h, described as "partly visible in distant views from the southern part of Killerton Park, including key viewpoints from Killerton Gardens. This area has low significance to the Park". It is considered that Killerton Park can only be seen from very small areas of the site and as there is no known functional or historic link between the site and the Park, there will be no significant impact on the significance of the listed house or RPG at Killerton.

Listed buildings to the west of the site lie beyond the M5 and this disconnects these assets from having any impact on their significance. At Clyst Honiton, the main asset is St. Michaels Church and associated features but due to the distances involved and the relationship, it is not considered there would be an impact on the significance of this asset. The listed building of Rockbeare Manor and it's RPG have the airport between the asset and the site and accordingly, the development will not impact on the significance of this asset. There are a small number of other listed

buildings within the 1.5km study area but it is considered that the development would not overall have an impact on their significance.

There is a conservation area at Sowton which is separated from the site by the A30 and Blackhorse and there is no inter-visibility. Accordingly, it is considered the development would not impact on the significance of this asset.

Archaeology - There are no below ground designated assets on the site. The Devon HER records undesignated assets including a Bronze Age barrow, anti-aircraft battery and finds scatters. Features were identified in the geophysical survey. Additionally, archaeological work has identified a number of features. The site does have the potential for remains to be found from a number of periods including Neolithic and Bronze age, Mesolithic and Iron age, Roman and Medieval, and such remains would be of local interest but the Bronze Age barrow could be of more interest depending on its condition. Whilst the development would have some impact on underlying archaeological deposits, these are not considered likely to be of national importance. Accordingly, there are no overriding constraints to prevent planning permission being granted subject to the standard condition to require additional site evaluation and recording.

Landscape and Visual Impact

There are no national landscape designations applying to the site or within close proximity that would affect the landscape setting. The Council does have landscape character assessment and management guidelines, agreed in 2008, which provides an assessment and detailed description of the various character types that make up the East Devon Landscape, together with management guidelines. The site is contained within the landscape character type 3B - 'lower rolling farmed and settled slopes' but the wider study area for the assessment also includes other character areas such as the Clyst Valley (LCT 4a - Unsettled farmed valley floors). Character type 3B occupies a sloping transitional area above the flat river valleys but below the steeper slopes where development should contribute to local distinctiveness, use indigenous species but not contribute to settlement coalescence.

One of the core planning principles within the NPPF is to recognise the intrinsic character and the beauty of the countryside as well as contributing to the conservation and enhancement of the natural environment. Policy S5 in the existing development plan similarly seeks to protect the landscape.

A landscape and Visual Impact Assessment has been prepared for the site using desk based studies and on-site surveys. The assessment recognises that this site is rural farmland on the edge of Exeter and that extensive growth is and will happen in this area, including the approval of Tithebarn Green and the Science Park located close to this site and the further development on the other side of the River Clyst including the Inter Modal Freight Terminal and Skypark. The local landscape is therefore changing and will continue to change whether this development happens or not. The assessment has considered the visual effects as may be seen on or passing or close to the site and from the wider landscape together with the landscape effects on changes to the physical landscape. In terms of site visibility, it is not prominently visible. Some of the site is visible from the Clyst Honiton Bypass where the landform forms a low horizon, with power lines and a backdrop of the

higher land at Pinhoe. There are some glimpsed views from the west of the village of Clyst Honiton. The higher land at Pinhoe does allow some views of the site but is seen with the Science Park and Tithbarn Green in future years. Tithbarn Lane around the M5 does allow views of the site but again this will in future years be dominated by the Science Park/Tithbarn Green development. From the south at Blackhorse Lane, views will be dominated by the Tithbarn Green development. From the north, there are views of the site from the Mosshayne Lane and railway line. Except from the Clyst Honiton Bypass and parts of Pinhoe, most of the visual boundary is close to the site.

The assessment of effects considers the construction phase as well as the completed development. There will clearly be some visual effect during construction but generally this is considered to be relatively minor but with this rising for users of the public access routes through the site. To help mitigate the visual effects, the application includes several parameter plans to control various elements of the development and additional details have been sought where the visual effect on and near the site may be significant. For example, the raised ground at the north end of the site, above the Pinn Brook, is reasonably prominent from short distance views and accordingly more information within the Design and Access Statement and parameter plans was sought to understand how it would be possible to mitigate the impact by considering layout, structural planting, building heights and density. Furthermore, the Green Infrastructure and landscaping proposed for the site with the retention of important features will help integrate the development into this changing landscape.

Open Space and sports/leisure/recreation

Open space provision around the site is identified at 12.6 ha and the sports pitch provision is shown as 2.5 ha. The open space includes the community park/Clyst Valley Park at the northern end of the site, periphery areas for the SUDS, the routes along the existing lanes linking into other SUDS areas, allotments and play areas. The play areas would comprise an identified Neighbourhood Equipped Area of Play and two Local Equipped Areas of Play.

In terms of our open space calculations for this development, the level of provision is largely acceptable with only the sports pitches provision being slightly below the standards (this is picked up below). The eastern LAP, due to its location adjacent to the countryside, may not be appropriate for a traditional collection of play equipment and could be more imaginatively considered alongside the wider area of SUDS open space with a more rural solution to play.

Formal sports pitches are being provided on the Tithbarn Green development immediately adjacent to this site. As an integrated development, it makes sense to ensure that the overall sports pitch provision across the two sites works together in terms of location, ancillary facilities and type of pitch provision. The original submission had the school sport pitch separating the other public pitch provision which threatened proper integration. This has now been moved so that the public provision can be used as a whole with better use of the required access, car parking, pavilion, changing rooms, etc. rather than potentially having to double up.

Consultation has taken place with Sport England and this has pulled in the various organisations representing their sport e.g. FA, ECB. etc and the pitch provision has taken into account the council's Playing Pitch Strategy. As a result of this it has been identified that the need on the site is for a cricket pitch and five football pitches of various sizes from mini-soccer, through to youth provision and an adult pitch. This provision has been shown on a plan in the Design and Access statement addendum and included is a statement as to how this can be provided, basic standards/construction and possible management. However, as alluded to above, this proposed provision still does not quite comply with our standards so we have requested an additional contribution (subject to viability issues) for off-site provision for rugby and hockey in the vicinity.

Further comments have now been received from Sport England which raises some concerns about the details of what has been submitted. However, this is an outline application and not all details are available at this time. There will be controls through the S106 on the provision of the pitches, ancillary facilities and the management including off-site contributions towards rugby and hockey. In addition, some comments relate to the Tithebarn Green permission and the car park and pavilion/changing facilities will be outside the consideration of the Mosshayne application. Overall, the amount and layout of pitches is acceptable at this outline stage and the details will be considered through the Reserved Matters applications and the S106.

The Sports, Leisure and Recreation at Cranbrook Report (SLRC) was presented to the DM Committee on 23rd March and referred to Full Council on the 26th March. Whilst at the time of writing this report the outcome of these meetings was not known, nevertheless the recommendation is to adopt this report in assessing and determining planning applications. Members of the DM Committee will be orally updated at the meeting.

The SLRC Report does have implications for this Mosshayne application as it assesses the need for a swimming pool/leisure centre for Cranbrook which will also serve the wider area. The report advises "Clearly, from table 5.1, a swimming pool for the West End is not something that only Cranbrook generates a need for, however, it does generate a reasonable share of the demand, and, Cranbrook represents the most obvious and sustainable location for such a provision. Whilst many of the West End housing sites have already gained planning permission or a resolution to grant permission, the 4,000 homes covered by the Cranbrook expansion areas, 900 dwellings at Tithebarn Green/Mosshayne and potential future development at Cranbrook beyond the current planned extent are still outstanding and these developments must contribute towards the facility".

Provided this recommendation was agreed, the SLRC report expects the Mosshayne development to contribute as residents will be able to use this facility and are within a reasonable distance. The proposed leisure centre will comprise a 6 lane swimming pool, learner pool, 4 court sports hall, 2 squash courts, 60 station gym and dance/exercise studio. Potential cost of this facility is about £5.5million.

The 2x squash courts can be justified by Cranbrook alone and the gym/exercise/dance studio would be funded by the service provider which leaves just the pool and sports hall to fund from wider West End developments.

Using the Sport England Sports Facility Calculator, 900 dwellings creates demand for 0.34 lanes of a swimming pool (£276,853) and 0.12 halls (£312,748). However, using this method, the 11,745 dwellings planned for the West End create a demand for 1.51 halls and we are only proposing 1 hall. The cost of 1x 690sqm sports hall (based on BCIS Qtr1 2015) would be £499,560. Divided by 11,745 dwellings would be £42.53 per dwelling, multiplied by 900 dwellings = £38,280.46.

£276,853 (pool) plus £38,280.46 (sports hall) comes to £315,133.46 total contribution from Mosshayne towards a leisure centre at Cranbrook. Depending on whether the recommendation is agreed to use the SLRC report in assessing and determining planning applications, the council has also requested this contribution subject to the eventual viability assessment and this has been agreed by the applicant.

Green Infrastructure

The policy for Green Infrastructure (GI) in the area is contained within Strategy 10 of the emerging local plan and consequently does not carry much weight as detailed policy. However, this strategy does identify the Clyst Valley Regional Park (CVRP) as a green framework within which strategic development will occur. The proposed site sits intimately with the CVRP to the north and east and therefore this development does have the ability to help deliver some of the GI for the area.

The NPPF advises that developments should be planned to avoid increased vulnerability from climate change and to manage risks through suitable adaption measures including GI.

Through the Exeter Area and East Devon Growth Point team, a GI Strategy has been developed that at the local level has a framework plan identifying programmes such as habitat links along the north of the site and sustainable movement networks through the site both north-south and east-west, linking to the wider network. The main GI vision for this area is therefore about encouraging sustainable movement and creating wildlife corridors. As part of the application, a GI Parameter Plan has been prepared which is expanded upon in the Design and Access Statement. The Parameter plan identifies those elements intended to make up the GI including the open spaces from the country park at the north end of the site through the various SUDS features down to the play areas. It also shows the key sustainable movement routes through the site and how they could link to the wider network.

In terms of the council's open space standards, the development provides sufficient 'natural and semi-natural green open space'. The important consideration is therefore how this interacts with the surrounding area of which there is the proposed CVRP and how the on-site sustainable movement fits in and contributes to the wider network.

The main identified habitat corridor is the flood plain area at the north end of the site where main trees/hedgerows would be retained and where enhancements would maintain the value of this area to wildlife.

The open area at the north end of the site is part of the proposed CVRP and therefore with this coming forward with public access would help with some of the objectives for the GI in this area. Also periphery areas would form low-key SUDS areas that would benefit the development and its integration into the area.

Sustainable movement is indicated through the site linking to the wider network. The north-south link is particularly important to the GI Strategy, including the ability for cycles to use the whole link north to Pinn Hill and the other various crossing/improvements needed to make a safe and attractive route. Therefore, the contributions to improve sustainable transport links needs to also address these issues.

Natural England has expressed some concern that the proposed GI should be enhanced and include additional areas outside the application site to boost the GI credentials of the development. However, there is no policy basis to support additional areas forming part of the application albeit as low key areas for GI. Furthermore, the main aims for GI in this area, namely sustainable movement and habitat corridors, are reasonably being met within this proposed development subject to recommended conditions and provisions in the draft S106 to secure important GI elements. It is therefore considered that the GI package is reasonable and fairly related in scale and kind to the development and an objection on GI grounds could not reasonably be sustained.

Foul sewerage

The proposal is to link into the existing public system which discharges to the new Cranbrook transfer pipeline. The concern of South West Water (SWW) was, however, the sewer system west of the River Clyst and were concerned that this network did not have capacity to support the development without causing downstream flooding. They therefore asked that a survey and evaluation be done to determine the extent of the issue.

Following subsequent contact with SWW it has now been agreed that this issue could reasonably be resolved within a Grampian style condition to require the evaluation before commencement of development with the work being done prior to occupation.

Overhead Power lines

There are two sets of overhead power lines (POHL) across the site: a single row just crossing the north-west corner of the site that also runs across the Tithebarn Green development; and a double row that runs down the eastern side of the site.

The single row has more implications for the Tithebarn Green development. With this adjacent development, it was proposed to underground the line through or around the site and this would be partly done through the small section on Mosshayne that is proposed to be developed. The land use parameter plan and masterplan for Tithebarn Green was based on the undergrounding of the power line as to retain the OHV would have had serious implications for achieving a high quality layout. Negotiations are on-going between Western Power Distribution (WPD) and the applicant at Tithebarn Green to secure the possible diversion of this POHL, either overhead or underground.

With the current application at Mosshayne, WPD reserves its position as to whether it is possible to move this section in the north west corner or whether the masterplan should be amended. The suggestion from WPD is that the masterplan could be amended to provide a green corridor at about 30m wide down the western side of the site to accommodate a realignment of the existing POHL and relocate green/open space within this corridor. In terms of good planning this is fundamentally unacceptable. A 30m wide open corridor splitting the two sites would go against the vision of creating an integrated community and create the perception of poor quality open spaces dominated by POHL. The council should therefore support the undergrounding of the small section of POHL required within the Mosshayne development in the interests of providing a good quality development and the way it will function.

The POHL along the eastern side of the site is intended to be retained. WPD would support the efficient use of land beneath to support SUDS and they would need to assess the details of the layout to ensure there are sufficient clearances to the line and access for works and maintenance. The details submitted do indicate that the small amount of housing proposed adjacent would not be located under the POHL and would be well set back with some open space in between.

Sustainable Construction

The current policy for the Council on sustainability is D2 of the East Devon Local Plan 2006. This is, however, getting out of date with the fast evolving practices on sustainability. Essentially, it requires that development will significantly reduce operational energy demands in comparison with standards typically achieved under current standards and/or development will incorporate energy production equipment to provide at least 10% of the predicted energy requirements of the buildings when in normal use. Despite only being in draft form the new Local Plan 2006 to 2026 aims to ensure that houses are built to Code for Sustainable Homes (CSH) Level 4. Another policy aims to connect houses into an existing or proposed decentralised energy network.

In terms of advice within the NPPF, sustainability is the golden thread running through planning and essential to the support and transition to a low carbon future. Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

As part of the planning application, the applicant has confirmed the intention to take energy reduction measures to improve overall building performance as well as promoting positive end-user energy behaviour. Insulation standards are to be 10% better than Building Regulations.

However, there are currently negotiations taking place to secure the provision of a district heating network for some of the proposed developments on the east side of Exeter, and on the East Devon side of the M5 including the Science Park and the Tithebarn Green development. There is also the strong potential to link this district

heating network in to this development and the applicants have confirmed their agreement in principle to this. Whether this happens depends very much on contracts being reached by the relevant developers in the area and therefore the Heads of Terms for the Section 106 requires that 'reasonable endeavours' be used to connect to this potential district heating network (similar S106 clauses should be used to the Tithebarn Green S106). If this can be achieved, then there is a significant uplift in the sustainability benefits of the development.

Trees

The application is accompanied by an Arboricultural Implications Assessment. There are no protected trees on site. Nearly all the trees on site are located along lanes and field boundaries/hedgerows but there a few isolated trees in the proposed open space at the northern end of the site. The Assessment correctly identifies the arboricultural features present on site. The processes and recommendations outlined in the report should secure a development that retains the desirable trees and hedgerows on the site. The reserved matters should be informed and guided by the constraints and recommendations identified in the report. Layout, design and construction should be informed and guided by the recommendations and process's laid out in BS5837:2012. Two tree conditions are recommended should planning permission be forthcoming.

Education

The application proposes a primary school on 1.6ha of land adjacent to the western boundary of the site with the Tithebarn Green development. This site would be transferred to DCC for a nominal sum and further contributions are sought to provide the school at the rate of £3,330 per eligible dwelling. A sum of £168K is being sought for early years education for 2, 3 and 4 year olds.

DCC are also seeking contributions towards secondary education at the rate of £2,736 per eligible dwelling

The applicant has agreed in principle to this (see Heads of Terms for the S106 section) and this has been up-dated to accord with DCC latest comments.

Noise

The main noise sources to the site are the M5 and A30 to the west and south respectively, the railway line to the north and Exeter airport to the south east. The ES contains a noise and vibration report to consider this issue and both the airport and our Environmental Health team have been consulted and made comments on the application.

The NPPF advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life.

A survey of existing background noise and vibration levels were undertaken at a number of locations. Vibration levels were low and would have a negligible impact on the development and no mitigation is required. Noise predictions across the proposed development have been used to determine the suitability of the site under the guidance of the old PPG24 (whist this is superseded it still does give guidance)

for mixed noise sources. The assessment concludes that with suitable mitigation the noise levels for users of the development will be minimised in terms of the adverse impacts on health and quality of life. The mitigation includes insulation standards and considering the orientation of spaces such as private gardens to minimise noise.

As part of the application, there is the specific issue with the potential for airport noise to impact on the development. At this location this is mainly from aircraft take off/landings but also from the engine testing area further to the east. The airport has specifically objected to the application in terms of that element of proposed housing within the 57db noise contour. The 57db contour has been based as the onset of significant annoyance to the community and is based on the predicted 2030 passenger numbers. This forecast is based on the airport's 2009 masterplan and since then the actual operations have not matched the predictions. During the preparation of the application there was a significant amount of housing within the 57db contour but this has been cut back with the formal submission so that now there is an indicated approx 30-40 houses just within this contour together with the sports pitch. The school is just outside this contour. The Environmental Health officer is aware of the issue but confirms that the noise assessment includes the cumulative effect of considering other noise sources, but advises that, subject to mitigation, there would not be a sustainable objection to those houses shown within the 57db noise contour. The mitigation would take the form of insulating all the houses to reduce internal noise and the orientation of the houses and open spaces. Accordingly, a condition is recommended for noise insulation for the houses in accordance with the appropriate British Standard. The noise from ground run-ups will be audible at the proposed development but due to the occasional occurrence, the noise report does not consider this to be significant. The Environmental Health officer does not disagree with this conclusion.

Agricultural and Soil Resources

The NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land, and seek to use areas of poorer quality land. A significant part of the site is grade 2 and 3a and is therefore defined as Best and Most Versatile Land. Smaller parts of the site are grade 3b - moderate quality agricultural land.

Much of the land to the east of Exeter is of high quality. Whilst there are no effective measures available to mitigate this loss, it should be noted that significant areas (approximately 17.8ha of the 43.3ha site) would not be developed and would not therefore be permanently lost from potential agricultural use. Also much of the land within the Growth Point is high grade agricultural land and this was assessed when the Growth Point was identified in the Regional Spatial Strategy at which time it was concluded that the other benefits of development in this location would outweigh the loss of agricultural land.

To help mitigate the impact on soil resources, it is proposed to prepare a soil resources plan which will confirm the soil types; the most appropriate re-use for the different types of soils; and proposed methods for handling, storing and replacing soils on-site.

Urban Design

The overall vision for the development is to create a highly sustainable community that is accessible, attractive and safe with access to local facilities including retail, primary school education, employment opportunities and open space close to home. It is intended that this development forms one integrated community with the approved Tithebarn Green scheme, sharing facilities and access and promoting sustainability through public transport, walking and cycling, sustainable urban drainage and the retention of natural habitats.

To help achieve this vision supporting documentation has been submitted, including a Design and Access Statement and a series of parameter and master plans. The applicant has spent some time working with the council on progressing the statement and plans considering the important elements of the scheme. The development has been split down into various character areas such as the edge of the development, green lanes and the school green. The key characteristics of each area are established and where necessary supporting information is provided to explain how these elements or possible constraints could be resolved.

This has helped produce an indicative masterplan which draws together the main components of the evaluation and includes in the design the main routes and their hierarchy, pedestrian/cycle connections, layout/place-making, green corridors/ecology, landscape, open space/play, topography, sustainable drainage, noise vector/power lines and block structures. It would be usual to control the design elements agreed at this stage through the requirement to submit 'Design Codes' before the submission of a reserved matters application. However, with the Tithebarn Green development, the council, in conjunction with the applicant, decided to follow a Masterplan Cascade approach which links into the design principles of the Design and Access Statement and parameter plans. As the name implies, this follows a cascade down from considering neighbourhood plans for the development which establishes how the neighbourhood will function with its overall character and present an arrangement of blocks and indicative plots, streets and spaces. This then cascades down to a framework plan and appearance palette which provides a broad 'fix' for spaces, parking typologies, building types and their location, together with a statement supporting the framework providing information and guidance on building design, materials, street furniture, trees. This must then feed into the reserved matters applications. A condition on the Tithebarn Green permission requires the Cascade approach and as these two sites are integrated, it is sensible to continue this approach with the current application.

The vision for the development correctly emphasises that the Tithbarn Green development and this proposal cannot be considered in isolation and to be successful, they must integrate to form a single coherent community. This does raise the issue that Tithebarn Green was designed in isolation with its own facilities and therefore is it in the best interests of a planned integrated community to simply consider adding on what is essentially a housing scheme (albeit with a school) to the Tithebarn Green development without first seriously considering whether what has already been approved (and importantly not built yet) when combined, makes the best use of all the land uses in terms of what is being provided and where it is located, to provide an efficient, balanced community which is attractive and a pleasant place to live. The view on this, is that fundamentally you would not set out to plan a community of nearly 1500 houses on the combination of two developments

planned at different times. The majority of the community facilities and services are within the Tithebarn Green side and located well away from the current site. In particular, it is considered the district centre is located on the wrong side of the link road and should be comprehensively relocated to the east side together with a reassessment of how the other facilities and the primary route through the site can be better integrated into the whole development. This will require some amendments to the approved plans (parameter plans) for Tithebarn Green but as this is an outline planning permission and there should be no material changes to the quantum of the various approved uses, this is a matter of process rather than a fundamental reassessment of the outline permission. As the two developments sit with each other at the moment, it is considered that the agreed vision would fundamentally fail and therefore to make the Mosshayne development acceptable under this vision, it is considered that before any planning permission could be granted at Mosshayne, the council would need to go through an exercise to amend the parameter arrangements for Tithebarn Green so that there is balanced arrangement of uses, in locations that guarantee an integrated community. The recommendation is therefore that we achieve this before any possible permission is issued for the Mosshayne development.

Viability

Scheme viability now goes to the heart of decision-taking for large developments to ensure deliverability. Where the deliverability of the development may be compromised by the scale of planning obligations, a viability assessment should normally be undertaken. Government advice states "where an applicant is able to demonstrate to the satisfaction of the LPA that the planning obligation would cause the development to be unviable, the LPA should be flexible in seeking planning obligations. This is particularly relevant to affordable housing and these contributions should not be sought without regard to individual scheme viability. The government advice is, however, clear that in understanding the scale of planning obligations," where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development."

The applicant has not, as yet, undertaken a viability assessment with the council and as can be seen from the section on S106 contributions, the planning obligations add up to many millions and includes affordable housing at 40% (subject to viability). The council is not therefore in a position at the current time to confirm that the scheme is viable at the current level of planning obligations and should not proceed to determination without this viability assessment to allow an assessment that these planning obligations will allow the development to be delivered. Indeed, it could be the case that if the development falls well short of being viable, that sufficient reduction in planning obligations could make the scheme fundamentally unacceptable in planning terms.

As the site is not allocated for development but potentially acceptable in terms of housing supply and sustainability, the applicant reasonably would want the committee to be able to come to some conclusion about the acceptability of the principle of this development and then proceed through a viability assessment with the council to determine whether the planning obligations can deliver the scheme

subject to certain safeguards that if the viability is way off, the matter will need to be reported back to the committee.

Planning Obligations

Over the life of the application, the Council was in negotiation with the applicant over the proposed Section 106 Agreement and the current Heads of Terms reflects the position so far. Any further up-dates will be orally reported to the committee. The new Heads of Terms is contained below. This should therefore be read in conjunction with the more detailed comments in the relevant sections of this report.

The NPPF requires that planning obligations meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The council therefore need to be sure that the proposed section 106 agreement meets these tests and is proportionate and relevant to make the proposal acceptable in planning terms. As advised in the section on viability, the council will need to review the planning obligations if the scheme proves not to be viable provided, of course, that there is still an acceptable development after any such review.

OBLIGATION	CONTRIBUTION	DELIVERY
Affordable Housing		
Affordable Housing	40% of the dwellings will be affordable subject to either a viability assessment or clarification of the weight that should be given to the Emerging Local Plan Policy which indicates 25%. Further negotiation on the level of affordable housing and viability as appropriate will be delegated to officers unless the level of affordable housing proposed becomes less than 25%, in which case the application will be brought back to committee. 70% Rent. 30% Shared ownership.	Typically no more than 25 in a cluster. Phasing plan for delivery of the affordable housing to be submitted as part of the 1 st Reserved Matters Application.
Transport		
Highways	<u>Tithebarn Link Road.</u>	Total divided by 4.

	<p>The first phase is being delivered; however, there is currently a shortfall in funding to deliver the second phase.</p> <p>Up to £1,500,000 (subject to detailed costing to be provided by DCC)</p>	<p>1st Payment by 200 o/m occupation 2nd Payment by 300 o/m occupation 3rd Payment by 400 o/m occupation 4th Payment by 500 o/m occupation Or similar adjusted to the total agreed amount.</p>
<p>Public Transport – Rail Bus Service Enhancement</p>	<p>Analysis of the West End developments indicate that even with the Tithebarn Link Road in place, there will be significant traffic volumes at Junction 29. Whilst additional highway capacity improvements are limited, investment in the rail infrastructure could remove existing trips from the A30. Increasing rail frequency between Exeter city centre and Honiton to half hourly (via Cranbrook) would offer a more convenient service and faster journey times compared to the private car. This is expected to mitigate impacts at Junction 29 and 30. Depending on what may be feasible, the county council would be seeking flexibility to use public transport contributions for either bus or rail improvements so that the greatest benefits can be realised on the local and strategic road network.</p> <p>Up to £3,998,000 (subject to justification)</p> <p><u>Bus Services</u> The County Council would expect the development to incorporate a looped route</p>	<p>Payable against occupations. 4 Payments. 1 – by 450 occupation 2 – by 550 occupation 3 – by 650 occupation 4 – by 750 occupation</p> <p>Provided as part of built form</p>

	that can accommodate a two-way bus service without the need for the bus to turn around (i.e. continue going forwards) through the development as well as contribution to facilitate bus stops.									
Walking, Cycling	<p>A number of external walking and cycling links are being developed in the local area to access jobs as well as leisure opportunities. It would be appropriate to contribute towards improving local routes that link to the development from the wider area, specifically Mosshayne Lane, both north and south of the development, and Blackhorse Lane.</p> <p>Up to £400,000 (subject to justification)</p>	<p>Payable on occupation</p> <table> <tr> <td>1st Payment</td> <td>200</td> </tr> <tr> <td>occupations</td> <td></td> </tr> <tr> <td>2nd Payment</td> <td>400</td> </tr> <tr> <td>occupation</td> <td></td> </tr> </table>	1st Payment	200	occupations		2nd Payment	400	occupation	
1st Payment	200									
occupations										
2nd Payment	400									
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Travel Planning	<p>Travel planning and personalised travel marketing can help people understand how to make more sustainable journeys rather than relying on the private car. The County Council can undertake this travel planning function on behalf of a developer, although a contribution will be required for this.</p> <p>£500 per dwelling (= Up to £450,000)</p>	<p>£500 per dwelling payable on each phase in the following manner</p> <ul style="list-style-type: none"> - 50% prior to occupation of 20% of dwells - 50% prior to occupation of 50% of dwells 								
Open Space/Ecology										
Exe Estuary SPA East Devon Pebble bed Heaths SPA	<p>Both SPA sites - £749 per dwelling (will cover on site mitigation and SANGS delivery)</p> <p>£749 per dwelling</p>	<p>Phasing of payments to be agreed. Prior to o/m occupations Every 50 o/m occupations.</p>								

<p>Open Space/Sports Pitches</p>	<p>According to the EDDC Sports pitch assessment (based on the Draft Playing Pitch Strategy) this planning application for 900 dwellings should provide 29,970m² of sports pitches. This equates to four on-site sports pitches plus an off-site contribution towards rugby and hockey.</p> <p>The sports pitches are illustrated on the Masterplan in a form acceptable to the EDDC but may be varied subject to demand/need. Any land transferred to third parties for maintenance will be covered by a restrictive covenant preventing alternative uses.</p> <p>A financial contribution of towards rugby and hockey provision in the vicinity up to £137,613 .</p> <p>A financial contribution of up to £276,853 towards a new pool at Cranbrook.</p> <p>A financial contribution of up to £38,280.46 towards a new sports hall at Cranbrook.</p>	<p>Phased in accordance with phasing plan to be agreed.</p> <p>To be maintained by management company. Specification to be appended to S106.</p> <p>Paid on 400th o/m occupation. Off-site contributions subject to viability.</p> <p>To be paid by 800th occupation</p> <p>To be paid by 800th occupation</p>
<p>Clubhouse/Changing Facilities</p>	<p>In addition to the pitches themselves, appropriate changing facilities and car parking should be provided. Changing facilities should allow separate changing rooms for the home and away teams and the match official.</p> <p>Clubhouse facilities should include a kitchen, dedicated</p>	<p>Phased in accordance with the phasing plan to be agreed.</p> <p>Management to be agreed.</p> <p>To be provided by the 500th o/m occupation. Specification to be appended to S106.</p>

	medical room, toilets, showers (in each changing room including the match officials) and kit lockers. Clubhouse facilities should all be DDA	
Allotments	To be provided in accordance with phasing plan. Specification for the allotments to be provided, including soil condition, structures, access, parking, boundary treatment etc.	Ongoing management to be agreed. Options include transfer to Parish Council.
Green Infrastructure		
Improved Off-Site Pedestrian Links	Reasonable endeavours to provide an upgrade and diversion away from existing agricultural courtyard to a restricted by-way of Mosshayne Lane from the edge of the site to Pin Hill (and within the Gent's ownership). It was agreed that the contributions requested by DCC towards walking/cycling upgrades should cover the costs of the improvements to Mosshayne Lane and also the proposed traffic light crossing at Honiton Road.	All subject to relevant stopping up orders.
Carrow Mill	Making safe Carrow Mill. £10,000 contribution.	Payable upon 400 o/m occupation.
Bird Hide	A bird hide, the position of which would be agreed as part of reserved matters.	Payable from other contributions.
Additional Planting On Blue Land	The planting of additional trees and hedge plants to strengthen hedge boundaries to improve habitats as requested by Natural England.	The extent of additional planting to be agreed with and provided by the landowner.
Education		

<p><u>Primary Education Land</u></p>	<p>The proposal includes the provision of a new primary school site. The size of the school site should be 1.6Ha. It should be provided on level ground with services also provided by the developer. The school will also have to be built at an agreed time in phase with the development. The school site will need to be offered to the Education Authority fully serviced at agreed phases.</p>	<p>The proposed school site freehold and access rights should be transferred to the County Council for a nominal sum (most likely £1). If paying a 'fair price' DCC will not accept a covenanted site.</p> <p>DCC will compensate for 0.74Ha of this land.</p> <p>Land and facilities contribution discussed separately. This approach reflects that towards other developments in Devon.</p>
<p><u>Primary Education Facilities</u></p>	<p>DCC recognises a level of overprovision regarding the school site and will compensate developers for the area not directly related to the development impacts (which is 0.74Ha). Value of this to be assessed by independent valuer.</p> <p>Contributions towards primary school facilities infrastructure will be sought in accordance with Devon County Council's education Section 106 Policy.</p> <p>1. The policy sets out that each eligible dwelling (2 bedroom plus) will produce approximately 0.25 primary pupils. The development of 900 dwellings is therefore anticipated to generate approximately 225 pupils. If there are no 1 bed units.</p> <p>The department for education sets out the cost per pupil of building a new primary school, this is £13,330 per pupil place or £3,330 per eligible dwelling – all dwellings greater than 1 bedroom in size.</p>	<p>Payments calculated on number of units of 2 or more bedrooms (on open market and affordable dwellings). This will be based on reserved matters.</p> <p>Phasing:</p> <ul style="list-style-type: none"> • Half of contribution on 10% eligible dwellings completion • Half of contribution on 50% eligible dwellings completion <p>The above can be applied to each reserved matter application site (if there are multiple RM applications)</p>

	<p>It is also proposed that the school will feature space for Children's Centre Services, although this should be addressed in the design of the school, rather than through an additional payment.</p> <p>A further £168,000 is required for Early Years facilities required as a result of the development. This will need to be justified by DCC.</p>	
<u>Secondary Education</u>	<p>The designated school for this development is Clyst Vale Community College but it is recognised that there is also provision in Cranbrook and Exeter. Parents are likely to choose between schools. It will therefore be necessary for this development to contribute towards the provision of new secondary school capacity.</p> <p>The county councils policy sets out that each eligible dwelling will generate 0.15 secondary pupils. The development of 900 dwellings is therefore anticipated to generate approximately 135 pupils.</p> <p>The department for education sets out the cost per pupil for constructing new secondary schools, which is £18,240 per pupil place or £2,736 per eligible dwelling. – all units of two or more bedrooms.</p>	<p>Payments calculated on number of units of 2 or more bedrooms (on open market and affordable dwellings). This will be based on reserved matters.</p> <p>Phasing: <input type="checkbox"/> Half of contribution on 10% eligible dwellings completion <input type="checkbox"/> Half of contribution on 50% eligible dwellings completion</p> <p>The above can be applied to each reserved matter application site (if there are multiple RM applications)</p>
Sustainability		
District Heating System	The buildings will be designed and built to be	Phased in accordance with phasing plan to be agreed

	<p>suitable for connection to the proposed Monkerton District Heating System.</p> <p>Reasonable endeavours will be used to connect each dwelling within each Phase to the District Heating Facility.</p> <p>In the event that the dwellings are not connected to a District Heating Facility, at least 10% of the energy supply of the development shall be secured from decentralised and/or renewable or low-carbon energy sources.</p> <p>Note: the buildings will be built in accordance with buildings regulations which replace the code for sustainable homes.</p>	and subject to the network being available and viable prior to the commencement of the relevant phase.
Monitoring	Reasonable monitoring fees – up to £500 pa.	
Legal Fees	Reasonable legal fees – up to £20,000.	

RECOMMENDATION

Having regard to the Environmental Impact Assessment submitted with the application (including the further information submitted) and the representations made about the environmental effects of the development, APPROVE subject to the completion of a S106 agreement to secure the items identified above, subject to the following conditions and subject to the two items outlined below:

- A) That before any decision is issued, the applicant undertakes a viability assessment of the proposed development, and that this is independently assessed on behalf of the council to determine whether with the level of proposed planning obligations, the scheme is viable and capable of being delivered. Delegated authority be given to the Service Lead – Planning Strategy and Development Management in consultation with the Chairman of the DM Committee to negotiate any changes required to the Planning obligations should this prove necessary to make the development viable subject to the affordable housing level not dropping below 25% or the level of obligations being reduced to such an extent that the scheme is no longer acceptable in planning terms. If either of these points are reached, the application shall be referred back to the DM Committee for determination.

- B) That before any decision is issued, the parameter plans/masterplan for the Tithebarn Green planning permission (12/1291/MOUT) are renegotiated and the process of amending the permission has been completed to secure an acceptable integrated layout/land use for both developments to achieve an effective and sustainable single community in line with the agreed vision for the Mosshayne development.

Conditions

1. Approval of the details of the layout, scale and appearance of the building (s), the means of access thereto 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. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters.
(Reason – To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the planning and Compulsory Purchase Act 2004).
3. The outline planning permission hereby approves the following parameter plans together with the design principles and parameters established in the approved Design and Access Statement (including the Addendum dated February 2015):
Land use - drwg no.1034-SK10-B
Plot ratio plan- drwg no.1034-SK13-A
Maximum building heights - drwg no.1034-SK12-B
Access and movement- drwg no.1034-SK11-B
Green Infrastructure - drwg no.1034-SK14-C

Prior to the submission of any reserved matters application(s) for an agreed phase or phases of the development, neighbourhood plans followed by a framework plan and statement on the appearance palette for the agreed phase or phases of the development shall be submitted to and approved in writing by the LPA. The framework plan(s) (1:1000) shall follow the principles established in the indicative masterplan and it shall be in accordance with the approved parameter plans. The framework plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking (including cycle parking) typologies, together with how the design principles in the approved Design and Access Statement will be applied at the more detailed level. The appearance palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species.

The reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying appearance palette relevant to that part of the site.

(Reason - to define the permission and ensure compliance with the approved plans and principles of the development.)

4. The landscaping scheme to be submitted as part of the reserved matters specified within the outline planning permission shall follow the landscape design principles within the approved Landscape Strategy (Section 5.7) of the Design and Access Statement and the Green Infrastructure Parameter Plan. The details to be submitted for the landscape scheme shall include an implementation schedule and maintenance scheme for the approved details of landscaping. The landscaping shall be provided and maintained in accordance with the approved details.

(Reason - to define the permission and ensure that the development proceeds in accordance with the landscape strategy in the interests of the appearance of the development and to comply with Policy D4 (Landscape Requirements) of the East Devon Local Plan.)

5. The landscaping proposals to be submitted as part of the reserved matters specified within the outline planning permission shall clearly show all the hedgerows to be retained, removed and created. For those hedgerows proposed to be retained in accordance with the approved Green Infrastructure Parameter plan, details shall include how the hedgerows will be protected during construction, future maintenance and, where they form part of the boundary to a private property, how that will be managed and protected from damage. Proposals for existing hedgerows to be removed shall be accompanied by a written justification in terms of species/habitat impact which shall be approved in writing by the LPA. New hedgerows to be planted shall be included within the landscape proposals and shall show full details, including implementation, and shall provide a statement to be approved in writing by the LPA as to how they contribute to the enhancement of foraging, breeding, commuting and dispersal habitat on the site and the links to other habitats around the site.

(Reason- In the interests of the long term visual amenity of the site and the landscape setting together with the need to conserve and enhance biodiversity on and around the site in accordance with policies C06 (Quality of New Development), C09 (Biodiversity and Earth Science Diversity) and C010 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan, policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), D4 (Landscape Requirements), EN4 (Nationally Important Sites-including SSSI) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and advice contained within the NPPF.)

6. No development shall commence (other than site clearance works) on site until a scheme for the provision of a countryside/community park at the northern end of the site as shown on the approved Parameter drawings 1034-SK10-A and 1034-SK14-C, and the illustrative masterplan ref: 1034-SK03-J has been submitted to and approved in writing by the LPA. The details to be submitted shall include full details of existing vegetation to be retained and how it will be

protected; new planting; habitat creation and enhancement (including works to the pond); footpaths/cycleways; ground works; structures and equipment; and SUDS works, together with an implementation and maintenance strategy. The countryside park shall be provided in accordance with the approved details and maintained in accordance with the approved maintenance strategy.

(Reason - In the interests of the long term visual amenity of the site and the landscape setting together with the need to conserve and enhance biodiversity on and around the site in accordance with policies C06 (Quality of New Development), C09 (Biodiversity and Earth Science Diversity) and C010 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan, policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), D4 (Landscape Requirements), EN4 (Nationally Important Sites-including SSSI) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and advice contained within the NPPF.)

7. No development shall commence on site on a relevant approved phase until a scheme for the provision of a minimum of ten swallow boxes and ten house martin boxes on buildings around the perimeter of the development have been submitted to and approved in writing by the LPA. The scheme shall include the physical details of the artificial nests, the location of the buildings which would be fitted and their position on the buildings. No building approved to have an artificial nest shall be occupied until the artificial nest has been provided on that building in accordance with the approved details and it shall thereafter be maintained.

(Reason - To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with policies C09 (Biodiversity and Earth Science Diversity) and C010 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan, policies EN4 (Nationally Important Sites-including SSSI) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and advice contained within the NPPF.)

8. No demolition of the barn containing the barn owl nesting boxes shall take place until these nesting boxes have been relocated in the locality in accordance with a scheme of relocation including timetable, which has been submitted to and approved in writing by the Local planning Authority. The relocation shall take place in accordance with the approved details and the nest boxes shall not thereafter be removed without the written authorisation of the Local Planning Authority.

(Reason - To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with policies C09 (Biodiversity and Earth Science Diversity) and C010 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan, policies EN4 (Nationally Important Sites-including SSSI) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and advice contained within the NPPF.)

9. No development shall commence on site until a scheme for an External Lighting and Management Plan has been submitted to and approved in writing by the LPA. The plan shall provide details of the design, hours of use, locations and management of any temporary or permanent exterior lighting within any public

area, including signage, floodlighting and road lighting. The lighting shall then be installed and operated in accordance with the approved details.

(Reason - To safeguard the amenities of the area, to protect future occupiers and protected species from excessive light levels, and in the interests of airport safety in accordance with policies C06 (Quality of New Development, C09 (Biodiversity and Earth Science Diversity) and C010 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan, policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN6 (Wildlife Habitats and Features) and EN15 (Control of Pollution) of the East Devon Local Plan and advice contained within the NPPF.)

10. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within all residential units will conform to the "good" design range identified by BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and to the recommendations in the Noise Impact Assessment prepared by Clarke Saunders Acoustics dated November 2014 shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and be retained thereafter.

(Reason - To protect the amenities of future residents from road, rail and airport noise, in accordance with policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

11. No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. 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. The following restrictions shall be adhered to: a) There shall be no burning on site during construction or site preparation works; b) No construction works shall be carried on outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays; c) There shall be no high frequency audible reversing alarms used on site. The approved Plan shall be adhered to throughout the construction period.

(Reason - To protect the amenities of existing and future residents and to comply with policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment as prepared by Parsons Brinckerhoff and dated October 2014, or any subsequent flood risk assessment approved in writing by the Local Planning Authority.

(Reason - in the interests of flood risk and to accord with advice contained within the National Planning Policy Framework.)

13. The first reserved matters application submitted pursuant to condition 1 shall be accompanied by details of the surface water drainage scheme for the whole development hereby permitted, incorporating sustainable drainage principles and a management and maintenance plan. The details shall be in accordance with the submitted Drainage Strategy prepared by Parsons Brinckerhoff and

dated October 2014. Any subsequent reserved matters submitted pursuant to condition 1 shall incorporate the approved surface water drainage scheme and the development shall only be carried out in accordance with the approved surface water drainage scheme.

(Reason - In the interests of flood risk and to accord with advice contained within the National Planning Policy Framework.)

14. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or the development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason - to ensure that any contamination existing and exposed during the development is identified and remediated in accordance with the National Planning Policy Framework.)

15. No development-related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work including the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development in accordance with Policy EN7 (Nationally and Locally Important Archaeological sites) of the East Devon Local Plan.)

16. Prior to commencement of any works on site (including demolition and site clearance or tree works), a tree survey and report to include a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval in writing and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

17. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of above and below ground services, foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long term retention of the trees and hedgerows. No development or other operations shall take place except in accordance with the approved service / drainage/infrastructure layout.
(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)
18. No development shall commence until a detailed survey and evaluation of the public foul sewerage network has been submitted to and approved in writing by the LPA. The evaluation shall also identify necessary improvements to adequately accommodate the additional discharge of foul sewage from the development hereby approved. No dwelling hereby approved shall be occupied until the foul sewage improvements have been implemented in accordance with the approved details.
(Reason - to ensure that the proposed development does not overload the existing sewerage network causing flooding to other properties in accordance with advice contained within the National Planning Policy Framework.)
19. Before any development commences on a particular approved phase, details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - to ensure that adequate details of the levels are available in the interests of the appearance of the locality, and the amenity of adjoining occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
20. Before the development hereby permitted is commenced on a particular approved phase, details of the walls and/or fences to be erected within the curtilage of the dwellinghouses shall be 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 dwellinghouse before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 preserving and enhancing the appearance of the area and/or protecting the privacy of local residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

21. Prior to the commencement of the development hereby permitted of a particular approved phase, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

(Reason - to ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

22. As part of the first application for the approval of reserved matters, a detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall specify the proposed timing for the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other build elements of the development.

(Reason - to ensure that the development proceeds in accordance with an agreed programme of delivery, that areas closest to existing transport services are developed first, and that would be in individual phases, the open space associated with the development is co-ordinated with the construction of the houses which it will serve.)

23. The development hereby permitted shall be carried out in accordance with the following approved plans: Land Use Parameter Plan no.1034-SK10-B, Maximum Building Heights Parameter Plan no.1034-SK12-B, Plot Ratio Parameter Plan no.1034-SK13-A, Access and Movement Parameter Plan no.1034-SK11-B , Green Infrastructure Parameter Plan no.1034-SK14-C and Location Plan no.1034-SK15-B.

(Reason - For the avoidance of doubt and in the interests of proper planning.)

24. The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of the development the necessary on site infrastructure shall be put in place for connection to those systems to the network at points on the site boundary agreed in writing by the LPA.

(Reason - In the interests of sustainable development and to support the opportunities for decentralised energy supply systems within the National Planning Policy Framework.)

25. Prior to the commencement of development, a Soil Resources Plan shall be submitted to and approved in writing with the Local Planning Authority. The Soil Resources Plan shall set out the procedures that will be put in place to ensure that all high quality soil resources on the site that will be displaced by the development hereby permitted are conserved and reused elsewhere in the locality. The Plan shall detail how high quality soil resources will be identified, how they will be stored and relocated and where they will be reused. The

development shall thereafter only be carried out in accordance with the approved Plan.

(Reason - To ensure that the high quality soil resources at the site are conserved and re-used having regard to the site being identified as high quality agricultural land and government policy contained in the National Planning Policy Framework.)

26. As part of the first application for the approval of reserved matters, a detailed Green Infrastructure Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the submitted Green Infrastructure Parameter Plan and include details of the retention, enhancement and creation of habitats together with a delivery timetable and details as to how the green infrastructure is to be set up and managed in the future. The Green Infrastructure Delivery Plan shall be delivered and maintained in accordance with the approved details unless any variation is agreed in writing by the Local Planning Authority.

(Reason- In the interests of the comprehensive and integrated provision of all landscape, biodiversity and open space to ensure the development contributes to and enhances the natural and local environment to comply with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and government policy contained within the National Planning Policy Framework.)

27. The construction of no more than 500 of the dwellings hereby approved shall commence until:

A full scheme of works for improvements to Moor Lane Roundabout has been approved in writing by the Local Planning Authority (in consultation with Devon County Council and the Secretary of State for Transport);

and

the approved works at Moor Lane Roundabout have been certified in writing as complete by the local planning authority (in consultation with the Secretary of State for Transport).

(Reason - to ensure that the capacity of Moor Lane Roundabout is sufficiently enhanced to reduce the risk of vehicular queues on the westbound A30 Honiton Road approach extending into and adversely impacting upon the operation of M5 Junction 29. The applicants own analyses shows that, even with the full construction of the Phase 3 Link Road to the north, the westbound flow on the A30 at this junction in the weekday AM peak hour is expected to be well above the level that currently causes queuing back into M5 Junction 29.

The developer's assessments have only assumed scenarios whereby the DCC improvement scheme to Moor Lane roundabout is in place. No assessment has been presented to demonstrate when, during the occupation of the development hereby approved, those improvements become necessary. The Agency's own assessment suggests that the improvement scheme will need to be in place by 2024 which is 6 years after the expected completion of the Phase 3 Link Road and within the build-out period of the Mosshayne

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

a) The Local Planning Authority have approved a scheme of works for the full Tithebarn Link Road, providing a highway link from Cumberland Way, across the motorway, around Science Park to the C832; and

b) The approved works have been completed in accordance with the Local Planning Authority's written approval and made available for public use.

(Reason: To ensure that a safe and suitable highway access to the site, in accordance with policy TA7 (Adequacy of Road network and Site Access) of the East Devon Local Plan, Paragraph 32 of the National Planning Policy Framework and the application submitted for consideration.)

29. No other part of the development hereby approved shall be commenced until a sustainable transport Access Strategy covering phased provision of bus routes, Mosshayne Lane and other internal pedestrian/cycle connections has been submitted to, and approved in writing by the Local Planning Authority.

(Reason: To ensure safe and suitable access secure for sustainable transport modes and promote sustainable transport, in accordance with policies TA1 (Accessibility of New Development) and TA4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan and with paragraph 34 of the National Planning Policy Framework.)

30. No part of the development hereby approved shall be brought into its intended use until the onsite cycle and vehicular parking facilities 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 in accordance with the National Planning Policy Framework.)

31. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan

32. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of

vehicles. The approved Statement shall be adhered to throughout the construction period.

(Reason: In the interests of highway safety and public amenity in accordance with policies D1(Design and Local Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informatives:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Condition 27 is imposed at the Direction of the Secretary of State for Transport.

This outline planning permission is accompanied by a S106 Planning Obligation which must be read in conjunction with the decision notice.

The planning application was accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Local Planning Authority confirms that they have taken the environmental information contained within the Environmental Statement into consideration.

Condition 24 above should be read in conjunction with the relevant section on District Heating within the Section 106 agreement. If through the application of 'reasonable endeavours', it is considered that a District Heating network to a particular phase cannot be achieved due to viability, then condition 24 will not apply to that phase.

Plans relating to this application:

1034-SK15-B	Location Plan	17.11.14
1034-SK11-B	Other Plans	17.11.14
1034-SK13-A	Other Plans	17.11.14
1034-SK14-C	Other Plans	17.11.14
1034-SK10-B	Other Plans	23.02.15
1034-SK12-B	Other Plans	23.02.15

List of Background Papers

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

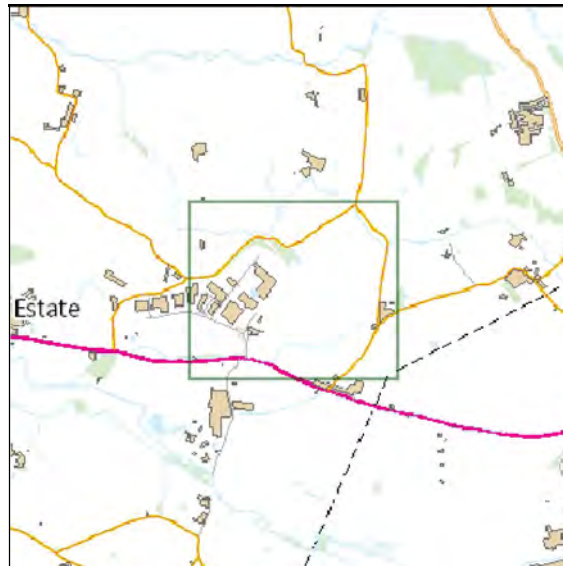
Ward Clyst Valley

Reference 14/1443/MFUL

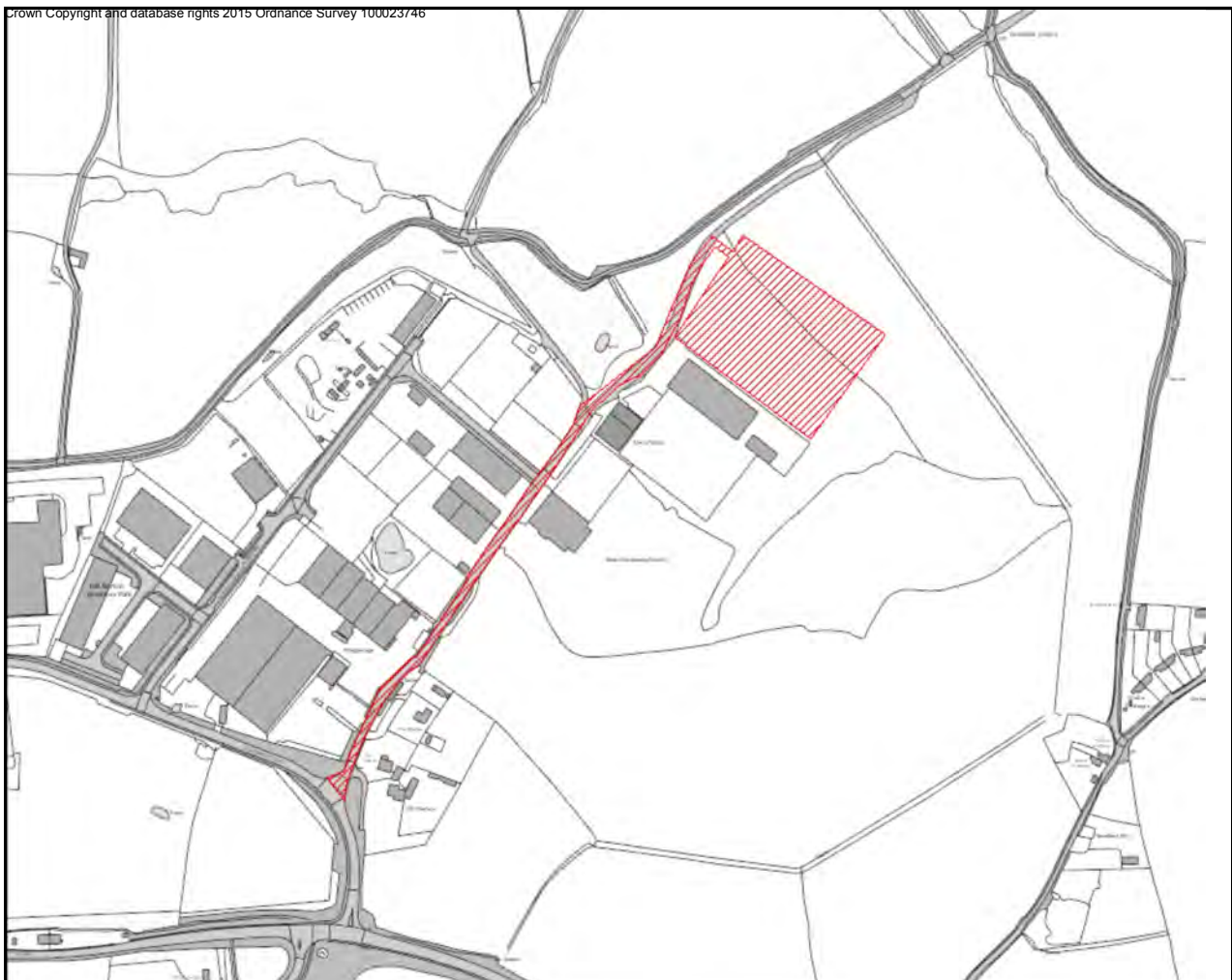
Applicant Aggregated Micro Power PLC

Location Land To North East Of Stuart Way
Hill Barton Business Park Clyst St
Mary

Proposal Construction of wood gasification
plant for low carbon energy
production



RECOMMENDATION: Approval with conditions



		Committee Date: 31 March 2015
Clyst Valley (FARRINGDON)	14/1443/MFUL	Target Date: 17.10.2014
Applicant:	Aggregated Micro Power PLC	
Location:	Land To North East Of Stuart Way Hill Barton Business Park	
Proposal:	Construction of wood gasification plant for low carbon energy production	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application site lies outside of Hill Barton Industrial Estate adjoining a number of industrial buildings. The site is approximately 0.95ha in area and is reclaimed land that was formally a landfill site.

The site is allocated as part of a larger site (4.7ha) under Policy W6 (Energy Recovery) of the adopted Devon Waste Local Plan 2014 for the provision of facilities for the recovery energy from waste of up to 80,000 tonnes per year.

The application seeks planning permission for the construction of a 1.5 megawatt combined heat and power plant that uses timber to create energy. A very large building approximately 68m by 62m at a height of 12.4m is proposed.

On the basis of the approval of an application by Devon County for the extension to the land-fill site of which the site forms a part, and given the recent adoption of the Devon Waste Local Plan, the County Waste Authority have removed an initial objection to the application that was based on the fact that the application proposed a non-waste use within a site allocated for the recovery of energy from waste. The Waste Authority advising that the availability of land elsewhere within Hill Barton, together with uncertainty over the extent of land needed for the allocation in the Waste Local Plan, means that the renewable energy benefits from the proposal outweigh any harm.

As the County Council have removed their objection to the application and no longer consider there to be any conflict with the Waste Local Plan allocation on the site, and on the basis that the site is allocated for future development in the Waste Local Plan, it is considered that it would be difficult to resist the principle of the development on the site on the basis of any conflict with the Waste Local Plan allocation.

A number of objections have been received from local residents, the Ward Member and Parish Council on the basis of the likely detrimental impact from the proposal on the amenity of the area and amenity of nearby residents. Following the receipt of amended plans and a revised noise report, Environmental Health have proposed conditions to control any noise and operations to an acceptable level. Officers consider that with regard to any lighting and air quality impacts, these can be adequately controlled by suitable conditions.

Given the size of the building proposed and location within the countryside at the edge of the business park, the building will be visible from the surrounding road network and residents to the north and south-east of the site. These concerns are acknowledged but given the distances to the closest residential properties and roads; allocation of the site for waste processing in the Waste Local Plan; landscaping works approved as part of the extension to the landfill tip; the building being seen against the backdrop of the wider business park; and the building being set down from current land levels, it is considered that a refusal of planning permission on this ground could not be justified.

Access to the site is proposed through the business park off the A3052 with adequate access and on-site car parking proposed and no objection is raised by the County Highway Authority.

CONSULTATIONS

Local Consultations

Clyst Valley - Cllr M Howe

Following an initial review of the above application I recommend the following:

Support the application	No
Object to the application	Yes
In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee	Yes

Relevant planning observations on the planning application to support my recommendation above:

This development seems to be before the Devon waste plan is fully completed, also is contrary to East Devon's emerging and old Local Plan, as such I find it to be development in the open country side after the Planning expectorates report on the Devon Waste Plan commented on the traffic problems that need sorting at Clyst St. Mary before any further expansion.

Disclaimer Clause: In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Parish/Town Council

FARRINGDON PARISH COUNCIL COMMENT 18/08/14

Farringdon Parish Council strongly opposes this application on the following grounds:

1. ANOTHER APPLICATION IS CURRENTLY BEING CONSIDERED BY DCC FOR THIS SITE

The area outlined for the gasification plant is currently subject to a planning application DCC/3677/2014 Extension to inert tip at Hill Barton Business Park. Farringdon Parish Council therefore considers these drawings not to be true. The submitted drawings show the landscape as it would look in about 20 years time after the landfill is completed. This is on the ASSUMPTION that the planning application currently before DCC for the landfill extension is approved. (The PC has strongly objected to the DCC planning application DCC/3677/2014) The submitted drawings are therefore TOTALLY INCORRECT and do not represent even remotely the current landscape

We note that the architectural firm for this and the DCC application are the same. it is surprising that the doubling up of the applications at the same site were not a matter for concern.

2. PROXIMITY OF THE SITE TO RESIDENTIAL DWELLINGS

The proximity of this site to dwellings is not accurately detailed and the planning statement in para 2.5 INCORRECTLY reports the absence of houses in the "vicinity" of the site and in 7.2 states the site is remote from any existing residential uses. These statements are completely inaccurate. In reality there are 54 residential properties within 500 metres of the site and there is planning permission for a further 11 houses near Hazel Cottage and Princes Cottage.

3. IMPACT ON LISTED BUILDINGS

Furthermore there are several listed buildings within 300 metres of the site. These include Denbow House (formerly known as Farmhouse) , Denbow Thatch , Denbow Barn, Glebe House and Glebe House Cottage. The erection of this plant would have a very substantial adverse impact on these historic buildings and their surrounds. The site is currently farmland. The proposed size of this gasifier is a height of over 35 feet and with chimneys over 40 feet. It would be completely out of keeping for listed buildings of such fine architecture to have a huge wood chip gasifier situated within full view.

4. NOISE IMPACT ON RESIDENTIAL HOMES

This plant would have an appalling impact on nearby residential homes. The report is not convincing in its statements referring to noise. Wood chippers are notoriously noisy as detailed by Woodbury Salterton residents who suffer from the noise of wood chipping at Greendale Estate. It is not credible that the wood chipper with 94dBA quoted noise output and three gas engines with 63dBS can miraculously produce noise levels fo 31 dB for Denbow residents and 35 dB for all those at Glebe Cottages only a few hundred yards away. The noise report suggests the authors are not totally

confident with the possibility of noise from the wood chipper being reflected off the compost building - para 5.8 referred to. The proposed new building is not fully enclosed with sound proofed walls. It is open on two sides under canopies one for the wood chipper and one for the arrival of lorries bringing timber to be chipped - 13 lorries a day! There will be the noise of the lorries arriving and reversing , then in addition there are the three gas engines outside in boxes! All operating 24 hours.

5. NO NEED FOR THIS PLANT- There is a wood chip facility at Greendale , what is the need for this plant? Yet again there is an over concentration of the same facilities our area of East Devon.

6. TRAFFIC IMPACT- at a recent meeting to discuss the propose waste document policy for DCC the inspector formally commented on his concerns for the impact on the Farringdon community of traffic on the A3052 at Hill Barton. Hill Barton is growing at an extremely fast rate. There are currently 3 large applications for development at Hill Barton before the parish council and the community. (DCC /3577/2014- landfill extension application; 13/2069/MRES Proposed use for vehicle storage compound ; 14/1443/MFUL wood gasification plant) This application would cause a substantial increase in large lorry vehicular traffic further compounding the already very busy A3052 tourist road to the Jurassic Coast. In addition there is a lack of clarity on how many lorry movements a day we could expect bringing fresh wood for chipping and no calculation of how the carbon saving overall claimed would be reduced by the lorry movements.

7. LACK OF SCREENING

There is reference in the report which is misleading in that in para 2 it refers to a substantial "berm" which serves as a backdrop and screen to the site. It is planned this will be replaced by a much larger set of earthworks in the near future- the statement fails to say that this can only happen if DCC approve a different planning application that has not yet been considered. This is highly confusing. No amount of screening could screen a gasifier unit with 40' high chimneys.

8. VISUAL IMPACT

This plant will have an appalling impact on the countryside and be completely out of keeping. Farringdon is historically a rural settlement with houses in the area dating back many hundreds of years. The ever expanding Hill Barton Business Park contains a multitude of large industrial operations, including a cement plant, Mercedes car operation, composting, landfill etc etc sits incongruously nearby residential houses. There is not one overall body controlling the growth and expansion of this site consequently a cement plant sits next to a compost plant. There is no singular authority responsible for overall control of the growth and expansion of the site consequently a cement plant is situated next to a composting plant. Each application is reviewed by each individual body either EDDC or DCC. It is critical that the visual impact of the site is controlled and the amenity of the residents is not affected. If these sites are left to expand uncontrollably the end result will be a countryside littered with ugly tall industrial buildings and stacks and a blighted quality of life for the local community.

9. LOSS OF AGRICULTURAL LAND; -

This land is essentially agricultural land - a recent planning application for a solar farm was turned down because of the loss of farm land and farm security. Farringdon should not lose yet more agricultural land

10. DETRIMENTAL IMPACT ON RESIDENTS AMENITY

For over 20 years the residents of Farringdon have had to put up with the detrimental effects of the present landfill operations with the ensuing noise, dirt, dust smells and health problems. Only just recently

Farringdon Parish Council has received a video taken by a local resident on July 29 2014 of an appalling amount of noise and dust created by the landfill operations. To have another operation creating so much noise and excessive traffic movements is completely unacceptable. The quality of life for people living nearby **MUST BE RESPECTED.**

11. CONTRARY TO THE FARRINGDON PARISH PLAN

It is totally contrary to Farringdon Parish Plan. Farringdon has many tourist businesses including bed and breakfasts, holiday lets, horse riding etc. This proposal is contrary to the local area in every respect. The A3052 is a tourist road and the gateway to the Jurassic Coast.

12. OVER CONCENTRATION OF INDUSTRY IN THIS PART OF EAST

DEVON . Over the last 10 years both Hill Barton and Greendale have expanded very substantially and are continuing to expand at an alarming rate as can be seen by the frequent applications that are submitted to the parish council. Farringdon is historically a residential settlement in a rural area. There is an over concentration of industrial development in this area which in addition to impacting upon the amenity and quality of life of local residents is not in keeping with the rural environs of the local area. With both sites regularly submitting large scale industrial applications on a frequent basis it is critical that these sites are not allowed to expand uncontrollably with the end result in industrial development on an enormous scale taking over the rural countryside of this part of Devon.

13. CONTRARY TO PLANNING POLICY

Farringdon Parish Council believes this application is contrary to the Local Plan, the Devon Structure Plan and the Parish Plan. It is completely out of context for the rural nature of the settlement. It will have a highly negative visual impact on the area. It will destroy the quality of life of many residents and families of Farringdon who have been here for a long time. This should be refused.

Further comments 23.02.15:

Farringdon Parish Council have reviewed the amended application and whilst we very much appreciate the efforts of Janice Wallace to have noise concerns addressed the parish council remains unconvinced that the noise will not be heard far and wide through the residential settlement of Farringdon. In addition to the noise of the machinery there is the noise of lorries and all relevant operations in relation to running a gasifier plant. We have already had several complaints from residents about reversing beepers from other operations at Hill Barton so an increase in large vehicle movements will further exacerbate noise from the site overall.

Also assisting the issue of noise travelling far and wide is the complete lack of a coherent screening plan. This is the FIRST TIME this specific land which is so close to houses will have been built on. We understand that some effort has been made to give marginal screening to the properties at Denbow. we inspected the bund yesterday and it is extremely limited in its effect (being a mere 3 feet high) No screening has been provided for the listed buildings of Glebe House, Glebe House Cottage and Glebe Lodge. Why are these properties not being protected? A high bund and proper rows of mature screening should be in place FIRST before any building of the unit begins NOT AFTER 20 YEARS

The parish council had long stressed to both DCC and EDDC the value of the hedge which was a condition of the landfill over 20 years ago and which until a few weeks ago was extremely well established and formed a screen against the operations at Hill Barton. It helped minimise both the noise and the visual impact of the HB operations. This hedge has now been removed and the land exposed . Particularly from the north side of the site. It is imperative that a solid proper screening plan with double rows of mature trees is put forward by any applicant before any approval for an industry on this site is given. The vague mention of a bund in relation to a DCC application is completely unacceptable.

This particular building will be the closest industrial business building to Spain Lane and residents. It will have expanded the Hill Barton Business Park to the very edge of Spain Lane which is in the heart of the residential settlement of Farringdon . This is a bad neighbour industry for local residents and not a business that sits comfortably alongside residential houses.

This application in its present form should be refused.

Technical Consultations

Devon County Archaeologist

07.08.14

I refer to the above application. The proposed development lies in an area of high archaeological potential. The County Historic Environment Record indicates that the application area contains a possible prehistoric or Romano-British enclosure that has been identified through aerial photography. Recent archaeological work on land to the south-west of the application area during the course of the expansion of the industrial estate has revealed the presence of a previously unknown Romano-British settlement and associated field system in this area. The information submitted in support of the planning application does not consider the impact of the proposed development upon any heritage assets with archaeological interest that are present within the site - the putative enclosure site within the application area - or that may be associated with the Romano-British settlement to the south-west which may extend into this area.

Given the high potential for survival and significance of below ground archaeological deposits associated with the known Romano-British activity and the absence of sufficient archaeological information, the Historic Environment Service objects to this application. If further information on the impact of the development upon the

archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with East Devon Local Plan Policy EN8 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be the results of:

1. geophysical survey of the application area, followed by
2. the excavation of a series of investigative archaeological trenches

The results of these stages of archaeological work would allow the significance of the heritage assets affected to be understood along with the impact of the development upon them and ensure that an informed planning decision was made. It would enable the appropriate mitigation, either by design to allow preservation in situ of any heritage assets or by further archaeological work to record any heritage assets prior to their destruction by the development.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required.

The above comments are reflected in those previously made to Devon County Council by this office with regard to the County Matter Application for the nearby proposed extension to the inert tip - ref: DCC/3677/2014.

Further comments 21.08.14:

I refer to the above application. I have now received the draft results of the geophysical survey for this site and the adjacent area subject to the Devon District Council planning application (ref: DCC/3677/2014).

The geophysical survey has identified one linear anomaly that aligns with the northern boundary of the putative enclosure identified through aerial photography within this application area. However, the absence of any other anomalies associated with the cropmark evidence suggests that the site has been subject to a degree of truncation through agricultural activity.

In the absence of geophysical evidence for the substantive survival of this heritage asset I would like to withdraw my earlier objection to this development and advise that any impact upon any heritage assets with archaeological interest may be mitigated by a programme of archaeological work, undertaken through the application of an appropriately worded archaeological condition.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological initially consisting of the excavation of a series of evaluative trenches to investigate the line of the geophysical anomaly and the position of the enclosure as indicated by the cropmark evidence. The results of this initial stage of work would enable the requirement and scope of any further archaeological work to be understood and implemented in advance of or during groundworks associated with the construction of the gasification plant. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Environment Agency

The process may require an authorisation under the Environmental Permitting Regulations. I would suggest that the applicants contact us on 03708 506 506 to discuss this in more detail.

Environmental Health

These are the initial comments of Environmental Health which will require further consideration before a final response can be made:

1. Our experience, on other sites nearby and elsewhere, of wood chipping processes both within and outside buildings have shown that noise from this process can carry for very long distances and cause considerable disturbance to local residents. The noise report provided includes some very useful background noise data and an analysis of the various guidance used to determine whether noise might be a problem, but no indication at all of the noise likely to be emitted from this plant at source. The writer concludes that noise will not be a problem but provides no data basis for this conclusion. Our experiences of real situations are quite the contrary. We are unable to consider this further until the applicant provides us with the following information:

1. Details of equipment likely to emit noise.
2. Details of the proposed location of this equipment.
3. Details of the sound power output of the equipment and the combined sound power levels for all operating simultaneously.
4. A BS4142 calculation using the above data coupled with measured data and consideration of tonal elements of the noise.
5. Details of the noise control proposed by way of design, orientation and mitigation. It is our experience that all chipping plant should be fully contained within a closed building and that the integrity of the noise control measures should not be compromised during loading and off-loading. In addition internal noise control measures may be required in order to meet Health and Safety standards.

2. The application site is subject to a parallel planning application to Devon CC regarding extension of the landfill site and creation of a substantial bund to the north and east. The outcome of that application will clearly influence the potential impacts of this proposal on the amenity of local residents. The Design and Access statement implies that this consent is assured but at this stage the application has not been determined. The applicant also suggests that this site is identified within the Devon Waste Plan for an energy from waste plant. That Plan has not yet been adopted. In any case this application is not for a waste plant.

3. The transport assessment indicates only around 9 HGV movements per day in and out of the site which will not have any noticeable impact on the air quality at nearby residences. Helpfully the writer confirms that deliveries will only take place between 8am and 6pm.

4. A plant such as this will no doubt be intended to operate on a 24 hour basis. However the noisy processes of wood chipping and deliveries are able to be carried out within a normal working day with appropriate planning. I therefore recommend that a condition to that effect must be included in any approval, although this will form part of my final comments.

5. No details of a lighting scheme have been included in the application. It is likely that during the winter and at night throughout the year there is the potential for significant light pollution to be caused unless a scheme which clearly demonstrates no lateral or upwards light pollution in accordance with the Institute of Lighting Engineers Guidance on the Avoidance of Light Pollution is detailed. It would be helpful if this was to be proposed and agreed before determination in order that officers concerns can be designed out.

6. No Air Quality considerations have been included in the application. Again it is essential that a report is provided covering all the various air quality impacts of the installation.

7. A Construction and Environment Management Plan will be required for a development of this size and an appropriate condition should be included on any approval.

I am unable to conclude my comments until I receive further information regarding potential noise sources and mitigation as set out above, and the requested additional reports.

I did look in detail at the noise report prepared by Peter Ashford and dated July 2014 before I made my original comments. This is the further explanation of my original request that is required:

1. Apparently a BS4142 assessment has been done but there is no detail about how this calculation has been carried out - the sound power levels of various machines have been provided but no figure for the combined level or any tonal corrections. Background noise levels have been measured and are in line with what we would expect in that rural area of the District. The writer has then jumped straight to 2 figures for the calculated noise levels with no explanation of how these figures were obtained. These figures suggest that noise from this plant will be excessive and that complaints are likely. This is a concern to us and would clearly be unacceptable. So at the moment the noise report is showing that there is likely to be a problem.

2. I am very familiar with noise problems caused over long distances from wood chipping plant and the like. We know that any plant not fully enclosed within a building will cause noise which is audible over 500m away. I therefore asked for details of proposed mitigation as the plans do not show the chipping plant within an enclosed building. We would not be likely to accept any proposal with this noisy process outside.

I would still like my original queries addressed as without that I cannot provide my final recommendations.

Further comments 05.03.15

I have now considered the further noise reports provided by IAC Acoustics and Acoustic Associates South West Ltd and dated February 2015. The noise consultants have revisited the baseline noise data but have been unable to obtain manufacturer's data for the equipment they intend to install. However they have recalculated noise impacts based on the worst case scenario of similar equipment for which data is available. They have also incorporated their responsibilities under the Health and Safety at work legislation to protect the hearing of employees working close to the machinery. The proposed layout has been altered from the original plans such that the wood chipper is located in the southeast corner of the building - as far from residential properties as possible. The building mass itself will therefore provide additional screening. Furthermore the chipper is located internally and will be provided with an acoustic enclosure (necessary to comply with Noise at Work regulations). In total these measures afford a much improved noise mitigation proposal and both consultants involved are confident that an acceptable level of control can be achieved at the nearest residences at all frequencies.

The proposed hours of use for the chipper are 6am to 6pm on weekdays and 8am to 2pm on weekend days. Given the throughput of the operation I am not satisfied that these extended hours are appropriate for the chipping process and associated loading and vehicle movements. The gasification plant itself is intended to operate over 24 hours per day at full capacity.

There are other noise sources associated with the plant - the noisiest of which are a generator, gas cooler, gas heat dump, gasification extract and wood chip drying fans. These sources have not been individually or cumulatively considered in the consultant's reports and it is still not clear that they have been taken into account in combination with the chipper noise. It is therefore necessary to include a planning condition which will ensure that these sources are mitigated by design, location and specific noise control measures.

I therefore recommend that the following conditions are applied to any approval:

1. The rating level at any frequency of any specific noise arising from the site shall not exceed 32dBa (15 min Laeq) when measured at the boundary of any residential premises during the day or at night. All measurements shall be in accordance with BS4142:2014.

Reason: to protect the amenity of local residents from noise and to comply with policy EN15.

2. The wood chipping equipment, associated machinery and vehicles shall only be operated between the hours of 8am and 6pm Mondays to Saturdays and not at all on Sundays or Bank Holidays. Deliveries to the site shall also be made only within these timeframes.

Reason: to protect the amenity of local residents from noise and to comply with policy EN15.

3. A Noise Management Plan covering all sources of noise audible beyond the site boundary shall be prepared and agreed with the Local Planning Authority. The plan shall include details of the noise sources and measures to be taken to mitigate and manage the noise in order to achieve the requirement of the specific noise condition. Measures may include the provision of acoustic fencing on the southern, eastern and northern boundaries of the site.

Reason: to ensure that noise sources are mitigated and managed throughout the life of the site in order to protect the amenity of local residents.

4. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

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

Finally I raised other important issues in my original consultation response which do not appear to have been addressed by the applicant:

1. No details of a lighting scheme have been included in the application. It is likely that during the winter and at night throughout the year there is the potential for significant light pollution to be caused unless a scheme which clearly demonstrates no lateral or upwards light pollution in accordance with the Institute of Lighting

Engineers Guidance on the Avoidance of Light Pollution is detailed. It would be helpful if this was to be proposed and agreed before determination in order that officers concerns can be designed out.

2. No Air Quality considerations have been included in the application. Again it is essential that a report is provided covering all the various air quality impacts of the installation. This operation will be subject to an Environmental Permit but the principles of dust and air quality control must be established at the planning stages.

3. A Construction and Environment Management Plan will be required for a development of this size and an appropriate condition should be included on any approval.

I recommend that the application is not determined until these items have also been considered.

Contaminated Land Officer

I have considered the application and note that no report has been submitted in relation to contaminated land considerations. The applicant states that the site is on reclaimed land on the edge of a landfill site. I would therefore expect that a Stage 1 and Stage 2 contamination assessment would be included in any application. I am unable to conclude my comments in relation to contaminated land without these reports.

Devon County Council Waste Management

05.09.14 In response to your consultation on the planning application for a wood gasification plant at the above site, the following comments are provided in the County Council's role as waste planning authority.

Introduction

The proposed development, utilising "wood by-products from the timber industry" to generate energy, is a renewable energy project falling within the responsibility of East Devon District Council to determine. The main considerations for Devon County Council (DCC) as the waste planning authority are (a) whether the proposal would prejudice implementation of the Devon County Waste Local Plan and/or the emerging Devon Waste Plan by reducing the area available for waste development, and (b) whether the proposal would result in a reduction in remaining landfill capacity.

Hill Barton currently accommodates a range of waste management facilities, including inert landfill and recycling, waste transfer, in-vessel and open-windrow composting, and contaminated soil treatment. In addition, planning permissions exist for two energy recovery facilities - a gasification plant (72,000 tonnes per annum) and a pyrolysis plant (8,000 tonnes per annum).

The application site lies within the currently-approved inert landfill site, although no tipping has yet taken place within the site (other than for the creation of the bund forming its south west boundary).

An application to extend the landfill site to the north east (DCC/3353/2012), which would have had the effect of omitting tipping from the site of the proposed energy plant and land to the north east, was refused by DCC in 2012. A further application to alter the extent of the landfill site to the form shown on the site plan submitted with 14/1443/MFUL is currently awaiting determination by DCC. The supporting information with the latest application indicates that the capacity of the landfill site will remain unchanged.

Policy Background

Policy WPP2 of the adopted Devon County Waste Local Plan (2006) identifies Hill Barton as a site "for other significant waste management facilities", with Inset Plan ED10 including the site of the current planning application within the boundary of the Waste Local Plan site. The Inset Plan also identifies Hill Barton as being suitable for a range of potential waste uses, although there is no reference to energy recovery.

The Devon Waste Plan will, on its adoption, supersede the policies within the Waste Local Plan. Following submission of the Devon Waste Plan to the Secretary of State in April 2014, examination hearings were held in July 2014 and the County Council is currently undertaking consultation on modifications. The Inspector's report is expected in October 2014, with adoption programmed for December 2014. In accordance with paragraph 216 of the NPPF, significant weight should be accorded to the emerging Plan due to its advanced stage.

The Devon Waste Plan identifies Hill Barton within Policy W6 as a strategic location for energy recovery, with the site boundary identified in Appendix B of the Plan including the current application site. Also of relevance is Policy W10 which seeks to protect waste management capacity, including at the sites proposed in Policy W6, from constraint by non-waste development.

Implementation of the Devon Waste Plan

The area identified at Hill Barton in the emerging Devon Waste Plan as a location for a strategic energy recovery facility extends to 15 hectares and includes several existing waste management and other operations in addition to the undeveloped land comprising the current application (14/1443/MFUL) site and the land to the north east. The emerging Plan therefore offers flexibility for a new facility to be accommodated through the replacement or rationalisation of existing operations in addition to the use of undeveloped land.

The undeveloped area within the emerging Plan site at Hill Barton is approximately 4.7 hectares, of which around one hectare would be occupied by the proposed wood gasifiers, and this suggests that adequate land would remain available for development of a further energy recovery facility. However, the land to be occupied by the wood gasifier will benefit from a higher level of screening if the proposed remodelling of the landfill site is approved, with the remaining land to the north east having little effective screening from the east due to the tapering of proposed landfill levels. This raises the prospect of the deliverability of a future energy recovery facility on the residual land being constrained by the inadequate scope to achieve effective visual screening.

Impact on Landfill Capacity

As mentioned above, the remodelling of the landfill site is the subject of an undetermined planning application. In the event of this application being refused, continuation of landfilling operations will need to be undertaken through the existing planning permission, which includes tipping within the area that forms the application site for the wood gasifier.

In such circumstances, development of the gasifier would reduce the remaining capacity available for the disposal of inert waste, contrary to Policy W10 of the emerging Devon Waste Plan.

Conclusions

Devon County Council as waste planning authority recommends that the application for a wood gasifier be refused on the grounds that (a) it may prejudice delivery of an energy recovery facility, and (b) in the event of the current application for remodelling of the landfill site being refused, the proposal would result in a reduction in remaining capacity for the disposal of inert waste, in both cases contrary to Policy W10 of the emerging Devon Waste Plan and paragraph 33 of PPS10.

I would be glad to discuss these issues further with the District Council and the applicant.

Further comments 02.02.15

Land to the north east of Stuart Way, Hill Barton Business Park, Farringdon (14/1443/MFUL) I refer to my letter of 5th September 2014 providing the comments of Devon County Council as waste planning authority on the above application for a wood gasification plant. To take account of subsequent events (adoption of the Devon Waste Plan and determination of the landfill application by the County Council), I am providing revised comments below.

Introduction

The proposed development, utilising wood by-products from the timber industry to generate energy, is a renewable energy project falling within the responsibility of East Devon District Council to determine. The main consideration for Devon County Council (DCC) as the waste planning authority is whether the proposal would prejudice implementation of the Devon Waste Plan by reducing the area available for waste development.

Hill Barton currently accommodates a range of waste management facilities, including inert landfill and recycling, waste transfer, in-vessel and open-windrow composting, and contaminated soil treatment. In addition, planning permissions exist for two energy recovery facilities a gasification plant (72,000 tonnes per annum) and a pyrolysis plant (8,000 tonnes per annum, although subject to a current application to alter the technology and increase its capacity to 12,000 tonnes).

The application site lies within the previously-approved inert landfill site, although no tipping has yet taken place within the site (other than for the creation of the bund forming its south west boundary which will be removed as part of the new landfill permission).

An application (14/2521/CM) to alter the extent of the landfill site to the form shown on the site plan submitted with 14/1443/MFUL was approved by DCC on 21st January 2015.

Policy Background

The Devon Waste Plan was adopted on 11th December 2014 and supersedes the policies within the Devon County Waste Local Plan. The Waste Plan identifies Hill Barton within Policy W6 as a strategic location for energy recovery, with the site boundary identified in Appendix B of the Plan including the current application site. Also of relevance is Policy W10 which seeks to protect waste management capacity, including at the sites proposed in Policy W6, from constraint by non-waste development.

Also of relevance to this application is the publication in October 2014 of National Planning Policy for Waste, which supersedes PPS10.

Implementation of the Devon Waste Plan

The area identified at Hill Barton in the Devon Waste Plan as a location for a strategic energy recovery facility extends to 15 hectares and includes several existing waste management and other operations in addition to the undeveloped land comprising the current application (14/1443/MFUL) site and the land to the north east. The Waste Plan therefore offers flexibility for a new facility to be accommodated through the replacement or rationalisation of existing operations in addition to the use of undeveloped land.

The undeveloped area within the Waste Plan site at Hill Barton is approximately 4.7 hectares, of which around one hectare would be occupied by the proposed wood gasifiers, and this suggests that adequate land would remain available for development of a further energy recovery facility. Although the proposed facility is not specifically a waste management operation, it is a form of thermal treatment very similar in nature to waste energy recovery facilities, and is unlikely to constrain development of the latter type of operation on adjoining land.

The land to be occupied by the wood gasifier will benefit from a higher level of screening if the approved remodelling of the landfill site is implemented, with the remaining land to the north east having less effective screening from the east in comparison due to the tapering of proposed landfill levels. This raises the prospect of the deliverability of a future energy recovery facility on the residual land being constrained by the inadequate scope to achieve effective visual screening. However, the availability of land elsewhere at Hill Barton, together with a lack of certainty over the scale of potential development on the land to the north east of the current application site, mean that this consideration does not outweigh the benefits of the proposal. Devon County Council therefore has no objection on waste policy grounds.

County Highway Authority

The proposed development is located on land located to the north of the existing Hill Barton Business Park, Clyst St Mary. There is already a private network of roads in

the business and suitable access from the B3052; therefore no additional access arrangements are required apart from the simple priority junction from the private Stuart Way.

The proposed development is estimated to generate 11 full time employees and although there is a frequent public transport route on the B3052 with bus stops close to the business park entrance, the application does propose cycle storage facilities in line the LPA's B2 & B8 standards but drying room/space for clothing is not included and does little to promote the use of more sustainable transport methods than private vehicles.

The proposed development will have limited impact on the surrounding highway network and at the Strategic Highway Network of the Clyst St Mary R/A and Junc. 30 M5 what impact is predicted is mainly in the eastward direction at the AM peak time, which is in opposite direction to the majority traffic flows at both these junctions during the AM peak period. The predicted impact on the PM peak period is negligible and would also be in the opposite direction to the majority traffic flows. It is not therefore considered to be a problem to the Strategic Highway Network.

The application proposal has mentioned on-site parking provision for staff private vehicles as being somewhere between 9 (B8) and 38 (B2), but it does not actually show any spaces on plan. Parking provision in detail will need to be considered prior to any grant of planning permission.

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. No other part of the development hereby approved shall be commenced until the parking facilities, turning area and cloths drying area 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

Other Representations

At the time of writing the report 19 letter of objection have been received. The reasons for objection can be summarised as follows:

- Visual impact of the development and from nearby properties;
- Loss of property value (not a planning matter);
- Noise and smell impact;
- Inappropriate location close to Farringdon and its residents;
- Impact upon nearby listed buildings and their setting;

- Impact from hours of operation;
- Impact upon protected species;
- Impact upon archaeology;
- Close relationship to residential properties;
- Impact from the disposal of waste;
- Light pollution;
- Dust pollution;
- Increased traffic;
- Inadequate screening from nearby residents;

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

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

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

EN14 (Control of Pollution)

EN15 (Environmental Impacts, Nuisance and Detriment to Health)

EN16 (Contaminated Land)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies
S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN6 (Wildlife Habitats and Features)

EN7 (Nationally and Locally Important Archaeological Sites)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

EN15 (Control of Pollution)

E4 (Bad Neighbour Uses)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site lies to the north-east of Hill Barton Industrial Estate adjoining a number of industrial buildings including a building used for composting waste. The site is outside of the industrial estate and therefore technically a Greenfield site in the countryside.

The site is approximately 0.95ha (2.4 acres) in area and is reclaimed land that was formally a landfill site. The site is devoid of any hedges or trees and is unfarmed. The site comprises a large earth bund that currently forms a screen to this part of the industrial estate from the north and east. The land surrounding the site to the north and east is in agricultural use with the industrial estate to the south and west. The closest residential properties are located to the east of the site approximately 400m away across fields.

Access to the site is gained through the industrial estate off the A3052.

Site History

There have been a number of historic County Matter applications on the site in relation to the landfill site but no planning applications submitted to East Devon District Council.

The site is however allocated as part of a larger site (4.7ha) under Policy W6 (Energy Recovery) of the adopted Devon Waste Local Plan 2014 for the provision of facilities for the recovery energy from waste of up to 80,000 tonnes per year.

Proposal

The application seeks planning permission for the construction of a 1.5 megawatt combined heat and power plant.

The facility would use timber by-products to create energy. As the timber being processed is not a waste, the proposal is not a waste facility and therefore falls to be determined by East Devon District Council.

The wood gasification plant works by heating the timber in a low oxygen environment to produce a natural gas that is then used to fire a gas engine and produce electricity. The application advises that the energy produced would be enough to supply approximately 2,000 homes. The waste from the gasification process is similar to charcoal and part of the process will be to convert this into briquettes that can be sold as fuel. In addition, the heat generated by the process would be used to dry woodchip that can then be used as a fuel for biomass boilers.

The application advises that the timber is to be sourced locally from sustainably managed forests with approximately 17,500 tonnes of timber required per annum. The wood would be delivered in 3m lengths and chipped on-site. There would be approximately 13 deliveries per working day with the plant operating 24 hours a day and providing 11 full-time jobs.

The application details a very large single building measuring approximately 68m by 62m at a height of approximately 12.4m with dual pitched roofs. The site also comprises a separate in and out access, weighbridge, turning area, delivery bays, 27 car parking spaces and 2.4m high boundary fencing. The existing bund on the site would be removed with the ground levelled.

Inside the building is divided into areas comprising an unloading area, dry woodchip bay, woodchip drying area, fuel store, chipping bay, wood chipper, plant room and offices.

The building is proposed to be finished in grey vertical cladding, grey roller shutter doors and grey metal roof with rooflights.

ANALYSIS

The main issues to consider in relation to this application are the principle of the development; impact from the operation locally and upon the amenity of nearby residents; visual impact of the building and highway safety.

Principle

The application site lies outside of the business park within the countryside, albeit that the site was formally landfill.

There are no policies within the adopted Local plan that would support the extension of the business park into the countryside in this location and as such the proposal has been advertised as a Departure from the Local Plan. The site is also undesignated in the emerging New Local Plan and therefore part of the countryside.

However, the site is allocated as part of a larger site (4.7ha) under Policy W6 (Energy Recovery) of the adopted Devon Waste Local Plan 2014 for the provision of facilities for the recovery energy from waste of up to 80,000 tonnes per year. Also of relevance is Policy W10 which seeks to protect waste management capacity, including at the sites proposed in Policy W6, from constraint by non-waste development. This designation in effect removes the land from agricultural use so the loss of the land from agricultural use has already been accepted.

The County Waste Authority have been consulted on the application as it is not a proposal that is processing waste but is proposed to be located within part of a site allocated in the Waste Local Plan for facilities that will recover energy from waste. In response to the consultation, the County Waste Authority (CWA) have confirmed that the facility is a renewable energy project for determination by EDDC.

In the original comments from the CWA they raised two issues with the application, firstly whether the proposal would prejudice implementation of the Devon County Waste Local Plan by reducing the area available for waste development, and secondly, whether the proposal would result in a reduction in remaining landfill capacity.

They advised that Hill Barton already comprises a range of waste management facilities and that planning permissions already exist for two energy recovery facilities at Hill Barton processing 72,000 and 8,000 tonnes per annum.

At the time of the original comments the CWA were processing an application to alter the extent of the landfill site to the form shown on the site plan submitted with the current application. The CWA further advised 'that the undeveloped area within the emerging Waste Plan site at Hill Barton is approximately 4.7 hectares, of which around one hectare would be occupied by the proposed wood gasifiers suggesting that adequate land would remain available for development of a further energy recovery facility. However, the land to be occupied by the wood gasifier will benefit from a higher level of screening if the proposed remodelling of the landfill site is approved, with the remaining land to the north east having little effective screening from the east due to the tapering of proposed landfill levels. This raises the prospect of the deliverability of a future energy recovery facility on the residual land being constrained by the inadequate scope to achieve effective visual screening.'

As part of the original comments from the CWA, they recommended that the application be refused on the grounds that '(a) it may prejudice delivery of an energy recovery facility, and (b) in the event of the current application for remodelling of the

landfill site being refused, the proposal would result in a reduction in remaining capacity for the disposal of inert waste, in both cases contrary to Policy W10 of the emerging Devon Waste Plan and paragraph 33 of PPS10.'

Further comments were then received from the CWA following their determination of application (14/2521/CM) to alter the extent of the landfill site. Despite EDDC submitting strong objections to that application on the basis of an insufficient dust report, likely noise impact and detrimental visual impact on the landscape, the application was approved by DCC on 21st January 2015.

In the meantime, The Devon Waste Plan was adopted on 11th December 2014 and supersedes the policies within the Devon County Waste Local Plan. The adopted Waste Plan identifies Hill Barton within Policy W6 as a strategic location for energy recovery from waste, with the site boundary identified in Appendix B of the Plan including the current application site. Also of relevance is Policy W10 which seeks to protect waste management capacity, including at the sites proposed in Policy W6, from constraint by non-waste development.

On the basis of the approval of the application for the extension to the land-fill site, and subsequent adoption of the Waste Local Plan, the CWA removed their objection to the application advising that the availability of land elsewhere within Hill Barton, together with uncertainty over the extent of land needed for the allocation in the Waste Local Plan means that the renewable energy benefits from the proposal outweigh any harm. On this basis the CWS has no objection to the proposal.

As the County Council have removed their objection to the application and no longer consider there to be any conflict with the Waste Local Plan allocation on the site, and on the basis that the site is allocated for future development in the waste local plan, it is considered that it would be difficult to resist the principle of the development on the site on the basis of any conflict with the Waste Local Plan allocation.

Whilst it could be argued that there could be other locations for the facility on other sites within Hill Barton, Greendale or elsewhere in the district or Devon, and this has not been addressed in detail as part of the application, given the allocation of the site in the Waste Local Plan, lack of objection from the County Waste Authority and strong support for renewable energy facilities generally within the East Devon Local Plan and NPPF in particular, the principle of development of the site is considered acceptable.

Impact from the operation of the facility

A number of objections have been received from local residents, the Ward Member and Parish Council on the basis of the likely detrimental impact from the proposal on the amenity of the area and amenity of nearby residents.

The closest residential properties to the site are located approximately 400 from the proposed building to the north of the site and to the south-east. The majority of these properties have a direct line of view to the site across fields.

Environmental Health were consulted on the application as originally submitted and raised concerns regarding noise and the likely impact from the development, conflict with the application being determined by Devon County as Waste Authority for the extension to the landfill tip, lack of details regarding any lighting scheme, lack of a report detailing any impacts and mitigation on air quality, and the need for a Construction Environmental Management Plan. On this basis Environmental Health were unable to support the proposal or conclude their comments.

Following the receipt of amended plans and a more detailed noise report, Environmental Health have advised that the details within the noise report and revised layout of the building including location of the wood chipper in the southeast corner of the building furthest from residential properties as possible, result in much improved noise mitigation. However, the proposed hours of use for the chipper (6am to 6pm weekdays and 8am to 2pm weekends) are not acceptable and it is not clear that the noise report takes into account noise from the chipper in combination with other noise. Given this Environmental Health have proposed a number of conditions regarding noise levels and hours of use to ensure that noise from the proposal would be acceptable.

With regard to lighting and air quality, Environmental Health have advised that it would be helpful to have such reports prior to determination. This has been raised with the applicant who considered that these details can be secured through appropriately worded conditions.

Whilst it would be ideal to have all the details at this stage, it is considered that it would be unreasonable to refuse planning permission on the basis of a lack of details regarding lighting and the control of air quality when these details can be conditioned to be submitted prior to the commencement of development. In addition, given that the majority of the activity can be controlled by condition in terms of hours of use and activity, with the delivery, chipping and processing confined within the building, it is considered that lighting and any impact on air quality can be adequately controlled by condition rather than requiring any changes to the design of the building or site layout. Ultimately, it is likely that there will be further buildings on the adjoining land associated with its allocation for the processing of waste and any such buildings will help to screen the application and provide some barriers to any light and noise from the current proposal.

Finally, any approval should be conditional upon submission of a Construction and Environmental Management Plan and other conditions to control the use, external activities and limiting the tonnage of timber that can be processed.

Visual Impact

Given the size of the building proposed measuring approximately 68m by 62m at a maximum height of approximately 12.4m, and given the location of the site within the countryside at the edge of the business park, the building will be visible from the surrounding road network and residents to the north and south-east of the site.

To partly mitigate the visual impact, the building and site are proposed to be levelled and this will result in a reduction of the land by approximately 1m at its highest point.

The existing bund running through part of the site at a height of approximately 8m that helps to screen the business park will be removed and this will have a visual impact as the grassed bund will be replaced by the proposed building.

However, beyond the application site, substantial re-levelling earthworks are proposed and approved as part of the application that Devon County recently approved for the extension of the infill tip. These works are detailed on the cross-sections submitted with the current application and show a high bund running from the north-east of the site to the south-east varying in height from ground level to approximately 14m in height. If these works are carried out, they will substantially change the visual appearance of the area and help to screen the proposed building from the roads and dwellings to the east of the site. These works were the subject of an objection from EDDC but were ultimately approved by the County as the determining Waste Authority.

The concerns expressed regarding the visual impact of the building are acknowledged and appreciated but given the distances to the closest residential properties and roads; allocation of the site for waste processing in the Waste Local Plan; landscaping works approved as part of the extension to the landfill tip; the building being seen against the backdrop of the wider business park; and the building being set down from current land levels, it is considered that despite the visual impact from the building, a refusal of planning permission on this ground could not be justified. It is also considered that these reasons ensure that there will be no detrimental impact upon the setting of the closed affected listed buildings to the north of the site (Denbury House, Denbury Thatch and Denbury Barn) and to the east of the site (Glebe House and Glebe House Cottage).

There is however space around the perimeter of the site on the inside of the security fencing and as such it is considered reasonable to place a condition on any permission to ensure the submission and approval of a suitable landscaping scheme to screen the site before any works to the adjoining land takes place.

Highway Safety

Access to the site is proposed through the business park off the A3052.

The site will benefit from an in and out access arrangement with large areas within the site for the turning of large vehicles including HGV's. In addition, 27 car parking spaces are proposed to serve the site that is estimated to employ 11 people on a full-time basis.

The County Highway Authority have commented on the application and have raised no concerns regarding the proposed access, location of the facility or impact upon the Strategic Highway Network given the number of deliveries proposed and staff employed.

A condition was originally recommended by the Highway Authority to ensure submission of plans detailing the car parking for the site but since these comments have been received amended plans have been submitted showing parking for 27

cars. This level of designated car parking is considered to be acceptable to serve the facility and can be conditioned to be provided before first use of the facility.

As the application has been assessed on the basis of 17,500 tonnes of timber being processed resulting in 13 deliveries per day, it is recommended that any planning permission be conditioned to a maximum of 17,500 tonnes per annum to ensure that any increased intensification of the use can be adequately assessed.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. 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 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 otherwise agreed in writing by the Local Planning Authority and 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 Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
4. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
5. 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 1, 2, 3 and 4 below 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:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological 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 - 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 East Devon Local Plan.)

6. The rating level at any frequency of any specific noise arising from the site shall not exceed 32dBa (15 min Laeq) when measured at the boundary of any residential premises during the day or at night. All measurements shall be in accordance with BS4142:2014.

(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).)
8. The wood chipping equipment, associated machinery and vehicles shall only be operated between the hours of 8am and 6pm Mondays to Saturdays and not at all on Sundays or Bank Holidays. Deliveries to the site shall also be made only within these timeframes.
(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
9. A Noise Management Plan covering all sources of noise audible beyond the site boundary shall be prepared and agreed with the Local Planning Authority. The plan shall include details of the noise sources and measures to be taken to mitigate and manage the noise in order to achieve the requirement of the specific noise condition. Measures may include the provision of acoustic fencing on the southern, eastern and northern boundaries of the site.
(Reason: To ensure that noise sources are mitigated and managed throughout the life of the site in order to protect the amenity of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
10. Prior to the commencement of development, details of any external lighting to the site shall have be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall avoid lateral or upwards lighting in accordance with the Institute of Lighting Engineers Guidance on the Avoidance of Light Pollution. Thereafter, the development shall be carried out in full accordance with the approved details.
(Reason: In the interests of the visual amenity of the area and to prevent light pollution in accordance with Policy D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
11. Prior to the commencement of development, a Construction Environmental Management Plan ("CEMP") shall be submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall be carried out in accordance with the approved CEMP. The CEMP shall include:
 - a) Details of the temporary site compound including temporary structures/buildings, fencing and storage provision to be used in connection with the construction of the development;

- b) Dust management
- c) Pollution control measures in respect of:
 - Water courses and ground water
 - Bunding and storage areas
 - Foul sewerage
 - Construction noise mitigation measures
- d) Temporary site illumination during the construction period;
- e) Details of surface treatments and the construction of any hard surfaces and tracks;
- f) Details of emergency procedures and pollution response plans;
- g) Details of measures to be taken during the construction period to protect wildlife and habitats including nesting birds;
- h) Details of how any construction compound and associated construction works will be reinstated including a timetable for completion of the post construction restoration and reinstatement works.

Development shall be undertaken in accordance with the approved CEMP Subject to the following restrictions;

- I. There shall be no burning of any kind on site during construction, demolition or site preparation works.
- II. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
- III. Dust suppression measures shall be employed as required during construction.

(Reason: To protect the character and appearance of the area, local amenity and the amenity of nearby residents in accordance with Policy D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

- 12. Prior to the commencement of development, an Air Quality Report detailing how any air quality impacts and dust will be mitigated and managed by the development shall have be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the approved details.

(Reason: To prevent pollution in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

- 13. There shall be no storage of goods or materials outside of the building hereby approved.

(Reason: In the interests of the visual amenity of the area and amenity of nearby residents in accordance with Policy D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

- 14. The use hereby permitted shall not be commence until the access, turning space and parking shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the

requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

15. The premises shall be used as a wood gasification plant only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - In accordance with the application details, as the site is designated as a strategic location for energy recovery in the Devon County Waste Local Plan and to protect the amenity of nearby occupiers in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and Policy W6 of the Devon County Waste Local Plan).

16. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

17. No more than 17,500 tonnes of timber per annum shall be processed at the site.
(Reason: As per the application and in order to ensure that the impacts from any increased intensification of use on highway safety and amenity can be adequately assessed in accordance with Policies D1 (Design and Local Distinctiveness), EN15 (Control of Pollution) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

CHIPPER	Noise Impact Assessment	03.02.15
PA-01	Location Plan	03.02.15

PA-02	Existing Block Plan	03.02.15
PA-03	Sections	03.02.15
PA-04	Sections	03.02.15
PA-05	Proposed Block Plan	03.02.15
PA-06	Proposed Floor Plans	03.02.15
PA-07	Proposed Elevation	03.02.15
PA-08	Proposed Elevation	03.02.15
PA-09	Sections	03.02.15
PA-10	Sections	03.02.15
PA-11	Other Plans	03.02.15
ENVIRIOMENT NOISE	Noise Impact Assessment	03.02.15

List of Background Papers

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

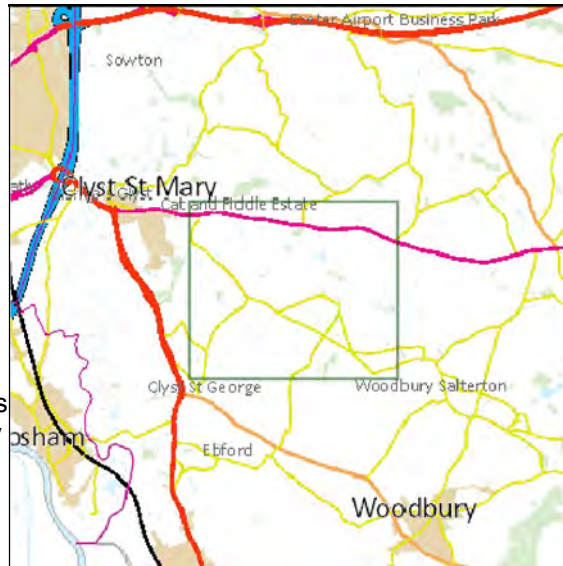
Ward Clyst Valley

Reference 14/2952/MFUL

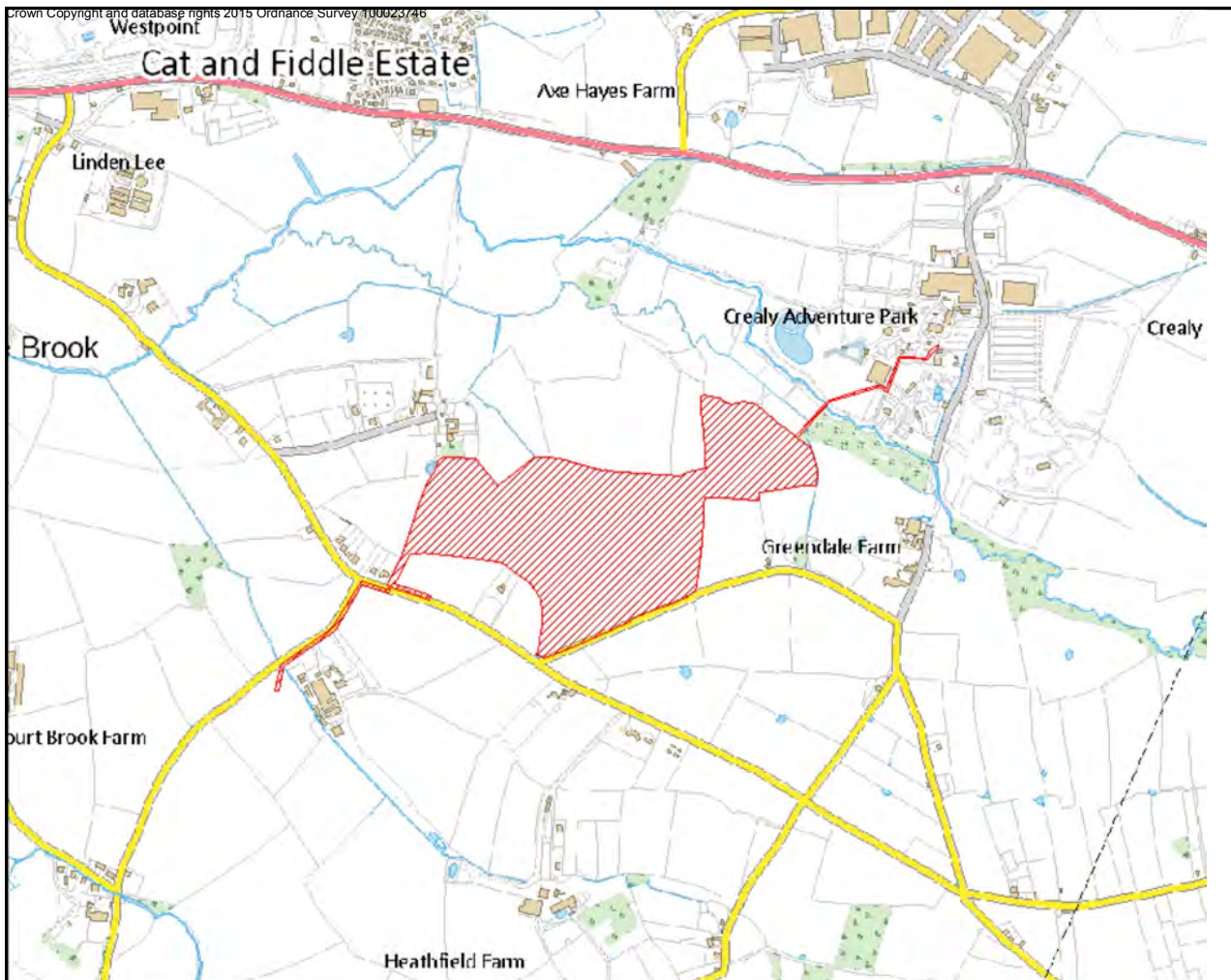
Applicant Solstice Renewables Limited

Location Land Surrounding Walnut Cottages
Oil Mill Lane Clyst St Mary

Proposal Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate.



RECOMMENDATION: Approval with conditions



		Committee Date: 31.03.2015
Clyst Valley (CLYST ST MARY)	14/2952/MFUL	Target Date: 24.03.2015
Applicant:	Solstice Renewables Limited	
Location:	Land Surrounding Walnut Cottages Oil Mill Lane	
Proposal:	Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate.	

RECOMMENDATION: Approval with Conditions

EXECUTIVE SUMMARY

This application is for a solar farm and associated infrastructure that has been submitted in an attempt to overcome the Council's single reason for refusal on a previous planning application (ref 14/1379/MFUL) which related to loss of high grade agricultural land (Grade 2) within the overall scheme which had not been adequately justified when tested against guidance within the NPPF, NPPG, and contemporary ministerial statements particularly relating to large scale solar development.

The revised proposal is for a solar farm which has been significantly reduced in terms of the actual coverage of the solar panels (reduced from 16.5 ha of the site to 9.3 ha) which has effectively removed almost all of the development from higher grade 2 agricultural land. The application was previously rigorously examined in terms of its visual impact on the rural landscape character of the area, its impact upon neighbouring properties, the setting of heritage assets, highway safety, ecological and arboricultural impact and archaeological impact and was found to be acceptable in these respects. The revised layout proposes a smaller solar farm scheme which it is considered would have a localised visual impact, limited largely to gaps within hedgerows when passing the site and views through field gates along Oil Mill Lane.

A reduction in the site coverage of the solar farm means the development is now largely proposed outside of the areas of the site which have been identified as being Grade 2 quality and on this basis, it is not considered that an objection could reasonably be sustained on the grounds that the development would result in the significant loss of higher grade agricultural land. Whilst Grade 3a land is still considered to be 'higher quality' in terms of the agricultural land classification system, there is a significant amount of Grade 3 agricultural land

available within the District and therefore the temporary loss of a small amount of Grade 3a land from agricultural production would not be considered to be significant within this context.

There is strong support for renewable energy at national levels and the scheme would accord with one of the core principles of the NPPF to move to a low carbon future. There would be a clear important benefit from the scheme in the provision of energy from renewable sources. The site is not the subject of any national or local landscape designations and whilst it is an attractive part of countryside, it is not considered to be of such value in terms of its contribution to the wider rural landscape to reasonably resist this proposal. Whilst Planning Policy Guidance recognises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes it also acknowledges that 'the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively'. Guidance within the NPPF states that 'when determining planning applications, local planning authorities should 'approve the application if its impacts are (or can be made) acceptable'.

In terms of the planning balance, now that the vast majority of higher grade agricultural land has been excluded from the proposal, the benefits to be derived from the production of renewable energy and the contribution the development would make to meeting renewable energy targets and contributing to the government's green agenda and climate change are now considered to outweigh the loss of the Grade 3a agricultural land. The application is therefore recommended for a temporary approval of 25 years.

CONSULTATIONS

Local Consultations

Clyst Valley - Cllr M Howe

Support the application

No

Object to the application

Yes

In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee

Yes

Relevant planning observations on the planning application to support my recommendation above:

This is only a small change to the original plan taking it out of the Grade 2 land, but still in grade 3a still the best and most versatile land, this I now believe is too small a field to farm properly, so we are still effectively losing the grade 2 land, as well as the grade 3a the use of this land for sheep grazing is not at all the best use, for the some of the best agricultural land we have in East Devon, That along still with the

fact that this site is surrounded with 3 listed buildings, all will I believe have some views of this site.

That and still concerns from Environmental health re noise.

Disclaimer Clause: In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Additional comments

To add to my previous comments I will refer to a Planning Appeal APP/U11045/A/14/2227768

"13. The introduction of the proposed development into this landscape would, for the reasons set out under my first main issue, cause harm to the setting of the heritage assets. While I consider that the harm would be 'less than substantial' in the terms set out in Framework paragraphs 128 to 134, the courts have held that, in this context, 'preserving' means doing no harm. The wording of saved LP policy EN9 states, among other things, that development affecting the setting of a listed building will only be permitted if it preserves its setting.

Having regard to that wording, which is not inconsistent with the policy approach of the Framework, I conclude that the appeal proposal would conflict with LP policy EN9."

This I believe to be relevant in this case as well, also in the same case it is pointed out that that a proportion of this Electricity is for use at Crealy and as such the Public Benefit is so deminished.

Disclaimer Clause: In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Parish/Town Council

The Council object to the above application on the following grounds.

- o The land to be used is of a high quality agriculture type (Grade 1-3a) which we feel is more suitable to growing crops. As laid down in the EDDC local Plan (EN14)
- o The new design of the arrays would not encourage the growing and farming of the land around it.
- o Having THREE Grade 2 listed cottages within 110 metres of the purposed land which are used as a local B&B, we feel that this type of project so close would harm the overall character of these dwellings.
- o Possible noise from inverter units which will affect local dwellings around the purposed site. Thus being a nuisance.

o Concerns from local residents and adjoining parishes are high and as a Council we support these concerns.

o The Council feel that the pressure put on this application from Crealy Park who are not only investors in this development but will gain financially from the outcome. We consider this to be a local matter where people living in the area are affected and should not be influenced by members of the public who are balloted by email listing from Crealy memberships.

o The Council feels that English Heritage should be consulted about this type of application around and near to listed buildings in the countryside with open rural outlooks.

o That, should the application be granted, the land remains designated as a greenfield site after the solar panels are eventually removed and does not, under any condition become designated as brownfield.

Further comments 06.02.15:

Bishops Clyst Parish Council objects to the above application on the following Grounds.

o The land to be used is of a high quality agriculture type(grade 1-3a) which we feel is more suitable to growing crops. As laid down in the EDDC local Plan (EN14)

o Having TWO grade 2 listed cottages within 100 meters of the purposed land which are used as a local B&B We feel that this type of project so close would harm the overall character of these dwellings.

o Possible noise from inverter units and Transformers which will affect local dwellings around the purposed site. Thus being a nuisance.

o Concerns from local residence and adjoining parishes are high and as a council we support these concerns.

o The council feels that the pressure put on this application from Crealy Park who are not only investors in this development but will gain financially from the outcome. We consider this to be a local matter where people living in the area are affected and should not be influenced by members of the public who are balloted by email listing from Crealy memberships.

o Consultation around this whole application are still in progress.

Adjoining Parish (Clyst St. George)

Please note that the CSG PC have no strong views on this and will support the decision of Bishops Clyst PC.

Adjoining Parish (Farringdon)

Should the application be granted the parish council is concerned that the land remains for either agricultural use or for renewable energy use once the solar park period has expired.

Technical Consultations

County Highway Authority

Observations:

The CHA has been in consultation with the applicant's Transport Consultant and on the advice of the CHA the access point on Oil Mill Lane has been located away from the road junction and now provides suitable visibilities in both directions. The application also includes vehicle swept path analysis to show that HGV's can enter and leave the proposed access successfully. During the construction period, approximately three months, it is expected that there will be an average of 4 two way large delivery vehicle movements per day for which the route to site has been agreed to minimise traffic movements on unclassified roads. Construction workers will maximise at about fifty in number and these will be bussed to the site where possible. The proposed access track construction is acceptable to the CHA and wheel washing facilities will be provided along with an access banksman to aid safe access and egress to the site for traffic for all vehicles. Before any construction the state of the existing highway will be assessed to agree its base-line condition. This process will be repeated at the end of construction and any remedial works required that is attributed to construction traffic will be made good by the developer.

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 attached Construction Management Plan shall be implemented and adhered to during the construction phase of the development.

English Heritage

The proposal is for a solar park in land around Walnut Cottage, near Clyst St Mary. There are several highly graded heritage assets within the locality and a number of scheduled monuments. The closest asset is Winslade Park. The complex in which the property sits is located just over 1km from the site.

Due to the position of the solar farm, we consider that the surrounding intervening topography, vegetation and structures, are likely to limit the majority of harm that may be caused on the wider highly graded heritage asset. Winslade Park, due to its close proximity has the potential for some inter-visibility between the house and the arrays. However, the main house and the 1970's modern additions by Powell Moya and partners, is set within substantial tree planting within its parkland as well as there being a number of modern structures that have developed between the proposed site and the main house. We appreciate that there is a current application for further development at Winslade Park; however, this is likely to offer further screening between the two elements if approved. Therefore, we do not consider there the proposed array will have a significant impact on the setting of the grade II* listed house.

We would note that there are a number of grade II listed buildings, whose setting appears to be impacted upon by the proposed development. We would suggest that you seek the advice from your conservation officers with regards to the assessment on the grade II listed assets and whether the any potential impact would result in harm.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is located in area of relatively flat agricultural land. In terms of heritage assets the three principal listed buildings in the area are Old Kiddicott (grade II), Greendale House (grade II) and Kenniford Farm (grade II). The accompanying Heritage Statement with the application also highlights the presence of archaeological sites, and therefore advice should be sought from DCC Archaeology Department.

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

While the application site remains the same as for the refused application earlier last year the extent of land being covered in the solar array is significantly reduced, and notably away from the more immediate setting of Greendale house to the east. I would therefore refer in general terms to my comments on the previous application and would not wish to raise an objection to the revised proposals.

Previous comments:

From travelling the perimeter of the site there would be some views where the proposed development would be visible from the immediate setting of listed buildings, most notably Kenniford Farm and to a lesser extent Greendale House which is well screened during the summer months by trees. This screening is reduced for six months of the year.

The material consideration is whether the proposals would have an adverse impact upon the significance of these assets. An assessment of the significance of each of the heritage assets has been carried out by a conservation-based consultant and I would concur with the conclusions of the submitted document. The significance of each of the assets derived mainly from their vernacular architecture and construction with some limited contribution from their rural setting.

There is evidence to suggest that the site once formed part of the land associated with Kenniford Farm although the agricultural land does not contribute anything substantial to the significance of the heritage asset. While the proposed solar farm

would be partially visible within the context of heritage assets the harm would be considered less than substantial, and I would be doubtful that a refusal based upon harm to the setting of listed buildings would stand up at appeal. I would therefore wish to raise no objections to the application.

Environment Agency

Providing development proceeds in accordance with the submitted Flood Risk Assessment dated 17th November 2014 (V5) there are no objections to the proposal from the flood risk aspect.

Environmental Health

I have considered the application and have concerns relating to environmental health issues - as per the previous application.

These are currently under discussion with the applicant and further information may be required. I will make final comments once this has been concluded.

We are concerned that the proposed use may have a detrimental impact on the local community because of operational noise, construction noise and various other environmental impacts:

Specific Concerns - Low frequency and other noise

Specific Concerns - We have received complaints from a number of solar sites due to the use of generators (prior to the site being fully commissioned) and the potential noise from inverters.

Recommendations - We recommend that noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:1999 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide 1999.

Specific Concerns - Construction Noise and other impacts

Concerns - We regularly receive complaints from development sites regarding construction noise and other impacts.

Recommendations - We recommend following the attached guidance and would recommend that a Construction and Environment Management Plan (CEMP) should be submitted and approved by the Local Planning Authority prior to any works commencing on site which 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 should be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. Please note that there should be no burning on site and there should be no high frequency audible reversing alarms used on the site.

General Concerns - Traffic, light, surface water and pollution of watercourse impacts

Recommendations - Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic

and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Further comments 03.02.2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 22 December, 2014.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Royal Society For The Protection Of Birds

The RSPB would like to submit comments on this application that I hope are helpful.

1. While the RSPB does not object to the proposed solar farm, we recommend that, should your authority decide to grant the application, the mitigation and enhancement recommendations in the report Ecological Survey Orchard Solar Park at Shepherd's Farm, Clyst St Mary (Michael Woods Associates, November 2014) are enacted via conditions and planning obligations.

2. In our view, a detailed Landscape and Ecological Management Plan (LEMP) should be produced and agreed by your authority incorporating the recommendations of the Ecological Survey and detailing management of the solar park for biodiversity over its lifetime, including hedges, the grass margin between hedges and the fence, and the land beneath and around the solar arrays.

3. It is not clear exactly how the ground between and around the rows of solar arrays inside the fence will be managed. The Design and Access Statement (Pegasus Group) mentioned sheep grazing or growing of soft fruit between the rows of solar arrays, the Flood Risk Assessment mentions sheep grazing and strimming 2-5 times/year to prevent vegetation obscuring the panels while the Ecological Survey states the land will be sown with wildflower-rich native seed mix and grazed with sheep. The biodiversity value of the proposed solar park depends on the nature of the retained and created habitats and their management, including that around the solar arrays. This should be clarified in the LEMP.

4. The RSPB welcomes the intention to retain and manage hedges. Rotational management so not all hedgerows on site are cut in the same year is beneficial to wildlife but also critical is avoiding annual cutting (ideally cutting no more frequently than every 3 years) and timing cutting for late winter. Adopting such a regime will mean that hedges will provide cover and shelter for wildlife, including nesting birds, and hedge plants can flower and produce fruit/seeds, to provide food for a range of wildlife. Native, locally occurring species should be planted to gap up hedges or create new ones.

5. The RSPB notes there will be a loss of some arable land as a result of this proposal. The Ecological Survey noted the presence of wintering skylarks and snipe. It is possible, depending on crop types, that currently the site also provides nesting habitat for skylarks. The RSPB recommends (as mentioned in the Ecological Survey report) mitigation for this loss by providing a winter food source for skylarks and other species by planting some wild bird seed crop mix, and foraging habitat for breeding skylarks by creating skylark plots. There may be land adjacent to the solar farm site within the applicant's control that would be suitable for this.

6. In our view, East Devon District Council should require implementation of the measures mentioned above and other mitigation and enhancement proposals contained in the Ecological Survey report if it grants this application. Such an approach would be consistent with the National Planning Policy Framework (section 109 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, section 118 opportunities to incorporate biodiversity in and around developments should be encouraged).

7. The RSPB is keen to encourage provision of habitat suitable for ciril buntings and other farmland birds in East Devon (we hope that ciril buntings will recover their range east of the Exe in future years). While we have no information that ciril buntings are present on or adjacent to this application site, my colleague Cath Jeffs, RSPB ciril bunting project manager, cath.jeffs@rspb.org.uk, is happy to offer a site visit to discuss habitat management and creation including as wild bird seed mix.

8. Finally, the RSPB has generic advice for maximising the wildlife benefit of solar farms which may be of assistance:

Devon County Archaeologist

The earlier planning application (14/1379/MFUL) for a solar farm at the above site had a larger 'footprint' in the landscape than the current application. Archaeological investigations undertaken in support of this earlier application revealed evidence of Roman and possibly prehistoric activity within the development site.

However, the proposed layout of the photovoltaic arrays and associated infrastructure for the current application lies outside the areas where archaeological deposits were identified by the previously undertaken geophysical survey and field evaluation. As such, I would regard the archaeological impact of the current application as being minimal and no archaeological mitigation is required.

Other Representations

38 letters of objection have been received at the time of writing this report, raising concerns which can be summarised as the following:

- There is no difference between the refused application and this application- will still result in the loss of best and most versatile land.
- Impact on landscape
- Urbanisation of rural environment
- Impact on ecology and wildlife
- The proposal would affect the setting of Listed Buildings adjacent to the site
- Adverse impact on tourism and holiday businesses in the area
- Views and outlook from homes would be ruined
- There would be harm to homes close by the site through noise and disturbance during construction
- The proposal would be a danger to other users of Oil Mill Lane
- The access is unsuitable
- Homes would be affected by noise from the inverters and the substation
- The siting of the substation would affect the amenity of properties
- The proposal would lead to the loss of high grade agricultural land
- The site selection justification is inadequate- A need has not been established

- The landscape and character of the area would be harmed; there would be views of the site from Haldon Hill, Telegraph Hill and Woodbury Common.
- Increased surface water run-off and risk of flooding
- The rural lanes cannot cope with additional traffic movements
- Impact of noise from solar equipment
- The mitigation offered in terms of planting is not sufficient
- Light pollution from flood lighting
- There are no longer government subsidies for solar farms.
- The proposal goes against recent ministerial statements

13 letters of support have been received raising points which can be summarised as the following:

- There is a strong need for renewable energies
- Positive impact in terms of ecological and biological enhancements
- Community and educational benefits
- Important to support green energy
- Will help to reduce energy costs and sustain a local business

POLICIES

New East Devon Local Plan Policies D2 (Landscape Requirements)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 47 (Nature Conservation and Geology)

EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN13 (Development Affecting Parks and Gardens of Special Historic Interest)

EN15 (Control of Pollution)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

E4 (Rural Diversification)

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

Adopted East Devon Local Plan Policies

D4 (Landscape Requirements)

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

E4 (Bad Neighbour Uses)

E5 (Rural Diversification)

EN6 (Wildlife Habitats and Features)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

C6 (Renewable Energy)

EN15 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description:

The site is formed of one main field situated at a generally higher contour from 25m above ordnance datum AOD at the western side running to 35m AOD at the eastern boundary. This field has mature hedges along its eastern, south eastern and southern boundaries as far as Walnut Cottage. To the west of Walnut Cottage along

the southern boundary and returning along the western boundary, natural hedge screening is reduced and the site is more open and visible from points to the west. From Shepherds Farm at the north west corner of the field the hedges are again more mature and higher, similar to those along the south east boundary but the existing trees at this corner are believed to be in a poor condition. This boundary joins up with the south west corner of a smaller field.

There is a public footpath (Clyst St Mary footpath) approximately 320m to the west of the site on the other side of the lane leading across open countryside in a north westerly direction to Winslade Park. A further footpath from the A3052 to the north extends in a southerly direction to Shepherds Farm at the north west corner of the site.

The character of the area is defined by the agricultural land, made up of larger fields where hedges have been removed in the past and remaining smaller fields, with occasional houses and farms. There is a mixture of cropped fields and permanent pasture, with boundaries generally enclosed by hedges of various heights. There is a lack of post and wire fencing for boundaries generally. The area sits within the Lowland Plains (4D) Landscape Character Type and whilst not subject to any particular designation is attractive in its own right.

The proposed site is just to the north of Walnut Cottages, a pair of semi-detached homes positioned back from the county road running along the southern boundary of the main field; at the south west corner of the site are 6 further detached homes. There are further homes to the west and south west of the site within a few hundred metres, one of which - Kiddicott Farm - is listed Grade II. At the north west corner of the main field, Shepherds Farm is located which consists of the main farm house as well as group of holiday units in the former farm buildings; there are 2 other detached dwellings close by to the west of Shepherds Farm. There are no homes along the northern boundary of the main field. At the eastern side of the site within 200m of the smaller field are 3 further homes as well as a collection of farm buildings not connected to the agricultural land of the site. One of these - Greendale House - is listed Grade II.

There are no specific geographical designations covering the site; the flood areas identified previously fall outside the site proposed for the solar panels but the proposed cable link to Crealy to the north from this field would cross this flood zone of the Grindle Brook. The site is served by the County Lane to the south - Oil Mill Lane - which links into the A3052 opposite Westpoint.

Planning History:

Planning permission was refused in September 2014 (ref 14/1379/MFUL) for the Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate. The application was refused for the following reason:

'The solar farm would result in the loss of an area of best and most versatile agricultural land (Grade 2) which use has not been adequately justified. In this case the Local Planning Authority considers that any sustainability credentials and other benefits arising from the proposal would not outweigh the loss of such high quality agricultural land, particularly where it has been proven that lower grade agricultural land within the District is available and has been disregarded in principle by the site selection documents. As such the proposal would be contrary to Policy EN13 (Development on High Quality Agricultural Land) of the Draft New East Devon Local Plan and the advice contained within the National Planning Policy Framework and National Planning Practice Guidance'.

The previous application was refused on the grounds that the solar farm would have been installed on land considered to be of grade 2 and 3a quality. A total of 58% of the site was identified as being on higher quality grade 2 land and it was not considered that the loss of this higher grade land had been justified particularly when lower grade agricultural land within the District is available. This application seeks to overcome the Council's previous reason for refusal through a significant reduction in the site coverage of the solar farm which has taken all of the development outside of the higher grade 2 parts of the site.

Proposed Development:

This application seeks planning permission for a solar farm sufficient to produce approximately 5 MW of energy within the field. The area of the site is approximately 19.4ha of which 9.3 ha would be covered by the arrays. The development consists of two elements; firstly the arrays and infrastructure to operate the facility; secondly the aspects such as bunds, planting screens, and ground cover areas outside the areas for the arrays.

The infrastructure consists of the arrays themselves which would be mounted on steel frames orientated at approximately 25 degrees from ground level, approximately 2.5m in maximum height, with gap to the ground of 0.8m underneath, each section just over 20m in length and 3.3m in depth; a substation 6.25 in length, and 3.4m in depth with a height of 3.65m sited at the south west corner of the field; 3 no inverter stations which are 2.5m in depth, 5m in length and 2.76m in height; CCTV cameras mounted on poles around the perimeter of the site 4m in height.

Around the perimeter of the arrays a 2.0m high stock proof fence is proposed. Access through this fence is proposed by 4m wide steel gates.

The array is proposed to link by cable to the electricity grid at a point close to Kenniford Farm, as well as a further cable to Crealy itself from the northern edge of the smaller field.

A compound is proposed served by the temporary construction access within the south western part of the site which would consist of a store container, outside storage area, parking area for vehicles, portacabins for construction staff, w.c.s and a security hut, as well as HGV turning area within the site. A jet washer is also proposed with drainage facilities. A 3.5m wide temporary access road is proposed to be constructed of compressed crushed stone 30cm in depth laid on top of geotextile matting. This would require the widening of the existing agricultural access onto Oil Mill Lane to 4.0 metres.

ANALYSIS:

Considerations:

This application falls to be considered in terms of the following key issues:

- Principle and policy context; 'sequential' test set in the new planning practice guidance and Government statements;
- Consideration of the benefits of energy from renewable sources;
- The visual impact of the development on the character and appearance of the rural landscape and surrounding area.
- The impact on the residential amenities of surrounding neighbouring properties;
- Impact on heritage assets;
- Arboricultural Impact;
- Highway Safety;
- Flooding and surface water mitigation;
- Ecological impact;
- Archaeological impact.

Principle and Policy Context:

Adopted Policy C6 (Renewable Energy) as well as emerging Strategy 39 (Renewable and Low Carbon Energy Projects) within the draft local plan support renewable energy projects subject to taking account of potential adverse impacts of environmental and heritage sensitivity, and careful consideration of location, scale, design and other measures and regard to the amenity of neighbouring homes. East Devon has no target or quota for the production of energy from renewable sources. Guidance within the NPPF encourages local authorities to be proactive in identifying potential sites, though again there is no target set either in area, MW of production or in a temporal dimension.

Policy EN14 within the adopted plan was not saved at the time of the last policy review and therefore no longer carries any weight; (Draft) Policy EN13 - Development on High Quality Agricultural Land states that Grades 1, 2 and 3a will be protected from non agricultural or forestry development, with only exceptional and overriding need identified where Grades 3b, 4 and 5 land are not available; and benefits of the development justify the loss of high quality agricultural land.

Within the NPPF at paragraphs 97 and 98 guidance on renewable energy is given as well requirements for determining applications. Further at paragraphs 109 and 112 guidance is given on the economic value of agricultural land and that poorer quality land should be used in preference to that of a higher quality, where significant development of agricultural land is demonstrated to be necessary. Essentially the guidance of the NPPF for renewable energy development is to approve applications if their impacts are acceptable or can be made to be so.

Additional guidance is set out in the National Planning Practice Guidance (NPPG) (Quoted selectively) concerning environmental considerations and targets.

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

The UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources. Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.

And particularly for large scale solar farms which is quoted in full below:

'The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

Encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;

Where a proposal involves green field land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

The proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety; The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;

The need for, and impact of, security measures such as lights and fencing;

Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets.

Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

The energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.'

Guidance within the NPPF and the NPPG has been supported by further ministerial statements in April 2013 and April 2014 emphasising that the concerns of local communities should be heard, proper weight is given to landscape and visual impact, heritage assets and local amenity, and that the need for renewable energy does not automatically override environmental protections; brownfield or low grade land is preferred. Similar guidance is given in the UK Solar PV Strategy to focus on non agricultural land or land of a lower quality.

It is considered the checks set out in adopted and draft policy, the NPPF and PPG supported by ministerial statements set a high bar to which the proposal is required to be tested.

Use of Agricultural Land:

The application site is comprised of agricultural land which is classified as being both Grade 2 and Grade 3a quality. The northern section of the site is considered to be the highest grade agricultural land (Grade 2) with the southern sections being Grade 3a. The previous planning application was refused solely on the grounds that the solar farm would have resulted in the loss of an area of best and most versatile agricultural land (Grade 2) which had not been adequately justified. This application seeks to overcome the previous reason for refusal through a significant reduction in the site coverage of the solar panels within the field so as to ensure that none of the land which is classified as being Grade 2 quality would be used. Indeed the refused scheme would have covered an area totalling 16.5 ha of the site where as this proposal would cover significantly less at 9.3 ha.

The application is accompanied by an agricultural assessment of the site and a field survey which clearly identifies the parts of the site which are classified as being grade 3a and grade 2. The application is accompanied by two independently prepared Agricultural Assessments, one by Kernon Countryside Consultants Ltd and the other by Bateman Rural Associates Ltd. Both reports acknowledge that the Provisional Agricultural Land Classification (ALC) Map (1983) identifies the site as being likely to comprise of Grade 1 agricultural land.

It is however accepted that the ALC maps are not sufficiently accurate to allow a full assessment of an individual field and as advised by DEFRA should not be used other than for general guidance. Both reports therefore present the results of agricultural land quality on a site-specific basis following a detailed Agricultural land classification that has been carried out across the site. The detailed survey undertaken by Kernon Consultants determined that the site is comprised of a mix of Grade 2 and 3a land. The detailed survey determined that the quality of the grade 2 land is limited by slight soil droughtiness and or slight soil wetness limitations. The sub-grade 3a land is moderately stony and is limited by stone content and or by soil droughtiness for potatoes.

The report by Bateman Associates provides the results of a detailed survey of the southern portion of the site and concludes that this land has an agricultural land classification of grade 3a because of the effects of stones which act as an impediment to cultivation, harvesting and crop growth and cause a reduction in the available water capacity of a soil.

The results of the detailed site surveys have been mapped which show that the whole of the field to be divided into grade 2 (58%) and grade 3 a (42%) agricultural land. The agent has provided a site plan which overlays the agricultural land classification over the site plan to demonstrate that the development would be largely confined to areas of the land which are classified as grade 3a.

It is clear that the solar panels and associated infrastructure would now be located outside of the higher grade agricultural land and that the development would now be located in areas of the site which are identified as being grade 3a which whilst also considered as the best and most versatile land, is not considered to be as significant a loss as Grade 2 land. This is reflected in the rather fragmented layout of the solar installation within the site, essentially confined to solar panels on the eastern and western sides with the northern section of the field being kept available for agricultural use.

The key test within the NPPF is that *'where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*. Further guidance is provided within the Planning Practice Guidance on particular factors an LPA would need to consider relating to large scale solar farms which includes the following:

- *Encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*

- *Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

It is clear from the applicant's submission and neighbours comments that the fields have been and are currently being used at present for agricultural production requiring high grade land for combinable crops such as wheat, barley, oil seed rape and pumpkins. Through a reduction in the site coverage of the solar farm, the development is now largely proposed outside of the areas of the site which have been identified as being Grade 2 quality (with the exception of the far north east and north west corner which do clip a very small proportion of grade 2 land) and on this basis, it is not considered that an objection could reasonably be sustained on the grounds that the development would result in the significant loss of higher grade agricultural land. Whilst the loss of Grade 2 agricultural land has been given significant weight in recent appeal decisions for large scale solar farms, this does not tend to be the case with Grade 3a where sustainability considerations are to be weighed in the planning balance and outweigh the temporary loss of Grade 3 land.

Whilst Grade 3a land is still considered to be 'higher quality' in terms of the agricultural land classification system, there is a significant amount of Grade 3 agricultural land available within the District and therefore the temporary loss of a small amount of Grade 3a land from agricultural production would not be considered to be significant within this context. In terms of the planning balance, now that the higher Grade 2 agricultural land has been excluded from the proposal, the benefits to be derived from the production of renewable energy and the contribution the development would make to meeting renewable energy targets and contributing to the government's green agenda and climate change are now considered to outweigh the loss of a very small and reversible loss of the best and most versatile land.

The Grade 2 land would remain in full agricultural use as part of the existing agricultural holding and would not be part of the solar farm, being separated from the site by the 2.0 metre high security fencing. It will be for the landowner to determine how to best use the remaining section of the field which has been used for arable farming (pumpkins most recently). It is understood that the business at Shepherds Farm is mainly arable based and is set up as such (in terms of equipment, machinery etc) and therefore it is envisaged that it would remain in arable crop use, rather than being used for grazing. The concerns raised by local residents over the size and shape of the remaining section of the site and the difficulties in farming it are noted however there is no evidence to demonstrate that this would take the field out of agricultural production.

The accompanying Planning Statement identifies that the remaining land around the solar panels would be grazed by sheep but that it is the applicant's preference that the site be retained in a mixed use for arable crops although this it is recognised that this is at pilot stage on other sites and therefore it is not guaranteed that this approach in combination with the solar panels would be successful. A condition is recommended to ensure that the land around the solar panels is kept available for grazing which would ensure that the agricultural use of the land does not change.

Benefits of energy from renewable sources:

The NPPF recognises that when determining planning applications, local planning authorities should '*not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy*'

The applicant has indicated that energy from the proposal would be equivalent to power approximately 1500 households for a year. It is intended that as well as a connection to the electricity grid, a cable will run to Crealy Adventure Park from the north part of a smaller field allowing this business to benefit from a local renewable source.

During consideration of the previous application, the operator of Crealy whose business would benefit from the supply of cheaper energy put forward a number of benefits including a competitive business going forward, further investment, and benefits to the wider tourism industry, and local employment opportunities. The suggested benefits to this local business should be taken into account in the overall consideration of the application.

Character, wider landscape, views and visual impact:

The visual impact of the development on the rural landscape character of the area has previously been carefully assessed as part of the refused application and this did not form a reason for refusal. The previous visual assessment is still considered to be relevant to the consideration of this application although it should be noted that the scale of development and its site coverage within the field has been reduced significantly which would lessen the visual impact of the solar farm from short and long distance views.

The area around the site is for the most part an agricultural landscape which extends away in an arc to the south east around to the west. Agricultural land also continues to the north up to the A3052 but to the north of this road this landscape gives way to the more industrial areas around Hill Barton, the park homes at Cat and Fiddle, and the Westpoint showground. Also there is the Crealy Adventure Park to the north east. Within this landscape there are groups of dwellings, farms and their associated buildings as well as single homes; roads within the area are generally limited in width. In terms of public rights of way, Footpath No 3 passes close to the north west boundary of the site at Shepherds Farm; an unclassified road from Oil Mill Lane to Greendale Lane runs parallel to the south eastern boundary of the site. The Sowton Footpath no 6 runs northwards from Old Kiddicott to the A3052 near the Exeter City football training ground.

Specific to site, the boundary hedges are mature and offer screening along boundaries with the exception of the southern boundary with Walnut Cottages and the western side of the site where a track accesses Shepherds Farm from Oil Mill Lane.

Field boundaries, undulating land, and small copses within 1km or so from the site limit wide scale views of the fields. Given that the site has a general fall from north to south and the higher saddle of land continues to the south of Walnut Cottages and

across to field to the south of Oil Mill Lane it would be difficult to view the site from the area of land between Woodbury, Clyst St George and Clyst St Mary. It is acknowledged that the contribution of boundary screening would be reduced in the winter months.

The proposals would retain the existing levels of the field, as well as trees within existing hedgerows, and the hedgerows around the site. The arrays within the western part of the site would be set well away from the boundaries and Oil Mill Lane such the contribution of the hedges and around the site can be retained in a wider consideration of the impact to the landscape around the site. As part of the proposals sections of existing hedges are proposed to be strengthened in particular the north west corner and a whole section of planting along the west boundary; this hedge would be maintained at a height of 3m.

As a result of the revised layout, the greatest visual impact from the development is likely to be from localised views along Oil Mill Lane and the Road from Oil Mill Lane to Greendale Lane. In this portion of the site the solar panels would extend close to the road side boundaries and therefore this part of the development is likely to have its most significant visual impact, albeit from localised views along Oil Mill Lane as you pass the site and from the road which leads to Greendale Lane. The proposed landscaping scheme acknowledges this and proposes the strengthening of the existing hedgerow which would be in-filled where necessary and maintained at a height of 3.0 metres. It is acknowledged that the strengthening of existing and planting of new hedges would provide some wider landscape and ecological benefits as well as helping to screen the overall site. However it is recognised that the benefits from such parts of the scheme may take between 5 and 10 years to fully come into place.

As is the case with most solar farms, it would not be possible to hide the site completely from view and whilst there are views of other groups of buildings from the site, existing hedgerows and trees close to and further away from the site as well as the planting proposals would ensure that areas from which the arrays would be seen cumulatively with other built development would be limited once the enhancements are in place and mature. Views of the site are likely to be limited to being very localised from Oil Mill Lane and the lane which leads to Greendale Lane when passing the site. The proposal would also be visible through two field gates along the south and south east side of the site. However these views are fleeting as one passes, hedges along these boundaries being well established. The array would also be visible from Footpath 3 at a point to the north of Shepherds Farm but again this would be fleeting as one walked south towards the farm before heading off in a south westerly direction where the track joins Oil Mill Lane. Views from the Clyst St Mary footpath to the north west are likely to be limited to a short section of the footpath as it nears Oil Mill Lane. However because of the topography of the surrounding land, the distance from the site and because of intervening vegetation, views of the solar farm would generally be extremely limited from public footpaths within the area.

There would be views of the array from neighbouring properties and roads and the two footpaths in the area. The proposals do not attempt to completely hide the arrays and buildings from view from neighbouring homes and therefore a balance must be taken between loss of outlook and loss of view. It is considered that whilst certainly

views would be altered, the arrays are a sufficient distance from properties such that there would be no significant loss of outlook i.e. in addition to some views of the arrays there would still be views to existing neighbouring fields, hedges, trees and buildings.

Objectors have raised concerns that the proposal would be visible from Haldon, Telegraph and Woodbury Common. In terms of the former points the arrays would be located 12km and 10km away respectively and whilst no doubt it would be possible to discern the fields it is suggested that given the immediate context of the southern parts of Exeter, this proposal is unlikely to dominate this view.

In summary for this particular section it is considered that the proposal would have a recognisable effect in terms of impact to the character of the area and in terms of those areas close by from where the site would be viewed from in the shorter term. However this affect would lessen over time particularly once any construction phase had finished and once the proposed hedgerow planting and other enhancements had had time to establish. The likely time period for this could be up to 5 to 10 years. There would be a similar change to the character of the area from any decommissioning phase. The site area covered by the solar panels has been significantly reduced since the refused application and therefore its visual impact would be lessened further. On balance, it is not considered that the localised visual impact on the rural landscape would be significant enough to warrant refusal of the application for this aspect alone.

There is strong support for renewable energy at national levels and the scheme would accord with one of the Core Principles of the NPPF to move to a low carbon future. There would be a clear important benefit from the scheme in the provision of energy from renewable sources. The site is not the subject of any national or local landscape designations and whilst it is an attractive part of countryside, it is not considered to be of such value in terms of its contribution to the wider rural landscape to reasonably resist this proposal. Whilst Planning Policy Guidance recognises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes it also acknowledges that *'the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively'*. Guidance within the NPPF states that *'when determining planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable'*.

In this case, it is not considered that the impact of the development on the wider rural landscape and character and appearance of the area would be significantly harmful enough to sustain an objection on these grounds. The application is accompanied by a landscaping proposal which, once established, would help to further screen and soften the impact on localised views when passing the site. The enhancements suggested in the landscape and ecological management plan go hand in hand with the ecological mitigation for the proposal, and therefore it is recommended that the proposals set out in the report should be conditioned as part of any approval.

Residential Amenity:

The impact of the development upon the residential amenities of the occupiers of surrounding properties was carefully assessed in consideration of the previous application and this did not form a reason for refusal. There would undoubtedly be impact from the proposal but this would largely be confined to the construction phase associated with traffic movements, construction noise, and possibly lighting to allow safe working depending upon the time of year of construction.

Any decommissioning phase is likely to involve a similar level of impact. The Environmental Health Officer recognising the potential impacts from these phases through noise from generators, other noise, dust, lighting and vibration (the frames for the panels are sometimes jackpiled) has recommended 2 conditions in the event of approval of the scheme; one specifically to cover noise; a further condition for a construction and environmental management plan; and a further condition for an environmental management plan to cover impacts to a slightly wider area. These would seek to reduce the impact from any construction and decommissioning phase as far as possible whilst recognising that it would be difficult to reduce the impacts to the local environment completely.

However once any construction phase had finished, PV arrays are a benign type of renewable infrastructure as in this particular case the panels do not move to track the sun and therefore would not generate any noise, and in addition the inverters and substation are also not likely to be noisy either and their operation would also be covered by the suggested noise condition to reduce the noise levels to an acceptable level at the boundaries of neighbouring properties.

In an attempt to screen the development from the view of neighbouring properties, some of which run holiday accommodation, landscaping in the form of new hedgerows and a native planting belt is proposed around the boundaries of the site which would help to soften the impact of the development to a degree. It is however accepted that the planting is likely to take a number of years to establish, and meet its purpose. That said whilst it will not be possible to hide the arrays completely from view from neighbouring properties once constructed, the actual arrays themselves are not proposed to be positioned immediately adjacent to neighbouring properties so they are not considered to be overbearing in nature. The greatest impact from the position of the solar panels would be to the occupiers of Walnut Cottages. The layout of the solar panels does however show them to be positioned either side of the two properties and not directly within the line of site from first floor windows. Loss of a view is not a material planning consideration and therefore it is not considered that the solar farm would have a significant adverse impact on the occupiers of surrounding properties.

In terms of further concerns identified, whilst the DNO substation is proposed to be sited close to a residential property within a small compound, this is a relatively small building which would be sited on the other side of an existing access track. As such it is not considered this particular building would raise issues of an overbearing nature and noise from it would be controlled via condition as suggested by the Environmental Health Officer.

In relation to a suggested noise condition, the applicant's agent has expressed concern as to how they can comply with the wording of the condition which refers to a 'Noise Rating Curve', which they feel is less appropriate for use in an external setting and is more commonly used for internal spaces.

The applicant's noise consultants have suggested wording which includes the need to establish the existing background noise levels and so they put forward that this would be a more site specific noise assessment in that respect, and would require the development to fully consider the amenity of the nearest noise sensitive receptors, and ensure that the proposals have no harmful impact. The environmental health officer has advised that the condition is acceptable.

Two further elements for potential impact to third parties have also been raised; impact of flood lighting and CCTV towers. No flood lighting is proposed once the array is up and running, lighting confined to the periods of construction and decommissioning and these elements would be controlled by condition in the event of approval. Whilst CCTV is proposed along the boundaries of the arrays for security purposes once the site is up and running the applicant has suggested that this would not require any lighting. The field of vision from the CCTV cameras could be controlled via a condition in the event of approval. There would be sufficient control over the number and position of the CCTV cameras and their field of vision to ensure that levels of privacy are maintained.

Affect to Businesses:

It is claimed that some users of B&B and tourism accommodation may be hesitant to visit the area but it is considered this would be difficult to quantify or qualify. This may be more apparent during a construction phase, and have a lesser effect once any solar arrays have been in place for a number of years restricting views from these local businesses to the site. It would therefore be difficult to justify a refusal of planning permission on this ground.

Impact on Heritage Assets:

The impact of the development upon the setting of heritage assets was carefully considered during the consideration of the previous application and this did not form a reason for refusal. There are 3 listed buildings around the site at varying distances; Old Kiddicott to the north west of the site, Greendale House to the east, and Kenniford Farm to the south west; distances from the actual proposed position of the perimeter fencing to these buildings vary between 100m, 260m and 350m respectively.

Between Kiddicott House and the perimeter of the site there are intervening buildings, part of an agricultural field; Kenniford Farm is located on the other side of an agricultural field located to the south of Oil Mill Lane; the nearest part of the proposal site is separated from Greendale House by intervening fields.

Whilst concerns have been raised by the Council for Protection of Rural England in regard to harm to the setting of these listed buildings as well as by objectors to the proposals the Conservation Officer has advised that whilst there would be some

views of the site from the immediate setting of these listed buildings it is considered doubtful that a refusal based upon harm to the setting of listed buildings would stand up at appeal. The harm has been identified as less than substantial.

The site would be more apparent from Kenniford Farm given the views across agricultural fields, but less so from Greendale House given its own grounds, and hedges and trees on its boundary providing an element of screening, but acknowledging that views would be enhanced during the winter months with less leaf cover. The Conservation Officer concurs with the conclusions of the heritage assessment, which identifies that the significance of the setting of each of the buildings is mainly derived from their architecture and a smaller contribution from their rural setting.

Whilst a Statement of Significance has latterly been submitted on behalf of the owner of Greendale House, which concludes that the more formal Regency gardens surrounding the immediate house are of most significance with the planned and informal views from the house and gardens are of lesser significance, the Conservation Officers view is still that the proposal would not have a significantly harmful impact upon the significance of the heritage asset to warrant an objection to the proposals. In addition, as the extent of land being covered in the solar array is significantly reduced, and notably away from the more immediate setting of Greendale House to the east, the Conservation Officer has advised no objection to the revised proposals.

English Heritage have also provided an assessment as to the likely impact of the development on Winslade Park which houses a grade II* listed property just over 1km from the site. English Heritage have advised that due to the position of the solar farm, they consider that the surrounding intervening topography, vegetation and structures, are likely to limit the majority of harm that may be caused on the wider highly graded heritage asset.

Winslade Park, due to its close proximity has the potential for some inter-visibility between the house and the arrays. However, the main house and the 1970's modern additions by Powell Moya and partners, is set within substantial tree planting within its parkland as well as there being a number of modern structures that have developed between the proposed site and the main house. They have also referred to the current application for further development at Winslade Park; which is likely to offer further screening between the two elements if approved. Therefore, they conclude that they do not consider that the proposed array will have a significant impact on the setting of the grade II* listed house.

In summary there is no objection raised in terms of impact to heritage assets.

Arboricultural Impact:

There are no trees within the field for the array, hedges and trees being along the boundaries of the site. For a considerable part of the site the perimeter fencing outside which there would be no development other than the cable connections, is set away from the field boundaries. There are no proposals to fell trees as part of the proposals.

The proposed fencing around the site would act as security for the site but also as protection for the hedges and trees around the site and therefore it is proposed that this would be erected prior to construction. This is considered important, as, as acknowledged elsewhere in the report the natural screening around the site provides a significant contribution to reducing the visual impacts of the proposal.

In terms of the position of the arrays this is set away from the south and south east boundary of the main field where there are the majority of the A and B category trees.

The conclusions of the Arboricultural Impact Assessment could be brought forward by general as well as specific conditions for management, monitoring and reporting during any phase of construction by a suitably qualified person attached to grant of permission, all other aspects being acceptable.

Highway Safety:

The application was previously carefully considered in terms of the suitability of the access and the local highway network; highway safety did not form a reason for refusal.

The County Highway Authority has been in consultation with the applicant's Transport Consultant and on the advice of the CHA the access point on Oil Mill Lane has been located away from the road junction and now provides suitable visibilities in both directions. The application also includes vehicle swept path analysis to show that HGV's can enter and leave the proposed access successfully. During the construction period, approximately three months, it is expected that there will be an average of 4 two way large delivery vehicle movements per day for which the route to site has been agreed to minimise traffic movements on unclassified roads. Construction workers will maximise at about fifty in number and these will be bussed to the site where possible. The proposed access track construction is acceptable to the CHA and wheel washing facilities will be provided along with an access banksman to aid safe access and egress to the site for traffic for all vehicles.

Before any construction the state of the existing highway will be assessed to agree its base-line condition. This process will be repeated at the end of construction and any remedial works required that is attributed to construction traffic will be made good by the developer.

The proposed access is considered to offer good visibility in both directions and would be adequate for the amount of traffic attracted to the development. During the construction phase an existing double gate access would be widened in the southern part of the larger field to the west of Walnut Cottages by removing a section of hedge by a further 4m in length to enable vehicles to turn off the road. A banksman is proposed at this point to assist HGVs.

The CHA have raised no objections to the proposal and recommend a condition requiring the development to be carried out in accordance with the Construction

Traffic Management Plan which covers information pertaining to the site access and visibility splays, routing during construction and vehicle trip generation.

The Construction Traffic Management Plan details how the site is proposed to be accessed along Oil Mill Lane from the A3052 by 15.4m long HGVs with the panels in containers. Construction is likely to take between 4 and 6 months when up to 50 workers may be present at peak times; parking will be available within the compound as opposed to on the local highway network. The document suggests that non local workers may be accommodated locally and driven to the site via mini-bus although no firm figures have been put forward for this.

Once operational the site is not likely to be visited more than once a month and then by light car or 4 x 4 although this assessment doesn't appear to include vehicles required for on-going landscaping, planting, maintenance, and monitoring of the landscaping and ecological aspects.

Flooding and Surface Water Mitigation:

The impact of the development in terms of flooding and flood risk was carefully considered in the previous application; this did not form a reason for refusal.

The parts of the site in which the solar panels are to be positioned are designated as Flood Zone 1- area least at risk to flooding. However as the site area exceeds 1.0 ha, in accordance with government policy, the application is accompanied by a Flood Risk Assessment.

The FRA has been considered by the Environment Agency who have raised no objections to the development and the flood risk aspect. The FRA acknowledges that the Grindle Brook to the north east of the site has its own flood plain and the boundaries of the flood zone are well outside of the areas in which the panels would be sited.

Whilst the arrays would be sited in Flood Zone 1 it is accepted practice that there may be some change to the drainage of the overall field from rain falling off the arrays themselves. Drainage from the fields has been raised as a concern by objectors. Therefore the applicant has proposed using swales along the northern boundaries of the arrays to collect surface water so that it can be managed and drained appropriately to existing watercourses leading to the Grindle Brook. In addition, a storage and infiltration swale is proposed along the eastern boundary. The swales are intended to be kept clear, tracks across the site constructed of permeable material, and French drains constructed around the substations. The recommendations and conclusions of the Flood Risk Assessment are considered to be acceptable to the Environment Agency and a condition is therefore recommended to ensure that the development is carried out in accordance with these details.

In summary there is no objection to the proposal from a Flood Risk Assessment aspect.

Ecological Impact:

The application has previously been assessed in terms of its likely ecological impact; this did not form a reason for refusal.

The documents submitted with the application include an ecological survey based on a desk survey as well as surveys carried out on site. The report identifies the presence of protected species such as Badgers, bats, otters, amphibians within the general area of the proposal. However no badger setts were identified within the site or immediately adjacent to the site, but there was evidence found of foraging. In terms of bats some of the trees around the site have potential to act as roosts for bats, and the hedges and trees adjacent to the site are likely to provide habitat links to wider areas. The hedges would provide foraging and nesting habitats for dormice. It was unlikely that otters would be present given the lack of habitat within the site and the absence of watercourses. The report also identifies that there may be a small risk of amphibians using the fields dispersing from nearby ponds but the risk was considered to be low. Grass margins may provide habitats for reptiles, and hedges foraging and nesting habitats for birds.

The report assumes no artificial lighting during construction or operation of the arrays would be required, and buildings sited sensitively in regard to ponds and ditches. The report goes on to recommend the planting of field margins and sensitive management of hedges as well as a number of other mitigation aspects particular to each species which should be set out in a Landscape and Ecological Management Plan. The applicant has submitted such a plan which is discussed in the section of this report covering the landscape.

Natural England has not raised any objection to the proposals as they consider it is unlikely to affect statutory protected sites or landscapes. For information the Exe Estuary European Site is located approximately 2.4km to the south west but there are no other non statutory designated sites within 1km of the site.

It is considered the proposals are unlikely to give rise to significant harm to flora and fauna in and around the site provided any development is brought forward in accordance with the recommendations of the Ecology Survey, in conjunction with the recommendations of the Landscape and Ecological Management Plan. This could be brought forward by conditions on any approval all other matters being found acceptable.

In summary there is no objection from an ecology consideration of the proposals.

Landscape and Ecological Management:

In addition to the ecological survey, the application is accompanied by a Landscape and Ecological Management Plan (LEMP) which sets out a series of ecological and biodiversity enhancements for the site and a strategy for the first 10 years of operation of the solar farm. The construction phase objectives of the LEMP are to:

- Protect retained habitats surrounding the site from damage and disturbance during construction.

- Ensure protected and notable species are adequately protected during construction.
- To create new habitats through planning of appropriate species by:
 - I. During the operation of the array, the habitat surrounding and beneath the panels will be managed to facilitate the establishment of a diverse grassland. The surrounding habitat features will be simultaneously enriched to provide a suitable habitat for a variety of wildlife species.
 - II. A diverse seed mixture will be sown within the solar park after the completion of construction. The seed mix will reflect the species typically found in Devonshire meadow and will be locally sourced where possible.
 - III. Species poor hedgerows will be infilled using a variety of native species in order to increase their diversity. These species will reflect those found in the wider landscape. Species rich hedgerows are a Devon BAP priority habitat.
 - IV. Bird boxes will be installed within the site, including a barn owl box (a Devon BAP priority species). The establishment of a diverse rough grassland within the site will provide suitable hunting habitat for this species.
 - V. Dormouse dreys will be installed within the hedgerow network, providing nesting sites for this Devon BAP priority species.
 - VI. Two reptile hibernacula will be created within the site which will benefit a variety of taxa including reptiles, amphibians, invertebrates and small mammals.

The operational phase of objectives would seek to:

- Manage grassland to ensure the development of a diverse grassland habitat.
- Manage grassland outside the array as a habitat for a range of species.
- To manage hedgerows at a height of 3- 4.5 metres to provide habitat for a range of species.
- To monitor the site and assess the success of management

The Landscape and Ecological Management Plan would clearly provide biodiversity and ecological benefits to the site and surrounding area. A condition is recommended to ensure that the development is carried out in accordance with these details.

Archaeological Impact:

The archaeological impact of the development was considered as part of the assessment of the previous application; this did not form a reason for refusal.

The County Archaeologist has advised that archaeological investigations undertaken in support of the earlier application revealed evidence of Roman and possibly

prehistoric activity within the development site. The proposed layout of the photovoltaic arrays and associated infrastructure for the current application lies outside the areas where archaeological deposits were identified by the previously undertaken geophysical survey and field evaluation. As such, the archaeological impact of the current application is considered to be minimal and no archaeological mitigation is therefore required in this instance.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The planning permission hereby granted is for a period of 25 years from the date of commencement of the development hereby permitted after which time it shall be removed in its entirety and the site returned to its former condition. Written notification of the date of commencement of development shall be given to the Local Planning Authority no later than 14 days after the event and all solar panels and all ancillary equipment shall be removed in accordance with a Decommissioning Method Statement, which shall include a timetable for the work, that shall have been submitted to and approved in writing by the Local Planning Authority not less than 12 months before the expiry of the 25 year period of planning permission.
(Reason: To ensure the achievement of satisfactory site restoration in accordance with Policies S5 (Countryside Protection) and C6 (Renewable Energy) of the East Devon Local Plan).
4. If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme of restoration shall be submitted to the Local Planning Authority for its written approval for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the Local Planning Authority.
(Reason: To ensure the achievement of satisfactory site restoration in accordance with Policies S5 (Countryside Protection) and C6 (Renewable Energy) of the East Devon Local Plan).

5. Notwithstanding the submitted details and prior to installation on site, all of the buildings hereby approved on site shall have been coloured a dark green to be agreed in writing by the Local Planning Authority. The buildings shall thereafter be maintained in this colour in perpetuity.
(Reason: In the interests of the visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

6. The development hereby permitted shall be carried out in accordance with the Construction Traffic Management Plan REV B prepared by Transport Planning Associates dated November 2014 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt this includes works to widen the site access and provision of the visibility splays in accordance with the details shown on drawing no 2.2 REV A which shall be carried out prior to the commencement of the remainder of the development.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

7. Prior to the commencement of development, a Construction Environmental Management Plan ("CEMP") shall be submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall be carried out in accordance with the approved CEMP. The CEMP shall include:
 - a) Details of the temporary site compound including temporary structures/buildings, fencing and storage provision to be used in connection with the construction of the development;
 - b) Dust management
 - c) Pollution control measures in respect of:
 - Water courses and ground water
 - Bunding and storage areas
 - Foul sewerage
 - Construction noise mitigation measures
 - d) Temporary site illumination during the construction period;
 - e) Details of surface treatments and the construction of any hard surfaces and tracks;
 - f) Details of emergency procedures and pollution response plans;
 - g) Details of measures to be taken during the construction period to protect wildlife and habitats including nesting birds;
 - h) Details of how any construction compound and associated construction works will be reinstated to agricultural land, including a timetable for completion of the post construction restoration and reinstatement works.

Development and decommissioning shall be undertaken in accordance with the approved CEMP Subject to the following restrictions;

 - I. There shall be no burning of any kind on site during construction, demolition or site preparation works.
 - II. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
 - III. Dust suppression measures shall be employed as required during construction.

(Reason: To protect the character and appearance of the area, and local amenity in accordance with Policy D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan).

8. Prior to commencement of any works on site, tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

9. The development hereby approved shall be carried out in accordance with the landscaping scheme shown on drawing no BRS.4846_06-H. The landscaping scheme shall be carried out and maintained in accordance with the details and objectives contained within the Landscape and Ecological Management Plan (LEMP) prepared by MWA Ecological Consultants dated March 2015. The landscape planting shall be carried out in the first full planting season after commencement of development and shall be maintained in accordance with the details agreed in the LEMP. Any trees or other plants forming part of the mitigation proposals 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. Thereafter the hedgerows within and bordering the site shall be maintained at the heights set out in section PR11 (Hedgerow and Tree Management) of the LEMP.

(Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities in accordance with National Planning Policy Framework and Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.

(Reason: To ensure ancillary development is not harmful to the rural character of the area and in accordance with policies S5 (Countryside Protection) and of the East Devon Local Plan).

11. Notwithstanding the submitted details and prior to the their installation on site, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.

(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

12. No external artificial lighting or other security measures other than those agreed as part of this application shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the Local Planning Authority.

(Reason - To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with Policies S5 (Countryside Protection), EN6 (Wildlife Habitats and Features) and EN15 (Control of Pollution) of the East Devon Local Plan 1995-2011.)

13. The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment (both during and post construction) prepared by Clive Onions Consulting Civil Engineers dated 17th November 2014 unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To avoid pollution of the environment and/or flooding in accordance with the provisions of the National Planning Policy Framework).

14. The development hereby approved shall be carried out in full accordance with the mitigation measures and ecological enhancements (both during and post construction) contained within the Ecological Survey prepared by Michael Woods Associates dated November 2014 and the construction phase and operational phase prescriptions contained within the MWA Landscape and Ecological Management Plan (LEMP) prepared by MWA dated March 2015.

(Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities in accordance with National Planning Policy Framework and Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).

15. No development shall take place until an assessment of the Rating Sound Level of the noise emanating from the approved scheme has been submitted to the Local Planning Authority. The Rating Sound Level shall be no more than the measured Background Sound Level at any time at the curtilage of any noise sensitive premises lawfully existing at the time of consent. The Rating Sound Level and the Background Sound Level (LA90) shall be determined in accordance with the guidance and methodology set out in BS4142:2014.
16. The land around and beneath the installed equipment shall at all times be made available for agricultural purposes.
(Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Policy S5 (Countryside Protection) of the Adopted East Devon Local Plan 1995-2011.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

Plans relating to this application:

L/SCAPE & ECOLOGICAL MANAGE PLAN	General Correspondence	10.03.15
V5 17.11.14	Flood Risk Assessment	15.12.14
BRS.4846_03J	Location Plan	15.12.14
1401-101 REV A	Other Plans	15.12.14
	Ecological Assessment	15.12.14
MANAGEMENT PLAN	Traffic Assessment	15.12.14
1009-(1)-29-01-A	Other Plans	15.12.14
1005-(1)-29-01-A	Other Plans	15.12.14

6:0	Other Plans	15.12.14
7:0	Sections	15.12.14
J2806-250	Other Plans	15.12.14
5:0	Proposed Elevation	15.12.14
8.0	Other Plans	21.01.15
1.0	Proposed Site Plan	04.03.15
BRS.4846_06-H	Landscaping	13.11.14

List of Background Papers

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

Ward Coly Valley

Reference 14/2591/FUL

Applicant Mr J Franks (Abbeywood House Developments Ltd)

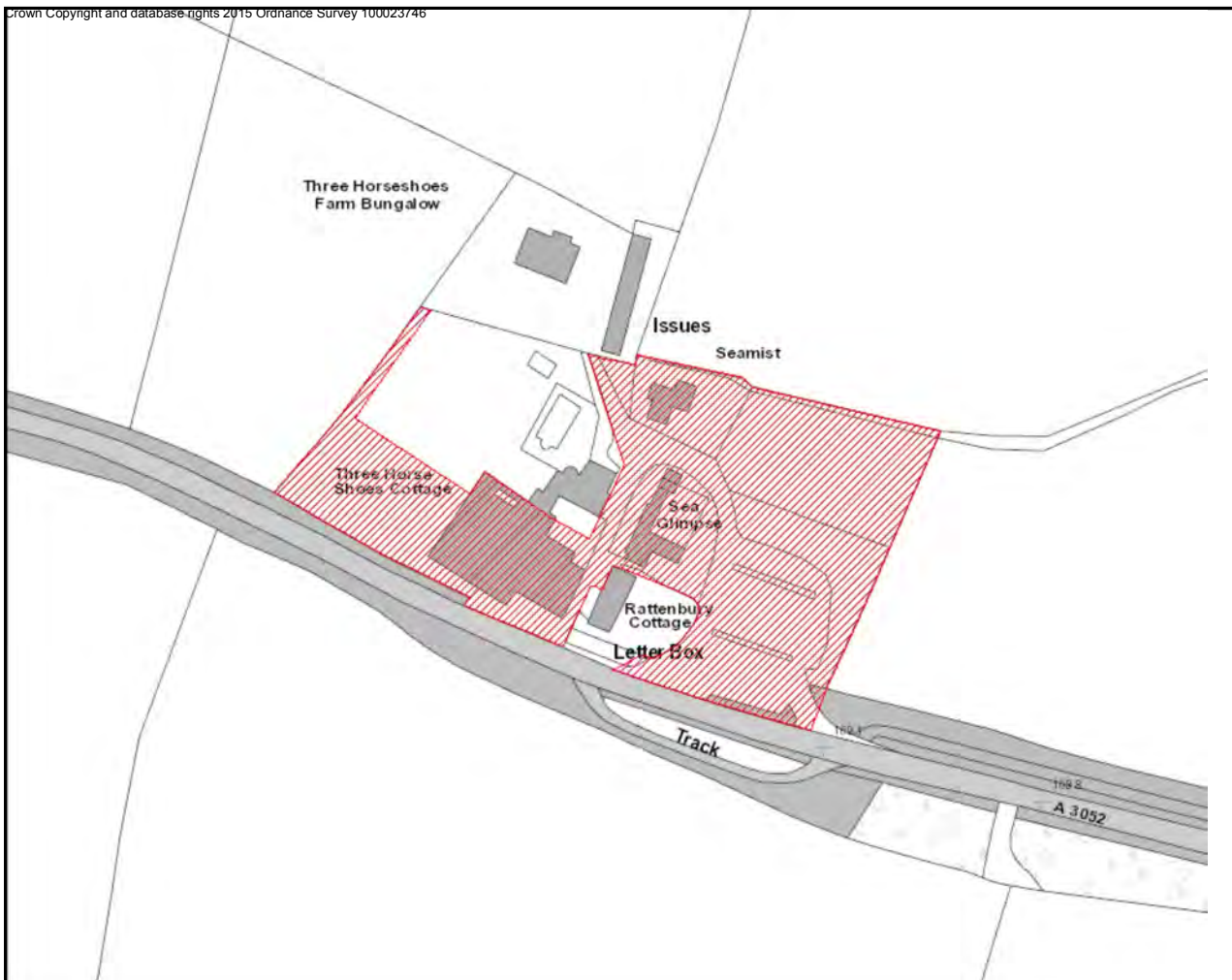
Location Three Horse Shoes Inn Branscombe

Proposal Proposed demolition of existing derelict public house and construction of 4 no. new residential dwellings, demolition and replacement of 2 no. existing dwellings, construction of 2 no. new detached dwellings and all associated works



RECOMMENDATION: Refusal

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		Committee Date: 31.03.2015
Coly Valley (SOUTHLEIGH)	14/2591/FUL	Target Date: 03.02.2015
Applicant:	Mr J Franks (Abbeywood House Developments Ltd)	
Location:	Three Horse Shoes Inn Branscombe	
Proposal:	Proposed demolition of existing derelict public house and construction of 4 no. new residential dwellings, demolition and replacement of 2 no. existing dwellings, construction of 2 no. new detached dwellings and all associated works	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The planning application is referred to Members of the Development Management Committee as the view of the Ward Member conflicts with the officer recommendation.

The proposal seeks the redevelopment of the Three Horse Shoes Inn, a disused public house, which is situated off the A3052 and within the East Devon Area of Outstanding Natural Beauty (AONB). This would involve the creation of 4 new residential properties and the demolition and replacement of 2 existing dwellings.

The existing site is within a state of disrepair and features several other dwelling which would be demolished and replaced. Due to the remote location of the site the numbers of dwelling within an inherently unsustainable location cannot be justified. Whilst a reduced number of dwellings would bring about planning benefit by replacing dilapidated buildings on site, the quantum of development proposed goes beyond this. There are also objections raised with regard to the potential harm on an ancient scheduled monument and site of potential archaeological importance which runs underneath the public house, which has not been accounted for within the planning application. Whilst there are benefits to the scheme such as visually improving the site and modest contribution to 5 year housing supply the dis-benefits of the scheme are considered to outweigh these aspects within the planning balance. Therefore a recommendation of refusal is made.

CONSULTATIONS

Local Consultations

Coly Valley - Cllr G Godbeer

Support. My comments are that although this is in an AONB that in itself does not preclude a sympathetic, well designed, appropriate development. The site itself has been an eyesore in a very prominent position for many years and has been under threat of enforcement to demolish. The tree screening on site should be kept. There is a natural boundary to discourage any further building. The other properties on that area would together present a small community. The issue of 'sustainability' will be used by some to deny the Parish of a much needed improvement. If the Officer is minded to recommend refusal, I would wish this application be referred to the Committee.

Parish Council – Not commented to date.

Technical Consultations

English Heritage

Summary - (the full comments of English Heritage can be found on the following link - <http://planning.eastdevon.gov.uk/online-applications/applicationDetails.do?activeTab=consulteeComments&keyVal=NE5EBFGH02300>)

In our view the present proposal would have a harmful impact on the scheduled monument and on the heritage assets represented by the earlier sections of the former inn, and on the historic character of the area which contributes to the special qualities of the AONB.

The application fails to satisfy several NPPF policies. It does not provide sufficient information on the potential impact of the proposal on affected heritage assets (contrary to NPPF para 128), and it has not demonstrated that the proposed development can be achieved without unacceptable harm to designated or undesignated heritage assets or to the special qualities of the AONB, or that any such harm would be outweighed by other public benefits (contrary to NPPF paras 132-5). The application is also not in accordance with NPPF 131 and 137, relating to local character and distinctiveness, and to preserving and enhancing the settings and significance of heritage assets. In its present form the application is also contrary to policies in NPPF paras 7, 8, 9, and 17 concerning the overarching objectives for conservation and sustainable development.

English Heritage objects to the application and recommends that the application be withdrawn or refused on the grounds that it is contrary to national and local planning policy. The proposal needs to be comprehensively re-addressed to take account of heritage issues. In view of the amount of work required to achieve an acceptable amended development scheme here (including an options appraisal and heritage impact assessments), we advise that the most appropriate course with regard to the

current application is for it to be withdrawn or refused. We do not feel that deferral would be appropriate in this case.

English Heritage Advice

The proposed development lies in an area of known high archaeological potential and affects the site and setting of the Scheduled Monument known as 'Cross ridge dyke extending north and south of the Three Horse Shoes inn' (National Heritage List no. 1017771). Scheduled monuments are heritage assets designated at the highest level of national significance under the Ancient Monuments and Archaeological Areas Act 1979 (as amended).

The monument consists of the below-ground remains of a prehistoric cross-ridge dyke that runs north-south across the ridge between flanking valleys to the north of Branscombe village. Dating to the Middle Bronze Age - Iron Age period, it is likely to have served as a territorial boundary. It was originally in the form of a prominent earthwork consisting of a bank with a V-shaped ditch over 5 metres wide on its east side, and its line is traceable to the north and south of the former inn, and underlies the former inn and neighbouring buildings to its north. The earthworks have been reduced by cultivation and the colonisation of the roadside area for the inn and associated development. Nevertheless, archaeological deposits containing evidence of previous land use and settlement of the area will survive within and below the later development. The remains of the Three Horse Shoes cross dyke are a regionally and nationally rare surviving example of a major prehistoric land boundary feature. In view of the rarity of well-preserved sites of this kind, and their considerable importance for understanding prehistoric land-use, settlement and society, all well-preserved examples are considered to be of national importance and are statutorily designated as scheduled monuments.

With regard to undesignated heritage assets, the Devon Historic Environment Record records findspots of flint tools in the surrounding area that also indicate prehistoric activity in and around the proposed development site. Any archaeological sites associated with the cross-dyke would be especially important, and potentially of equivalent significance to a scheduled monument (ref NPPF para 139).

The most significant undesignated heritage assets on the application site are the historic sections of the former inn complex. The Three Horseshoes Inn was built in the 1830s as a roadside inn to serve the main road, and forms a central landmark on the prominent ridgeway section of the main Lyme Regis - Sidmouth road north of Branscombe. The inn was extended in the 20th century, with a recreation room, accommodation and service buildings, tennis court etc. The earliest late Georgian and Victorian sections are recognisable from their proportions and fenestration. To the rear of the complex is an architecturally distinguished late 19th-early 20th century house in the Arts and Crafts style, with a steeply-pitched slate roof, dormer windows and a rounded stair turret. Until c1900 the inn was the only building on this hill, apart from a nearby smithy. However, there is evidence that a medieval chapel once stood on the south side of the road, opposite the inn.

The impact of the proposed development on the scheduled monument would take two forms: firstly, physical impact on archaeological features and buried remains, and secondly, impact on the setting of the monument.

Despite the lack of information on heritage issues in the application, it is clear from the details of the proposed scheme that the development would potentially have a significant and harmful impact on the designated heritage asset of the Scheduled Monument and heritage assets represented by the earlier sections of the inn. The proposed development will involve the demolition of the historic inn and associated buildings, including those sections of most heritage interest: the earlier section(s) of the inn itself and the later Arts and Crafts style house to its rear. Any demolition and groundworks for the construction of the proposed dwellings (e.g. for wall foundations, floors, service trenches, garden boundaries, hard surfaces etc.), and associated infrastructure, has the potential for encountering, removing and destroying buried archaeological remains, and will potentially have a significant and harmful impact on the scheduled cross dyke and on any other associated archaeological remains here.

With regard to setting, the setting of a heritage asset is defined as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.' NPPF (Annex 2), Planning Practice Guide para. 113; English Heritage: The Setting of Heritage Assets, section 2.1). The setting of the cross dyke monument here has already been affected by the reduction of the monument by cultivation, and by building development around the former inn. However, the monument has a landscape presence and a visible setting, and the need to maintain and enhance this setting is an important consideration for any development proposal here.

The application makes no reference to heritage issues, to the scheduled monument or to the historic interest of the site or its buildings. It fails to provide information or assessment of the heritage assets here or of the potential impact of the development on them, as required by NPPF para 128. It is especially worrying that, despite having had pre-application consultations with the local authority, the applicants make no reference to the key fact that the core of the application site is part of a statutorily designated heritage asset. Nor is there any mention of the heritage interest of the former inn buildings. The development proposals themselves take no account of heritage considerations, nor of landscape considerations in relation to local landscape character or the AONB.

For developments affecting significant heritage assets, both designated and undesignated, applications should (in line with NPPF 128) be accompanied by sufficient information to enable a proper assessment to be made of the impact of the proposals on the affected assets and the potential for mitigation. Such mitigation might include alterations to the scheme to ensure physical preservation of archaeological and historic remains and their settings, and/or investigation and recording of archaeological remains and historic buildings. The application has not provided sufficient information with the application (in line with NPPF para 128) on the significance of the affected heritage assets or the impacts of the proposals on them, and has not provided any information or proposals for strategies to mitigate adverse impacts on the heritage assets or their settings. Without this information, it is

not possible for the council to make a properly informed determination of the current application, or informed decisions on the principle or detail of the kind of development proposed here.

Scheduled Monument Consent issues

The presence of the Scheduled Monument means that any works which affect the monument (whether on the monument or nearby) require prior Scheduled Monument Consent (SMC) from the Secretary of State for Culture Media and Sport (for whom EH advises and administers consent). This is in addition to planning permission. In cases like this, where development requires both planning consent and SMC, it is always advisable for SMC and heritage issues to be resolved prior to submission of the application, and before determination of the planning application.

As a result of these fundamental oversights, the application is inadequate in several important and fundamental respects, and fails to meet the requirement of several key national planning policies.

Devon County Archaeologist

The proposed development lies in an area of known high archaeological potential and overlies a nationally important prehistoric archaeological site protected as a Scheduled Monument (ref: 1017771) - see attached plans. The Scheduled Monument consists of the below-ground remains of a prehistoric cross-ridge dyke that runs under the inn itself. (Excluded from the scheduling are The Three Horse Shoes Inn, all outbuildings and garages, all paved and made up surfaces including the surface of the A3052, all fencing, gates, and gate posts, although the ground beneath all of these features is included.) The Historic Environment Record also records findspots of flint tools in the surrounding area that also indicate prehistoric activity in and around the proposed development site. The information submitted in support of this planning application does not contain any information on the impact of the proposed development upon the Scheduled Monument or upon any associated heritage assets - including the early 19th century inn itself. The proposed development will involve the demolition of the historic inn, and groundworks for the construction of the eight dwelling and its infrastructure will have an impact upon the designated heritage asset that is the cross-ridge dyke as well as any associated archaeological and artefactual deposits that will be present on the site.

The cross-ridge dyke is subject to protection as a Scheduled Monument is legally protected against disturbance or unlicensed metal detecting - it is a criminal offence to disturb a scheduled monument by carrying out works without consent. Any development affecting the monument can only be undertaken with Scheduled Monument Consent granted by the Secretary of State for Culture, Media and Sport - the decision would be based on advice from English Heritage.

In the first instance I would therefore advise that English Heritage was consulted with regard to any comments they will have on the scheme and whether Scheduled Monument Consent would be granted for such a development.

The following comments are made without prejudice to any comments made by English Heritage.

In the absence of any information on the impact of the proposed development upon nationally important heritage assets I do not regard the information submitted in support of this planning application to be sufficient to enable an informed or reasonable planning decision to be made.

Given the high potential for survival and significance of below ground archaeological deposits associated with nationally important prehistoric archaeological remains and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If detailed information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with East Devon Local Plan Policy EN8 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be:

1. An archaeological desk-based assessment of the proposed development site;
2. A programme of intrusive archaeological investigation to determine the nature, extent and survival of any below-ground heritage assets - Scheduled Monument Consent would need to be granted for any works on or near the Scheduled Monument;
3. An assessment of the historic building fabric of the 19th century Three Horse Shoes Inn;
4. Information on the level of ground disturbance associated with the proposed demolition and construction works.

The results of the above tasks would enable the impact of the proposed development to be understood, through the production of a deposit model of the site, and enable the appropriate mitigation, if consent is granted - either by design to allow preservation in situ or through the implementation of a programme of further archaeological work to investigate and record any archaeological deposits prior to their destruction by the development - to be understood and implemented.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required. (My ref: Arch/DM/ED/22742a)

County Highway Authority

The proposed development to replace the derelict public house with 4 no. new replacement residential dwellings and the demolition and replacement of 2 no. existing dwellings and the construction of 2 no. entirely new dwellings would bring the total number of residential dwellings for this location up to 11, including; Rattenbury Cottage, Three Horseshoes Cottage and Three Horseshoe Farm

Bungalow. Whilst it is agreed that the previous public house would have, or could have, attracted significant traffic to this location.

It should also be recognised that it is likely that patterns of trips to a public house's differ to those of vehicles attracted to purely residential units. Residential units will tend to have a greater impact on the peak hours traffic flows than a public house. This is especially true in the AM peak (07:30-09:30) and less so in the evening peak (15:30-18:30). Also the site as a destination for residence only, alters slightly, this is because it is assumed that there is a certain amount of traffic already on the road that would be attracted to a public houses ad hoc, which is unlikely to be the case for vehicles making for residential destinations. This being said, the location for purely residential occupation could not be considered as particularly sustainable in terms of it's lack of access to more sustainable modes of transport i.e. walking and cycling. Even if a new (or replacement) bus stop is proposed as part of the development.

The application's Design & Access Statement claims that the "visibility in both directions is considered to be acceptable by Devon County Council Engineers". I personally have not stated this, nor can I find any evidence that DCC has ever given this assurance to the applicant or to the LPA. The A3052, at the point of access is subject to the national speed limit of 60 mph. This speed limit, according to contemporary national guidance 'Manual for Streets 1 & 2', requires visibility splays of at least 2.4m by 215m in both directions. Whilst I am confident that this can probably be achieved in the easterly direction (trailing traffic direction), the existing white wall in the westerly direction (Existing low wall retained, on plan) obscures this sight line, and even then gives something in the order of 2.4m by only 94m, which is not sufficient in the leading traffic direction. It would; however be unrealistic to require vastly improved visibility sight lines from those which the public house had, but even so, I think that the maximum available should be offered with this application.

The proposed bus stop, whether this is a re-instatement of a previous bus stop or not, is proposed on private land and there is no guarantee that any public transport company will use a bus stop that is not on or part of the adopted highway. Therefore the validity of such a proposed bus stop cannot be confirmed and should not be counted as mitigating the non-sustainability of the location.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. The proposed development would be likely to result in an increase in the volume and a change in the character of traffic entering and leaving the Class A County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

2. The location of the proposed development is likely to create the need for additional travel by private vehicles due to its location and the lack of suitable access

to alternative means of travel contrary to paragraph 14, 29, 32 and 34 of the National Planning Policy Framework.

Housing Strategy Officer Paul Lowe

The planning application makes no allowance for the provision of affordable housing which is disappointing.

The site is located within a designated rural area as described under section 157(1) of the Housing Act 1985.

The design and access statement states that there is a net addition of 5 residential dwellings on the site. This is based upon the assumption that the derelict public house can be counted as a dwelling. If this is the case then under recent revisions to planning obligations effective from 1st December 2014 an affordable housing provision would not be sought.

If, on the other hand, the public house is not counted as a dwelling the net addition is 6 dwellings. Under the recent revisions to planning obligations, in designated rural areas and with developments of 6-10 units, an affordable housing contribution in the form of a commuted cash payment in lieu of on-site provision will be sought. We would therefore seek a commuted sum (to be agreed). This sum would be calculated based upon 40% (2.4 dwellings) as affordable housing.

Devon County Council Education Dept

I write to inform you that a contribution towards school transport via a Section 106 agreement is sought.

There is currently capacity at the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development. We will however require a contribution towards primary and secondary school transport costs due to the development site being further than 1.5 miles from Branscombe Primary School and 2.25 miles from Axe Valley Community College. The costs required are as follows: -

Primary Education -

2.00 secondary pupils

£40.00 per day x 190 academic days x 7 years = £53,200

Secondary Education -

1.00 secondary pupils

£2.89 per day x 190 academic days x 5 years = £2,745

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Other Representations

To date 14 letters of support have been received;

- Support the application in its entirety
- Have been assured that street lighting would be kept to minimum.

PLANNING HISTORY

Reference	Description	Decision	Date
05/0367	Four affordable houses and four additional garages plus five dwellings to be sold on the open market	Refused	06.04.2005
00/P1864	Redevelopment Of Premises From Inn To 6 Dwelling Units & Extension Of Dwelling	Approved	26.04.2001

POLICIES

New East Devon Local Plan Policies

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

Strategy 7 (Development in the Countryside)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

TA9 (Parking Provision in New Development)

TA7 (Adequacy of Road Network and Site Access)

EN6 (Wildlife Habitats and Features)

S5 (Countryside Protection)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN7 (Nationally and Locally Important Archaeological Sites)

H4 (Affordable Housing)

EN1 (Development Affecting Areas of Outstanding Natural Beauty)

TA1 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Site Location and Description

The site known as the former Three Horse Shoes Inn is positioned within the open countryside and within the East Devon Area of Outstanding Natural Beauty (AONB). The public house has not been used for several years and is currently in a state of

disrepair which has in the past been subject of enforcement investigations due to the poor state of the site. In immediate proximity of the public house is a detached dwelling know as 'Rattenbury Cottage' and to the north west 'Three Horseshoes Farm Bungalow' (not within the applicants ownership). The other dwellings within the site (and proposed to be replaced) are known as 'Seamist' and 'Sea Glimpse'. There is also an area of hard standing to the east of the site access which has previously been used as a car park to serve the public house.

The public house was built in the 1830s as a roadside inn to serve the main road. This inn was extended in the 20th Century with a recreation room, accommodation and service building.

A cross ridge dyke (a designated scheduled ancient monument) extends north and south under the existing pub.

Proposed Development

The proposal seeks planning permission for the construction of 6 new residential dwellings and 2 replacement dwellings with associated works. The proposal includes the demolition of the Three Horse Shoes Inn and the replacement of two other dwellings within the site.

Plots 1 and 4 are on the site of former dwellings, with plots 2 and 3 situated on hardstanding areas and scrub land (but not in place of any substantial buildings). On the site of the former public house plots 5-8 are proposed to be located.

The site would be served via a single access point from the A3052. There is currently an existing access point onto this site which serves the existing dwellings.

ANALYSIS

The main issues concerning this proposal are;

- The principle of the development
- Affordable housing and education
- Impact on an Ancient Scheduled Monument and site of potential archaeological importance
- Whether the Three Horse Shoes Inn should be retained as a heritage asset
- Highway Safety
- Impact on the AONB
- Design and layout
- Impact on the adjacent properties
- Ecology

Addressing each issue in turn;

Principle of the development

The development plan for the District is the East Devon Local plan 1995-2011 including all the saved policies following the Secretary of State's Direction in 2009.

The site is located in the open countryside outside of any built up area boundary as defined within the Local Plan and is therefore identified as countryside for the purposes of Policy S5 of the Local Plan. This policy will only allow development in the countryside where it is in accordance with a specific Local 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, including:

1. Land form and patterns of development;
2. Important natural and man made features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings; and
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.

Within the housing section of the Local Plan there is not a policy that would explicitly permit housing on this site outside of the established built up area boundary. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a Departure by virtue of Regulation 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

However, The Council is now working on the production of a Draft Local Plan for East Devon for the period 2006 - 2026. The intention is that the draft Local Plan will build on and supersede work that has gone into the (past) LDF Core Strategy. In terms of the next stages, a Local Plan Inspector is currently conducting an examination into the proposed plan; the results of the examination will not be published for some time.

However, approving this application would not undermine the strategic intent of the new local plan, and in the absence of a five year land supply, as will be explained below, potential housing development sites are encouraged to be brought forward early in accordance with the National Planning Policy Framework and approved without delay providing there are no substantial adverse impacts from the proposed development that would outweigh the benefit of increased housing numbers.

The draft Local Plan is though still some way from adoption and the NPPF advises that decision- takers may give weight to relevant policies in the emerging plan according to:

1. The stage of preparation of the emerging Plan (the more advanced the preparation, the greater the weight that may be given);
2. The extent to which there are unresolved objections to relevant policies (for less significant and unresolved objections, the greater the weight that may be given); and
3. The degree of consistency with the relevant policies in the emerging Plan to the policies in this framework (the closer the policies in the emerging Plan to the policies in the framework, the greater the weight that can be given).

The NPPF advises Local Authorities to revise their Plans to take into account the policies within the framework policies can only apply to decision taking if they accord with the framework.

The NPPF advises that the "golden thread" running through Planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the Development Plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate that development should be restricted.

The NPPF also requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

The five year land supply of the Council has through Inspector's decisions and the Council's own review been found to be short. The most recent figures as reported to Audit and Governance Committee in June 2014 are in the region of 3.51 to 3.83 years based on the Sedgefield approach whereby past under supply is accounted for in the next 5 years. The Sedgefield approach to calculating 5 year land supply figures has gained most support when considered by planning inspectors and thus should now be used, however the council has historically used the Liverpool approach whereby past under supply is accounted for across the entire plan period. Under this methodology the figure would now be 6.02 years, however this is not considered to be a defensible figure as the Liverpool approach is no longer widely supported. Taking into account the need to effectively be able to demonstrate a 6 year supply (5 years + 20% due to historical under delivery) under the Sedgefield approach there remains a shortfall throughout the district.

The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

The NPPF also advises that housing applications should also be considered in the context of the presumption in favour of sustainable development. To a certain extent this means approving development without delay if relevant policies are out of date (see comments in the above para. relating to five year land supply), unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF.

Paragraph 14 of the NPPF sets out how this presumption is to be applied by decision takers by proscribing a set approach explaining how this presumption is to be operated. In such circumstances where the relevant policies are silent, absent, or out

of date (as is the case) the decision maker is enjoined to grant planning permission unless the any adverse effects would significantly and demonstrably outweigh the benefits when assessed the framework policies as a whole; or specific policies of the framework indicate that development should be restricted (under footnote 9). In this instance the presumption in favour of sustainable development should be applied.

NPPF paragraph 30 states that encouragement should be given to solutions which support reductions in green house gas emission and reduce congestion. In preparing local plans, planning authorities should therefore support a pattern of development which facilitates the use of sustainable modes of transport. Policy TA1 (Accessibility of New Development) of the local plan broadly accords with this and states that new development should be located so as to be accessible by pedestrians, cyclist and public transport and also be well related to compatible land uses so as to minimise the need to travel by car. The site is remote from identified settlements with the nearest being Bransombe (identified under the saved local plan) and Sidmouth. Due to the clearly remote location the occupants of the proposed new dwelling would rely on private modes of transport as the main means of transportation. The proposed layout illustrates provision of a bus stop but there is no indication as to whether Devon County would find such a bus stop within third party ownership acceptable, and the presence of a bus stop alone would not make the proposal sustainable as journeys would be required for all activities to support daily living needs. The proposed development would be a failure to support a low carbon future and actively manage patterns of growth.

Some of the new dwellings that occupy the footprint of the former public house would improve visually the appearance the site to the benefit of the wider AONB environment by replacing dilapidated buildings. However, additional plots 2 and 3 would not bring about any such planning benefits as they would not develop any offending part of the site. Essentially there is no justification in planning terms for the creation of these two additional dwellings. The applicant was given the opportunity to withdraw these two plots from the scheme in light of the sustainability concerns. This option was declined by the applicants and the application has to be considered on the merits as they stand. Therefore with these additional plots included the development is considered to be in an unsustainable location and this weighs heavily against the proposal.

Affordable housing and education

Recent amendments to the National Planning Practice Guidance states that "affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of the units within the development". This applies to rural areas described under section 157 (1) of the Housing Act 1985.

Taken on face value it would appear that this application would need to contribute to affordable housing and the education monies sought by Devon County Education Department. However, the total amount of new residential units created by the proposed development would be five as tow of the units are proposed to be replacements of existing properties and there is one existing apartment within the

public house. Therefore, in accordance with the NPPG no affordable housing or education contributions can be sought from the proposed development.

Impact on an Ancient Scheduled Monument and site of potential archaeological importance

The proposed development lies in an area of high archaeological potential and affects the site and setting of the scheduled monument known as 'Cross Ridge Dyke extending north and south under the Three Horse Shoes Inn. Scheduled monuments are heritage assets designated at the highest level of national significance under the Ancient Monument and Archaeological Areas Act 1979 (as amended). The monument consists of the below ground remains of a prehistoric cross ridge dyke that runs north to south across the ridge between flanking valleys to the north of Branscombe village.

National Planning Policy and guidance indicate that development should avoid harmful impacts on the affected heritage assets, and that opportunities should be taken to enhance the significance of the assets and the public understanding and appreciation of them.

There is not any reference made or specific documents submitted as part of the planning application which take into account heritage issues, to the scheduled monument or to the historic interest of the site or the buildings. This is in conflict with paragraph 128 of the NPPF and also weighs heavily against the proposal.

English Heritage have recommended that in addition to planning permission being required for development a formal scheduled monument consent is required. In such circumstances it is advisable for the ancient schedule monument and heritage issues to be resolved prior to submission of the planning application. Unfortunately that has not occurred. Although it is acknowledged that the applicant has since submitted an ancient schedule monument consent for consideration, English Heritage consider that as a result of these fundamental oversights the planning application is inadequate in several important respects and fails to meet the requirements of several key national planning policies. The NPPF advocates the front loading of information in order to avoid delay. In this instance due to the potential for a considerable time period to elapse before any ancient scheduled monument is granted and submission of an adequate heritage assessment, and without any guarantee that such information would be acceptable, it is not considered expedient to delay making a decision, especially when other matters weigh heavily in favour of a refusal.

Whether the Three Horse Shoes Inn should be retained as a heritage asset

English Heritage consider that the former public house itself is a heritage building worthy of retention i.e a non designated heritage asset. Following these comments the District Council's own Conservation Officer has visited to the site to assess the building.

If the building had been in a good or significantly better state of repair the Conservation Officer may have considered this as a non-designated heritage asset. However, much of the building fabric is beyond repair and if the building were to be retained most of this building fabric would need to be replaced in any event. On this basis the Conservation Officer does not consider it appropriate to consider this as a heritage asset.

Planning Officers agree with the considerations of the conservation officer in that it would not be necessary to consider the proposal as a non designated heritage asset due to its dilapidated state.

Highway Safety

Devon County Highway Authority have raised concerns with regard to the proposed access visibility splays. They consider that there would be an increase in the volume and a change in character of traffic (as opposed to the former patrons of the public house) entering and leaving the class A county road through an access that does not provide adequate visibility from and of emerging vehicles. The national speed limit (60 mph) applies to the A3052 (passing highway) which would require visibility splays of 2.4 metres by 215 meters in both directions. The Highway Authority acknowledges that it would be unrealistic to require vastly improved visibility sight lines from those which the public house benefited from but still considers that the maximum available should be offered. The maximum visibility splay achievable is not stated by the Highway Authority. On exiting the proposed access the views to the west are greater than those to the east. The views to the east are slightly precluded by a small wall and bend in the road.

When taking into account that there remains at least the potential to bring back into use the former public house it is considered that any increased movements utilising this access would not be *severe*, which is the test under paragraph 32 of the NPPF. Furthermore, if all other matters of the application were considered to weigh in favour of an approval, appropriate safeguarding conditions could be imposed to create an access that would not detrimentally impact on highway safety whilst at the same time respecting the AONB landscape setting. Therefore, on balance, this issue would not preclude the development.

Impact on the AONB

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's, which have the highest status of protection in relation to landscape and scenic beauty. The landscape character is defined as an open coastal plateau, separated by river valleys and dissected by combs. In this area there is very low settlement density. Development Management should seek to conserve the landscape by maintaining the inherent pattern of isolated farms and small hamlets and discourage development in unsettled areas.

From immediate views the site can easily be seen from its frontage along the A3052 which is positioned directly adjacent to the development. As previously stated the existing development has been subject to enforcement investigation regarding its untidy nature. Development of this site could lead to the visual enhancement of the

site, improving the site appearance within a designated landscape from this immediate vantage point. From medium vantage points the site can be witnessed from two surrounding public rights of way. From these vantage points the development would be seen in the context of the existing dwelling (in separate ownership) and would produce a visual appearance not unlike the current built form. Long range views of the site are largely precluded by topography and foliage and due to the relatively minor scale of the development, not dissimilar to its current form, the development would not have a wider impact on the landscape character.

On balance it is considered that the proposal would not harm the wider qualities of the designated AONB, instead the development would conserve the landscape character and appearance in accordance with Policy EN1 of the Local Plan and guidance in Paragraph 115 of the NPPF.

Design and layout

Plots 1- 4 of the development feature an identical design of dwelling house. These are fairly generic and do not feature particular features or reference existing buildings on the site. Whilst such features and distinction would have added variety and maintain a greater sense of local distinctiveness the design of these dwellings would not result in visual harm. Plots 5-8 feature more variety and would be situated on the approximate footprint of the existing public house. These front the main road and maintain a suitably active frontage and reflect the general architecture of the existing building in terms of roof form and bay windows. The private garden would be to the rear and sides of these dwelling screened from public view. The dwellings are situated within the existing boundary of the property and avoid sprawl into adjacent fields. The proposal is considered to accord with Policy D1 in this regard.

Impact on the adjacent property

The property known as 'Rattenbury Cottage' is a detached two storey dwelling. This property is in close proximity to the existing public house and would therefore be close to proposed plots 4 and 5. The south elevation of plot 4 does not feature any windows to overlook. The east elevation of plot 5 features one small dormer window which belongs to a bedroom. This bedroom would be situated mid way down the property and look onto a blank wall of Rattenbury Cottage and not have any views of the private amenity space of the aforementioned property. Furthermore it is considered that these proposed dwellings are situated far enough away to avoid an oppressive or overlooking impact on Rattenbury Cottage.

Immediately to the north of the proposal site lies the single storey property known as 'Three Horseshoes Cottage', the proposed access road and parking area would abut this property. Two of the bedroom windows from Plot 5 would have views over this property sided 11 metres to the south of the boundary with the property. Whilst this is an intimate relationship, the flat from the public house already features windows at a similar distance in a similar position and therefore as this could be brought back into use without the need for any further planning permission.

The property known as Three Horse shoes Bungalow is removed far enough (sited 50 metres to the north of the side elevation of Plot 8) not to be impacted upon in terms of amenity.

The proposal is considered to accord with Policy D1 in this regard.

Ecology

An ecological survey report was conducted in August 2014 by Bluesky Ecology which appears to satisfactorily assess and make appropriate mitigation measures for the development. A preliminary ecological appraisal identified multiple features for high bat roost potential. Additionally three slow worms were recovered during the survey period. An active swallows nest was also identified on the ground floor of the public house.

In terms of mitigation measures the following is proposed (in summary);

Bats – Mitigation measures for careful demolition, compensatory habitat mitigation provided within roof of new building (with fly in access) the new building would be located on the western boundary of the site and control external site lighting so that it does not detrimentally discourage bats from using the site.

Reptiles – Careful approach to site clearance in stages and avoidance of active season.

Nesting Birds – Compensatory habitat incorporated, avoiding work during breeding season. To avoid accidental harm to nesting birds a 15 metre buffer zone would be marked around any further nest uncovered.

Overall the mitigation measures proposed could be integrated with the proposal in order to produce a development that preserves the ecological value of the site, in accordance with guidance contained within the NPPF and Policy EN6 of the East Devon Local Plan.

Conclusions

The proposal would reuse brownfield land in line with one of the core objectives of the NPPF and would improve the appearance of a site which has long been neglected. The proposal has an acceptable design, would make a modest contribution toward a 5 year housing supply and would not harm the amenity of nearby properties. Weighed against this is the fact that the proposal takes place in an unsustainable location and makes no suitable accommodation of the scheduled ancient monument which lies underneath the public house or account for the site of potential archaeological importance. Heritage assets are irreplaceable any harm or loss should require clear and convincing justification, none have been forthcoming.

Paragraph 7 of the framework outlines that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 explains that these dimensions should be undertaken in concert in order to achieve sustainable development. Within the planning balance the proposal (with two additional dwellings

which offer no benefits other than a limited increase to the under supply of housing in the district) fails within the environmental role due to the harm identified above. The Council has considered the various benefits which have been set out by the appellant. The Framework sets out that in achieving sustainable development, economic, social, and environmental gains, which are mutually dependent, should be sought jointly through the planning system. When taking the Framework as a whole the harm which would arise from the remote location of the proposed dwellings and associated reliance on the private car would significantly and demonstrably outweigh the benefits of this particular proposal. The proposal, as a consequence of its location, would not be sustainable development. Therefore, the presumptions set out in paragraph 14 of the Framework with regard to allowing sustainable development do not apply.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development of two additional dwellings over and above those which would occupy the existing footprint of the public house (which on balance are considered acceptable providing benefits that would outweigh the unsustainable location) within a location that has limited facilities and services to support growth, fails to accord with the definition of sustainable development, specifically the environmental role, found within the National Planning Policy Framework. In this case, the Local Planning Authority considers that the adverse impacts of this development in terms of its unsustainable location with the occupiers of the dwellings having limited access to essential services, infrastructure and public transport significantly and demonstrably outweigh the benefits of providing the dwelling to meet the shortfall of housing within the district (5 year land supply) when assessed against the policies within the Framework as a whole. As such, the proposed development is considered contrary to the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan, Policies STGY7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the emerging new East Devon Local Plan and the guidance in the National Planning Policy Framework.
2. The proposal does not provide sufficient information to account for the potential impact on the heritage assets (the scheduled ancient monument and potential site of archaeological importance) and therefore the proposal conflicts with the requirements of the National Planning Policy Framework (NPPF), specifically Paragraph 128. There is a lack of an historic environmental record, implementation program and any expert assessment of the proposal. The proposal therefore conflicts with policies EN7 (Nationally and Locally Important Archaeological Sites) and EN8 (Proposals Affecting Sites Which May Potentially be Archaeological Importance) of the East Devon Local Plan, and policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the Emerging East Devon Local Plan and guidance contained within the NPPF and National Planning Policy Guidance.

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

14:07:LP	Location Plan	12.11.14
14:07:PL01	Proposed Site Plan	26.11.14
14:07:PL02	Proposed Floor Plans	12.11.14
14:07:PL03	Proposed Elevation	12.11.14
14:07:PL04	Proposed Floor Plans	12.11.14
14:07:PL05	Proposed Elevation	12.11.14
14:07:PL06	Proposed Floor Plans	12.11.14
14:07:PL07	Proposed Elevation	12.11.14
14:07:PL08	Proposed Floor Plans	12.11.14
14:07:PL09	Proposed Elevation	12.11.14
14:07:PL10	Proposed Floor Plans	12.11.14
14:07:PL11	Proposed Elevation	12.11.14
14:07:PL12	Proposed Combined Plans	12.11.14
14:07:PL13	Street Scene	27.11.14
14:07:PL14	Proposed Combined Plans	01.12.14
BS1963/04.14/01	Survey Drawing	30.10.14

List of Background Papers

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

Ward Coly Valley

Reference 15/0131/MOUT

Applicant DBD Developments

Location Land Adjacent Peace Memorial Playing Fields (South Of Ham Lane) Colyton

Proposal Residential development of up to 16 no. units, including 6 no. affordable units, access road and amenity land (outline application, all matters reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 31.03.20.15
Coly Valley (COLYTON)	15/0131/MOUT	Target Date: 21.04.2015
Applicant:	DBD Developments	
Location:	Land Adjacent Peace Memorial Playing Fields (South Of Ham Lane)	
Proposal:	Residential development of up to 16 no. units, including 6 no. affordable units, access road and amenity land (outline application, all matters reserved)	

RECOMMENDATION: Approval with conditions and subject to s.106 legal agreement

EXECUTIVE SUMMARY

The application is before committee as it relates to a site outside the built-up area boundary of Colyton and is therefore a departure from the adopted Local Plan. An application to develop the site for residential purposes has also been refused recently by Development Management Committee.

The application site relates to an open area of agricultural land to the south of Colyton and located between existing residential development on the east side of South Street and the Reece Strawbridge Centre (community building). To the east the site adjoins the Peace Memorial Playing Field. The site is situated on the east side of Coly Road, Colyton.

Colyton is recognised as a focal point for moderate housing provision, which is consistent with the strategic objectives for market and coastal towns. The application site, lies adjacent to but outside of the defined built up area boundary of the town (as defined by the Adopted East Devon Local Plan) and there is existing residential development to the north and west of the site. The site is considered to be well positioned to fulfil the sustainable housing and transport objectives as set out in Local Plan Policy and the NPPF.

The application is in outline form with all matters reserved and follows the refusal of an application last year which sought residential development of the same site but at a higher density. That application was refused by committee on a number of grounds including its location; impact on the character of the area and the surrounding area of outstanding natural beauty; overdevelopment of the site; loss of agricultural land; flood risk and unsustainability (in terms of local employment opportunities to serve any new residents). The current proposal has

seen a reduction in the number of units proposed which would assist in terms of the density of the development and its relationship with adjoining development. In addition a reduced density would assist in terms of any visual impact on views from the surrounding Area of Outstanding Natural Beauty. Other aspects of the scheme remain the same as the previous scheme. However, as before it is officer view that the proposal represents a sustainable form of development and that given the Council's shortfall in housing land supply the social and economic benefits of the scheme would outweigh any perceived harm.

The application has been submitted with an accompanying heads of terms proposing measures/contributions towards affordable housing, education, Public Open Space and legal fees incurred. This would be secured should Planning Permission be granted.

CONSULTATIONS

Local Consultations

Parish/Town Council

NOT SUPPORTED - for the same reasons as the last application

An overdevelopment of the site, outside the built up boundary in a flood risk area. No changes had been made to the access road which was of concern to CPC.

The development will still adversely affect the privacy & amenities of neighbouring properties.

The position of the development will harm the visual amenity of the site and is outside the built up boundary of the town.

There will be a loss of wildlife habitat and an effect on wildlife in the area. Provision of a wetland/pond does nothing to mitigate this or the flooding issue.

The CPC is still very concerned over foul/surface water drainage. The development increases the risk of flooding to these & neighbouring properties even with the provision of the attenuation pond.

Other Representations

12 letters of objection have been received raising the following issues:

- Flooding - The site is located in an area prone to flooding; development should be located in an area at less risk of flooding; The proposed attenuation pond is in itself within the flood zone which would negate its purpose in times of flooding.
- Surface water run-off - The proposal would lead to increased problems of surface water run-off exacerbating this where problems already occur with the stream adjacent to Ham Lane and Govers Meadow.
- Traffic - The proposal would give rise to increased traffic journeys along this busy stretch of road; the increased traffic would have a hazardous effect on users of the youth centre (including parents with pre-school children); there would be inadequate

on site parking leading to pressure on existing residential areas in the vicinity i.e. Govers Meadow

- Principle - The site lies outside the designated built-up area boundary of the town; the affordable housing quota for the town has been met by other recent developments; the proposed housing allocation for the town over the next plan period has already largely been met by recent approvals and therefore the proposal is not in accordance with either the existing or proposed New East Devon Local Plan; There are other sites within the village i.e. Ceramatec factory that could meet the village's housing need for a long period of time without requiring development outside the village envelope.
- Visual/Character Impact - The density of the development is too high and out of character with the surrounding pattern of development; the proposed flats are out of character with surrounding houses/bungalows; The proposal would result in the loss of the open vistas as you leave the built-up area of the town; The proposals would urbanise the rural approach to Colyton from the south.
- Wildlife - The site and surrounding landscape features are home to a variety of wildlife whose habitat would be lost or affected by the proposal.
- Amenity - The proposed development (flats in particular) would have an adverse impact on the amenity of neighbouring properties through overlooking and overshadowing of garden areas; artificial lighting to any car parking areas to serve the flats would have an impact on adjoining properties.
- The proposal could raise child protection/safeguarding issues if houses afforded views in the children's centre opposite.
- The proximity to the Reece Strawbridge Centre and uses taking place within it could give rise to complaints about noise etc. from future occupiers of the proposed housing.
- Development on grade 2 agricultural land which has not, contrary to the applicant's assertions been used for regular grazing.
- The proximity to the football fields would give rise to safety issues with children inevitably wishing to retrieve their balls from the attenuation pond.
- Increased pressure on local infrastructure including schools, doctors surgery etc.

Technical Consultations

County Highway Authority

Observations:

The Planning Authority will be aware that the County Highway Authority did not raise any objections to the previous application (14/0429/MOUT) on this site. This application is basically the same as the previous one in terms of road layout and access, although with less number of dwellings, 16 rather than 25. This application also proposes to maintain access to the lower playing fields through the site, as did the previous application.

I would have liked to see a link from the proposed development to the existing footpath (Colyton Footpath 8) for pedestrian amenity, but this was not proposed in the previous application either.

Recommendation:

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram TW14/05/1 Revision C where the visibility splays provide intervisibility between any points on the X and Y axes at a

height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer

edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be metres 43 in both directions.

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

2. The following garaging and vehicle parking spaces shall be provided and maintained thereafter one garage/hardstanding and one parking space per dwelling where provided within the curtilage of individual dwellings one and a half parking spaces per dwelling where provided in communal parking areas. Further details of the design shall be submitted to the Local Planning Authority and the development hereby approved shall not be occupied until this provision has been made to the written satisfaction of the Local Planning Authority.

(REASON: To minimise the extent of on street parking that may result as a consequence of the development.)

The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

(REASON: To ensure the proper development of the site.)

4. No part of the development hereby approved shall be commenced until:

The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway The ironwork has been set to base course level and the visibility splays required by this permission laid out The footway on the public highway frontage required by this permission has been

constructed up to base course level A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

(REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

Environment Agency

There are no objection to the proposal from the flood risk aspect providing development proceeds in accordance with the submitted Flood Risk Assessment (v.2) dated 15th January 2015 that promotes all new dwellings in Flood Zone 1 "Low Probability " of flooding.

Advice to LPA

We recommend that all habitable floor levels be at a minimum of 12.50m OD.

We ask that permitted development rights be removed from those parts of the site that are zoned to be at risk of flooding to ensure that the erection of sheds; raising of ground levels; construction of banks and other developments that would impede the free movement of floodwater can be properly controlled by your Council.

Environmental Health

We have considered the application and recommend the following condition:

NO(B)3

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."

Natural England

Thank you for your consultation on this application, which was received by Natural England on 20 January 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

CONSERVATION OF HABITAT AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)
INTERNATIONALLY AND NATIONALLY DESIGNATED SITES

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Beer Quarry and Caves Special Area of Conservation (SAC) and the River Axe SAC which are European sites. The sites are also notified at a national level as Sites of Special Scientific Interest (SSSIs). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be

found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

It is Natural England's advice that, as the proposal is not necessary for European site management; your authority should determine whether the proposal is likely to have a significant effect on any European site. If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

On the basis of the information provided, Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

Beer Quarry Caves Special Area of Conservation (SAC)

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on the European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

Beer Quarry caves SAC is located just over 5km south west of the development site. The proposed site is therefore outside the 4km roost sustenance zone for either of the known Greater Horseshoe maternity roosts in that area.

River Axe Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site

- that the proposal is unlikely to have a significant effect on the European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The development site is located west for the River Axe SAC at a distance of just over 1km at the closest point. The development has the potential to affect its interest features, mainly through increasing nutrient levels within the SAC. Natural England is satisfied that nutrient levels in the SAC are being addressed via a Diffuse Water Pollution Plan (DWPP) which has been prepared to take action to reduce phosphorous entering the system from diffuse sources.

River Axe SSSI and Beer Quarry and Caves SSSI

Natural England advises that there will be no additional impacts on the features of interest of these sites resulting from the proposed development beyond those already identified with regard to the European wildlife sites above.

PROTECTED LANDSCAPES

The proposal is within 500m of the East Devon Area of Outstanding Natural beauty (AONB). From the information available Natural England is unable to advise on the potential significance of impacts on the AONB.

Given the location of the proposal, Natural England's advice is that more information, via a Landscape and Visual Impact Assessment (LVIA) or similar assessment, is necessary to understand the potential impacts of the proposal on the special qualities of the AONB and allow your Authority to make a properly informed decision.

Such an assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20132. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

We would also strongly advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development together with the LVIA should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB Management Plan.

PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on

deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Housing Strategy Officer Paul Lowe

If this proposal meets the various planning tests it should also reflect the rural Housing Needs Survey undertaken in December 2012.

The Housing Needs Survey suggests that any new development in Colyton should consider providing a number of smaller homes suitable for single people / couples, it also states that a number of two / three bedroom homes should be provided, as well as a four bedroom family home. Consideration should also be given to providing homes for the less mobile / disabled.

Assuming the proposal satisfies planning requirements and is supported, we expect a minimum of 40% (6, assuming 16 dwellings in total) affordable housing be provided on site with a tenure split of 70 / 30% in favour of rented accommodation the remainder as shared ownership, as defined in the National Planning Policy Framework document. All nominations to come from the Common Housing Registers be available as affordable housing in perpetuity, with a nomination cascade in place giving preference to individuals who have a local connection to the Parish, then cascading to named adjoining Parishes and finally the District. As the proposed development appears to be in a Designated Protected Area staircasing is to be restricted to 80%.

All the affordable housing should be tenure blind, and be dispersed throughout the proposed development.

It is expected that all the affordable housing will be transferred to and managed by a Registered Provider. They should be constructed to both the relevant Code level for Sustainable Homes and to the Homes and Communities Agency Design and Quality Standards.

If we consider the recently completed development of 12 rented affordable homes at Castle View Colyton, it leaves, according to the Housing Needs Survey a shortfall of 4 affordable homes. Based on this figure and the further affordable homes expected from the development opportunity that secured planning permission on land North of Yaffles 13/1401/MOUT then a further 6 affordable rented homes could be provided. Combine this figure with the 12 homes at Castle View and it suggests an over provision. However, there is no certainty that the Land North of Yaffles will actually provide any affordable homes, we may find that a developer due to viability concerns might attempt to renegotiate the amount of affordable homes due.

In any case any planning application that intends to provide affordable housing should reflect the needs of the local community. But it should also recognise that

there is a greater housing need throughout the District. For example, in Colyton's case nominations wouldn't just include Seaton but more importantly other adjoining Parishes such as Shute, Musbury, Axmouth, Beer, Southleigh, Farway, Northleigh and Widworthy who apart from Beer, have little or no chance of securing any affordable housing in the near future in their respective Parishes. We are aware that a number of these Parishes have undertaken Housing Needs Surveys and have a combined local need for circa 18 affordable homes. If nobody meets the local connection criteria in these Parishes then the nominations cascade would be widened to the District. This cascade is the same for any other rural affordable housing scheme.

Additional housing needs evidence has recently been made available via the Strategic Housing Market Assessment, this indicated a District wide affordable housing need of circa 270 units a year.

DCC Strategic Planning Children's Services

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £43,778* (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from The Axe Valley Community College. The costs required are as follows: -

3.00 secondary pupils

£7.56 per day x 190 academic days x 5 years = £7,182

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards secondary school transport via a Section 106 agreement is sought.

There is currently capacity at the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development. We will however require a contribution towards secondary school transport costs due to the

development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

3.00 secondary pupils

£7.56 per day x 190 academic days x 5 years = £7,182

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0429/MOUT	Residential development of up to 25 units, 40% affordable, access road and amenity land (outline application, all matters reserved)	Refusal	05.11.2014
90/P2399	Residential Development	Refusal	22.02.1991
92/P0094	Residential Development	Withdrawn	27.03.1996

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

Strategy 46 (Developments Affecting Areas of Outstanding Natural Beauty)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S5 (Countryside Protection)

S7 (Infrastructure Related to New Development)

D2 (Sustainable Construction)

TA7 (Adequacy of Road Network and Site Access)

RE3 (Open Space Provision in New Housing Developments)

TA9 (Parking Provision in New Development)

D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)

D4 (Landscape Requirements)

TA1 (Accessibility of New Development)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site relates to an open area of agricultural pasture adjoining Peace Memorial Playing Field and to the east side of Coly road. The site is situated outside

but adjoining the Built-up area boundary of Colyton, the immediate boundary to which is Coly Road. The site is also in an area designated as Area of Great Landscape Value (AGLV).

Part of the site is within flood zone 2 / 3 due to the proximity of the river Coly to the east of the site.

The application site extends approximately 1.05 hectares and comprises a parcel of low lying land that falls gently to the east towards the river Coly. To the west, the site abuts Coly Road, which leads from Colyton to Colyford . To the south of the site is The Pavilion community building and east of this the associated Peace Memorial Playing fields. To the north/northwest of the site are existing residential properties fronting onto Coly road and Govers Meadow respectively, those adjoining the site are 2 storey fronting Coly road and single storey fronting Govers Meadow.

There is a further residential development on the opposite side of Coly road to the west of the site of a variety of design and form.

The site is enclosed by a native hedge to the roadside (aside from a small section of stone walling at the northern end), by a low hedge adjacent to the Pavilion to the south, a mix of fencing and planting to the Coly road properties and by a low hedge bank with some planting to the north. Beyond the northern boundary is a green lane before the rear boundaries of properties in Govers Meadow. The boundary with the playing fields to the east of the site is post and wire fencing.

PROPOSED DEVELOPMENT

The application seeks outline permission for the construction of up to 16 dwellings on the land (including 40% affordable). Whilst an indicative layout and access details have been provided the application has been submitted with all matters reserved, including the scale of the development, the layout and appearance of the dwellings, the position and detail of the access road and landscaping.

The submitted site plan drawing number TW14/05/1 C is therefore for illustrative purposes only and indicates a possible layout for 16 dwellings with 25 associated parking spaces.

The drawing also indicates access from the proposed estate road to the playing fields to the east. The indicative layout indicates the footprint of all the dwellings outside of the designated high and medium risk flood zones. A Flood Risk Assessment has been submitted to accompany the application

The application submitted seeks to address the following:

- o The principle of development
- o Flood risk
- o Impact on Wildlife
- o Contribution towards open space provision, education infrastructure and affordable housing.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- o The principle of the proposed development
- o Design and impact on the character and appearance of the area
- o Impact on residential amenity
- o Highways/Access Issues
- o Impact on Wildlife
- o Impact on Trees
- o Flood Risk

BACKGROUND

Application for Outline planning permission for up to 20 no. units (14/0429/MOUT) was refused by Development Management Committee in October of last year. That application was recommended for approval but was refused for the following reasons:

1. The application site lies outside the settlement boundary of Colyton, as defined by the Adopted East Devon Local Plan and where the development of the site would have a detrimental impact on the semi-rural character and appearance of the area through the erosion of the existing transition from town to countryside in this location, as such the proposal would be contrary to the provisions of policies D1 (Design and Local Distinctiveness) and S5 (Countryside Protection) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and Strategy 7 (Development in the Countryside) of the New East Devon Local Plan Publication Draft 2006 -26.

2. The proposal would represent an overdevelopment of the site and where it has not been demonstrated that the density of development proposed, in relation to the surrounding pattern of development, could be acceptably accommodated on the site without having a detrimental impact on the character and appearance of the surrounding area and the wider setting of the village within the East Devon Area of Outstanding Natural Beauty, as such the proposal would be contrary to the provisions of policies D1 (Design and Local Distinctiveness) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the New East Devon Local Plan Publication Draft 2006 -26.

3. The proposed development would result in the loss of some of the best and most versatile agricultural land around Colyton and where it has not been demonstrated that there is no land of poorer quality which should be developed first before considering development on this higher quality agricultural land. The proposed development is therefore contrary to policy EN13 Development on High Quality Agricultural Land of the New East Devon Local Plan Publication Draft 2006 - 26 and advice contained within the National Planning Policy Framework.

4. The proposal site lies within an area known to be at risk of flooding and it has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. As there is no evidence that the proposal seeks to meet a specific need in Colyton it is considered that there are other alternative sites elsewhere within the district at lower risk of flooding that would be preferential and should be developed first. The development is therefore considered to be contrary to the guidance on development and flood risk set out in the National Planning Policy Framework.

5. The site lies on the edge of Colyton close to the boundary of the East Devon Area of Outstanding Natural Beauty. The site would be visible in views from within and towards it and would detract from the setting of the AONB. Colyton is a settlement of limited services and employment opportunities and where the identified housing need has been largely met; as such the proposal would fail to balance the three strands of sustainable development as set out in the National Planning Policy Framework and would result in an unsustainable form of development.

6. The proposed development would involve the creation of up to 20 additional houses in a settlement which has few employment opportunities. The proposed development would therefore lead to residents commuting out of the settlement for employment which would not be sustainable. The proposed development would not therefore be economically sustainable and would be contrary to guidance given in the National Planning Policy Framework.

Prior to the most recent applications there have been previous applications for residential development of the site in the early 1990s including one in 1992 (92/P0094) which the Council resolved to approve, however this application was called in by the Government Office for the South West and the application withdrawn prior to determination.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

Whilst it is acknowledged that the most recent application for residential development of this site was refused on grounds relating to the principle of developing this site, this does not alter officer view and it is not considered that the proposal could be resisted on these grounds

The development plan for the District is the East Devon Local plan 1995-2011 including the policies saved following the Secretary of State's Direction in 2009.

Under the existing Local Plan the site falls outside of any defined Built Up Area Boundary and therefore falls within Policy S5 (Countryside Protection), which will only allow development in the countryside where it is in accordance with a specific Local 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. Within the housing section of the Local Plan there is not a policy that would explicitly permit housing on this site and as such the proposed development is contrary to the current Local Plan and the application has been advertised as a

departure by virtue of Regulation 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

In terms of the emerging draft Local Plan for the period 2006 - 2026 (although this has not yet been submitted for inspection and currently carries little weight) it is useful to note that while Strategy 27 (Development at Small Towns and Larger Villages) assigns a total of 35 new homes to Colyton over the Plan period. The Council is currently working with the Town and Parish Councils to consider where new housing should be allocated and the amount. The Inspector appointed to examine the New East Devon Local Plan has though signalled that Strategy 27 in particular requires further consideration and as such it would seem little weight can be attributed to any housing numbers proposed as part of that proposed policy.

The current application site is not allocated and would therefore be subject to a similar policy on countryside protection (Strategy 7).

However, notwithstanding the current and emerging policy position, the proposal needs to be considered against the guidance contained in the NPPF in terms of both 5 year land supply and the presumption in favour of sustainable development.

The application describes the proposal as a development of up to 16 dwellings with heads of terms presented in the respect of the provision of affordable housing within the site in accordance with the terms of Local Plan Policy H4 with a minimum of 40% affordable dwellings. The proposed development does not fall within the Council's Interim Mixed Affordable and Market Housing Position Statement.

The most recent Housing Needs survey for Colyton identifies a need for 16 affordable homes in Colyton in the next 5 years. The survey identified a need for 9 x 1 bed units, 3 x 2 bed units, 3 x 3 bed units and 1 x 4 bed units. This need has been partly met by a recent scheme approved by Development Management Committee in September this year. Application 13/1430/MFUL makes provision for 12 affordable homes on Land off Mount View in Colyton and outline planning permission has also been granted for land to the south of the site on the other side of The Pavilion and play park for 16 no. dwellings (13/1401/MOUT). whilst outline permission has been granted no reserved matters approval has been approved, however in combination these schemes would meet most of the identified need for the town. The current scheme would however help to meet a wider district need for affordable housing including surrounding parishes where there is still a need for 18 affordable homes.

5 Year Land Supply:

The National Planning Policy Framework (NPPF) sets out clear guidance on establishing policy provision for new housing and assessing 5 year land availability.

The NPPF requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5%, or 20% if there has been a persistent under delivery of housing. The five year land supply of the Council has through Inspector's decisions and the Council's own review been found to be short. The most recent figures as reported to Audit and

Governance Committee in June 2014 are in the region of 3.51 to 3.83 years based on the Sedgefield approach whereby past under supply is accounted for in the next 5 years. The Sedgefield approach to calculating 5 year land supply figures has gained most support when considered by planning inspectors and thus should now be used, however the council has historically used the Liverpool approach whereby past under supply is accounted for across the entire plan period. Under this methodology the figure would now be 6.02 years, however this is not considered to be a defensible figure as the Liverpool approach is no longer widely supported. Taking into account the need to effectively be able to demonstrate a 6 year supply (5 years + 20% due to historical under delivery) under the Sedgefield approach there remains a shortfall throughout the district.

The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

The NPPF also advises that housing applications should also be considered in the context of the presumption in favour of sustainable development. To a certain extent this means approving development without delay if relevant policies are out of date (see comments in the above para. relating to five year land supply), unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF. As will be identified in this report, there are no significant adverse impacts that have not been addressed and/or are intended to be controlled through conditions/Section 106, which would outweigh the benefits.

SUSTAINABLE DEVELOPMENT

The introduction of the NPPF provides a presumption in favour of sustainable development which it recognises as the golden thread running through both plan making and importantly in this context, decision taking. As part of the definition of Sustainable Development, there are 3 key themes - the economy, the environment and the society. Many aspects of the consideration to be made when determining an application fall within one or more of these areas and it is these three aspects that must now be held in tension in determining applications. East Devon District Council Local Plan Policies can only be given weight in decision making where such policies are compliant with the NPPF.

Paragraph 50 of the NPPF encourages LPAs to deliver a wide choice of high quality homes and to plan for a mix of housing based on current and future demographic trends and the needs of different groups to achieve inclusive and mixed communities.

Recent appeal decisions have expanded on this and have placed significant weight on a need to support economic growth through the planning system. Although the development is not of a scale to justify other uses with the site, i.e. employment/retail etc, the provision of housing itself has been considered to be a contributor to

economic growth through the construction process and the contribution to local housing need.

The previous application was refused on the basis that it would create an imbalance by providing for new housing in an area where there weren't sufficient employment opportunities to support it. This in turn, it was considered, would lead to out commuting by future residents. It is the case that Colyton is a settlement of limited size and that employment opportunities within the town are limited and further that one of the town's major employers is understood to be closing down. However, Colyton is reasonably well located in relation to other nearby settlements. Both Axminster and Seaton are accessible by bus with an hourly service in each direction. This service would also link to the train service at Axminster for journeys further afield. Colyton is not a settlement that is likely to be considered to accommodate significant growth but it is considered capable of accommodating some modest growth, as it has done historically in order to continue to support existing shops and service providers in the town as well as those of its larger neighbouring settlements. A recent appeal decision relating to development on the edge of the village at Station Road (APP/U1105/A/14/2223051), northeast of the site, confirmed the view that Colyton is a sustainable location for residential development. The Inspector in that case whilst ultimately dismissing the appeal on flooding grounds states,

"The Council accepts it has no five year housing land supply. They also have a record of persistent under delivery of housing land. There is no dispute between the parties as to the sustainable location of the proposed development, with the village providing a number of services and facilities and employment opportunities. I have no reason to disagree with this finding."

In terms of its services Colyton has one of the widest range of services in the district and is reasonably accessible by other means of transport without reliance on the private motor vehicle. It is not considered that the previous reason for refusal could be sustained at appeal.

The social role can be met if the scheme delivers a good mix of high quality housing, to meet current and future needs with a range of tenures including affordable housing. On the basis that the proposed layout is only indicative, the scheme looks to provide detached, semi-detached and terraced dwellings including the potential for some of single storey form. The development would provide a further contribution to the housing offer in the area and is proposed to deliver an element of affordable housing (this will be discussed more below). It would also add a modest population to support the viability of existing services in the village.

The indicative layout also demonstrates that the site can accommodate an area of informal open space. This would be located within the area designated as flood zone and the draft Heads of Terms submitted with the application provides for the possibility of further land transfer as a playing field extension or, appropriate financial contributions towards off-site open space works through a Section 106 agreement. The scheme would therefore deliver a mix of open market and affordable housing with contributions towards local facilities to meet the needs of a balanced community.

In terms of the environmental dimension, the site does have some potential to harbour protected species and as such an Ecological survey has been carried out and submitted with the application. The results of the survey suggest that the northern hedge boundary and associated access track have some potential to provide habitat for dormice and bat species and therefore it is recommended that this boundary is retained and external lighting of it avoided. The report includes recommendations to avoid impacts on wildlife and to enhance biodiversity these could be secured by means of a suitably worded condition.

The site also lies on the edge of the town and close to the boundary of the East Devon Area of Outstanding Natural Beauty and further consideration is given to landscape impact below.

Notwithstanding, that the site falls outside of defined development limits, the location, adjoining the development boundary, close to public transport links, recreational, and community facilities, is considered to be sustainably located.

In summary therefore the site is considered to be capable of contributing to the Council's 5 year land supply and should be regarded as sustainable development within the terms of the NPPF.

LANDSCAPE IMPACT

The previous application for the development of the site was refused on the basis of the impact of the site's development on views from and of the AONB and also on the semi-rural character of the site on the edge of the settlement. The current application seeks development of the same site area, albeit at a lower density.

Natural England has commented that, in their view a full Landscape and Visual Impact Assessment (LVIA) should accompany the application and that the East Devon AONB team be consulted on this aspect. The application is submitted with further evidence assessing the relationship of the site with the AONB, but this falls short of being a Landscape and Visual Impact Assessment. Nevertheless the requirement for an LVIA needs to be considered proportionately taking into account the scale of the development, its location and the sensitivity of the landscape in which it is located. In this case the site is located on low lying land, adjacent to the built-up area boundary and outside of any designated landscape, it is also not proposing a type of development that would be particularly alien or out of character with its context by virtue of its scale or height and whereby special consideration may be required to assess its impact. It is officer view therefore that the development is not of a scale or type that would trigger a requirement for an LVIA.

The information that has been submitted suggests that the existing playing fields act as a visual and physical buffer between the eastern edge of the town and the boundary of the AONB. The distance from the site to the closest part of the AONB, the boundary of which is formed by the river, is approximately 150 metres. The land to the west side of the site, beyond the road, continues to rise upwards and views of the site from the AONB would therefore be seen in context with surrounding development and against the backdrop of rising land. Whilst members previous concerns in this respect are acknowledged and the development of the site would

certainly bring about a change in character of the site, given the above it is not considered that any such impact on the character of the AONB would be significant enough to outweigh the positive social and economic benefits of the proposal referred to above.

Although formal consultation has not taken place with the East Devon AONB team the matter has been discussed with them as to whether this is the type of scheme on which they would wish to be consulted and they have confirmed that due to the location of the site outside of and separated from the AONB boundary and its relationship with existing built development that they would be unlikely to wish to comment.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

As with the previous application to develop this site, the application is in outline form with all matters reserved. The residential use of the site is considered to be appropriate in relation to the character of the surrounding area. In terms of detailed design and layout these would be considered as part of any subsequent reserved matters approval

The current application has sought to reduce the impact of the proposed development by further reducing the numbers sought from 20 no. units to 16. This would allow for a lower density form of development which is arguably more appropriate for this edge of settlement location. The applicant has argued that the original proposal for 25 dwellings on the site would be akin to the lower density areas of development proposed at Cranbrook. Whilst this may be the case this is not necessarily comparable and what needs to be taken into account is a site's context and what density could be achieved whilst remaining compatible with the character of the surrounding area. It is noted in any case that development of this site is constrained by the extent of the higher risk flood zones, this effectively reduces the developable site area significantly and to the extent that the 16 dwellings now proposed would represent a density of approximately 25 dwellings per ha.

The site is visible from Coly Road and from the public footpath in Ham Lane which follows the northern site boundary. Views from Coly Road across the site and the wider valley are possible and the site currently has an open semi-rural character despite its proximity to the built up area. The boundary of the Area of Outstanding Natural Beauty follows the eastern edge of the river bank and the development of the site has the potential to have an impact on the setting of the AONB. Although the site does have an open undeveloped character, which would be eroded by the proposed development, the open playing field would remain to separate it from the edge of the AONB and the development in wider views would be amalgamated into the surrounding built form of Colyton. On balance and whilst it is acknowledged that the site would be open to some wider range views from the east, it is not considered to be a significantly harmful site in wider landscape terms whereby the Local Planning Authority could reasonably recommend refusal. On approach along the Coly Road from the south the proposal would infill the gap between the Reece Strawbridge Centre and existing properties on the southern edge of the town to the east side of Coly Road, this gap affords views out over Coly Valley, however, these

views would be relatively localised to the immediate area. It is not considered that the development would detract from the town's attractive setting.

At reserved matters stage, when considering layout, particular attention would need to be given to the form and layout of development, especially on its edge with the more open character of the area.

IMPACT ON RESIDENTIAL AMENITY

The impact on the amenity of existing and future occupiers can only be properly considered at reserved matters stage. However, the submitted plans indicate that the site could accommodate the size and no. of units proposed without having any significant impact on the privacy or amenity of surrounding occupiers. It is also the case that the previous application for a higher number of residential units whilst ultimately refused was not rejected on the basis of amenity impact.

At this stage any details are indicative and specific issues could be resolved through room layouts and fenestration arrangements at reserved matters stage.

The potential concern is the relationship with the closest neighbouring properties i.e. those to the northwest and north of the site fronting South Street and Govers Meadow respectively. This can be adequately addressed through the reserved matters stage.

While the development of the site for residential use will clearly have some impact in terms of noise and disturbance in comparison to the existing agricultural use of the site, it is not considered that such noise and disturbance will be at an unacceptable level, particularly given the existing development opposite the site, the background noise from the road and the community and play spaces adjoining. Reference has been made to the impact of construction but as with all development this is short term situation and the hours of construction could be controlled by condition, if necessary.

HIGHWAYS/ACCESS

The access to the site and parking provision is a reserved matter; nevertheless the site plan indicates a potential new access of Coly Road immediately to the north of the Reece Strawbridge Centre.

The site has an existing access onto the B3171 Coly Road, which comprises a standard field gate situated centrally on the western road frontage with a sloped approach to the highway over a pedestrian footway. The indicative access demonstrates that suitable visibility could be afforded from the site access in both directions. The indicative layout also shows that sufficient car parking to serve the number of units proposed could also be provided.

The site is located within reasonable walking distance from the centre of Colyton with the amenities of shops etc. Schools both primary and secondary are also in walking distance from the site.

The site lies within the 30mph speed limit; therefore suitable visibility splays of 2.4m by 43m would be acceptable at the proposed access to the site from the B3161 and such visibilities, and more, are achievable within the existing confines of the highway.

This aspect of the proposal is unchanged from the previous application and where the application was not refused on any highway grounds.

FLOOD RISK

The previous application was refused on grounds that the site is within an area at known risk of flooding and where it had not been demonstrated that other sites, at lower risk of flooding, could not be developed first to meet any housing land supply need. Parts of the site contained within the red line, denoting the site boundary, are within a recognised high risk flood zone, this being those parts of the development predominantly to the north of the site access road. Whilst the application is in outline form with all matters, including layout, the indicative site layout plan clearly indicates that all of the residential units could be accommodated within areas at low risk of flooding. As such, it is not considered that the sequential test needs be applied to the development as the residential development is kept within areas designated to be of low flood risk, albeit some areas of the overall site are within areas of higher risk. This approach has been adopted elsewhere, including at Land North of Yaffles (to the south of the site) where outline permission was granted for 16 no. dwellings (13/140/MOUT) on land which included land at high risk of flooding within the overall site area but where all residential development was indicated outside of this. This approach has been supported by the Environment Agency who has raised no objections to the development provided it accords with the submitted Flood Risk Assessment, that promotes all new dwellings in Flood Zone 1, a minimum floor level to be set for all residential units and the removal of pr rights for any extension or outbuildings outside Flood Zone 1.

Given the way in which Flood risk guidance has been applied, across the district and the guidance received from the Environment Agency in this respect it is officer view that the flood reason for refusal imposed on the earlier application to develop this site could not be sustained at appeal and that provided the development of the site were to proceed in accordance with the submitted Flood Risk Assessment then it would be acceptable in terms of flood risk.

TREE IMPACT

The application is accompanied by a tree survey which assesses mature trees within or immediately adjoining the site. The report identifies 2 no. trees of amenity value (both Scots Pines) located adjacent to each other in the southeast corner of the neighbouring property Devonia. The survey suggests that the trees are of some amenity value but not worthy of a Tree Preservation Order but does set out a nominal Root Protection Area during construction. The indicative site layout plan generally shows buildings to be outside of the RPA but there are some access drives/parking areas which appear to be within this. It might be possible to construct within the RPA with a no-dig method of construction for parking spaces etc. but this will need to be considered at reserved matters stage once the layout is known, at

this stage it is considered that a development could be accommodated of the scale proposed without adverse impact on these trees but tree protection details and an arboricultural method statements should be conditioned.

ECOLOGY

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Beer Quarry and Caves Special Area of Conservation (SAC) and the River Axe SAC which are European sites. The sites are also notified at a national level as Sites of Special Scientific Interest (SSSIs). Natural England has advised that, as the proposal is not necessary for European site management; an appropriate assessment should be undertaken to determine whether the proposal is likely to have a significant effect on any European site.

In considering the European sites it is recognised that these represent a substantial percentage of what is now a fairly scarce environment. Its long term protection and habitat conservation is therefore an important requirement when assessing ecological impacts from any development - such an approach forms an important element that has to be made regarding sustainable development.

Covering the habitats/environments which have received such European designations is a set of Regulations, enshrined in law and which must be observed. The Conservation of Species and Habitats Regulations 2010 (as amended)(more commonly known as the Habitats Regulations) clearly set out the step by step process for considering projects that are likely to have a significant effect on the SAC and SPA. Regulation 61(1) of the Habitats Regulations requires this Authority (as the competent Authority) to make an appropriate assessment of the implications for the SAC and SPA in view of their conservation objectives. Regulations 61(5) and (6) further require the Authority to consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SPA and SAC, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given. The net result of the Regulations is that the Authority must only agree to the proposals when satisfied that they will not adversely affect the integrity of the SAC and SPA, alone or in combination with other plans or projects.

In this case Natural England has considered the details of the development proposed within the Planning application and commented in relation to both sites that although, 'the proposal is not necessary for the management of the European site(s)' it is '...unlikely to have a significant effect on the European site(s), and can therefore be screened out from any requirement for further assessment.'

In offering this advice they have provided additional information to justify the view that no significant effect would occur.

Beer Quarry caves SAC is located just over 5km south west of the development site. The proposed site is therefore outside the 4km roost sustenance zone for either of the known Greater Horseshoe maternity roosts in that area.

In relation to River Axe SAC the site is located at a distance of just over 1km at the closest point. It is advised that the development has the potential to affect its interest features, mainly through increasing nutrient levels within the SAC. However, as part of the previous application from development of the site additional information was provided, to the satisfaction of Natural England, relating to the location and method of treating sewage related to the development. Natural England have confirmed that in relation to this application that nutrient levels in the SAC are being addressed via a Diffuse Water Pollution Plan (DWPP) which has been prepared to take action to reduce phosphorous entering the system from diffuse sources.

In relation to the River Axe SSSI and Beer Quarry and Caves SSSI Natural England has advised that there will be no additional impacts on the features of interest of these sites resulting from the proposed development beyond those already identified with regard to the European wildlife sites above.

Given the above the view is taken that the proposed development would not be likely to have a significant effect on either of the designated European sites and therefore there is no requirement for an appropriate assessment in this instance.

In terms of protected species the preliminary ecological appraisal submitted with the application concludes that the northern hedge boundary and associated track may provide habitat for dormice and bat species and recommends that this boundary should be retained and further lighting of it avoided. The site plan indicates that this would be the case.

OTHER ISSUES

The previous application was refused on the grounds that the development would result in the loss of some of the best and most versatile agricultural land around Colyton and where it has not been demonstrated that land of poorer quality is not available and which should be developed first.

It has been suggested that the site is grade 2 agricultural land, whereas records actually show it to be grade 3 agricultural land. The National Planning Policy Framework defines 'Best and Most Versatile Agricultural Land' as land falling within grades 1, 2 and 3a of the Agricultural Land Classification. It is not clear whether the land in question falls within class 3a or 3b as the Maps provided by Natural England do not subdivide category 3. However the NPPF is clear that it is where 'significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.' The majority of the district is grade 3 agricultural land and this area of land is fairly small and unrelated to any adjoining agricultural land with which it might be managed in conjunction. The applicant has suggested that because of its isolation (from other land in the same ownership) its agricultural use is uneconomic and that they would not wish to keep livestock on the land due to proximity to playing

fields and dog walkers. Clearly development of the site would prevent any future agricultural use but it is not considered that any harm resulting from the loss of this site in terms of either area or the way in which it has been or potentially could be farmed would be sufficient to outweigh the social and economic benefits of the scheme.

As previously reported, in relation to the earlier application, even were the site to fall within the higher classification of land it is a relatively small area of land and recent appeal decisions have indicated that where there is a deficit in housing land supply this takes precedence over loss of agricultural land.

SECTION 106 REQUIREMENTS

The application is accompanied by a Heads of Terms proposing the following measures/contributions:

- o Affordable Housing (4 x 1 bed units and 2 x 2 bed units)
- o Education contributions - Devon County Council are seeking contributions of £7,182 toward transportation costs for secondary school pupils.
- o Public Open Space - Initial discussions have taken place with the applicant's representatives in relation to potentially providing land and works required to meet an identified need for an additional youth football pitch on the adjoining playing fields, the applicant has confirmed they are open to pursuing this option but if this can not be achieved that financial contributions towards off-site works will be provided. The off-site financial contribution would be £26,849.52 (inc. £150 admin fee.)
- o Legal Fees

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a s.106 agreement to cover the matters set out above:

1. 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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Approval of the details of the scale, appearance, access, layout and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.
(Reason - To clarify the nature and content of the reserved matters application.)
3. All habitable floor levels shall be at a minimum of 12.50m OD and no development shall commence until details of finished floor and ridge levels and finished ground levels in relation to a fixed datum has been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the locality and in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

5. Development shall proceed in accordance with the following restrictions:
 - a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
 - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
 - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
 - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)

6. No development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, such statement to include: details of parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials and a programme of works including measures for traffic management. The development shall be carried out in accordance with the approved details.

(Reason - To ensure the free flow of traffic on the highway in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, D or E for the enlargement, improvement or other alterations to the dwellings hereby permitted (other than works that do not materially affect the external appearance of the buildings) or for the provision within the curtilage of any building or enclosure, swimming or other pool.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the site or to the amenities of adjoining occupiers and in accordance with Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 2 Class A, for the erection of any fences, gates or walls other than those agreed as part of the landscaping scheme submitted as part of the reserved matters application.

(Reason - To retain the open character of the communal areas of the site and to ensure the future use of appropriate and sympathetic boundary treatments and in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)

9. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

10. Development shall be carried out in accordance with the submitted flood risk assessment prepared by Teignconsult and dated January 2015.

(Reason - In the interests of the prevention of flooding and to ensure a suitable method of surface water disposal in accordance with guidance within the National Planning Policy Framework)

11. Development shall proceed in accordance with recommendations set out in the Preliminary Ecological Appraisal, prepared by Bluebell Ecology Ltd and dated January 2014.

(Reason - In the interests of the continued protection of protected species and biodiversity enhancement and in accordance with policy EN6 (Wildlife Habitat and Features) of the East Devon Local Plan.)

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the

supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality and in accordance with policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

13. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason -To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

14. The following garaging and vehicle parking spaces shall be provided and maintained thereafter one and a half parking spaces per dwelling where provided in communal parking areas. Further details of the design shall be submitted to the Local Planning Authority and the development hereby approved shall not be occupied until this provision has been made to the written satisfaction of the Local Planning Authority.

(Reason - To minimise the extent of on street parking that may result as a consequence of the development in accordance with policy TA9 (Parking Provision in New Developments) of the East Devon Local Plan.)

15. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

(Reason -To ensure the proper development of the site in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

16. No part of the development hereby approved shall be commenced until: The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway and a site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents and in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

Plans relating to this application:

LP1D	Location Plan	08.01.2015
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List of Background Papers

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

Ward Clyst Valley

Reference 14/1901/MFUL

Applicant Heritage Developments (SW) Ltd

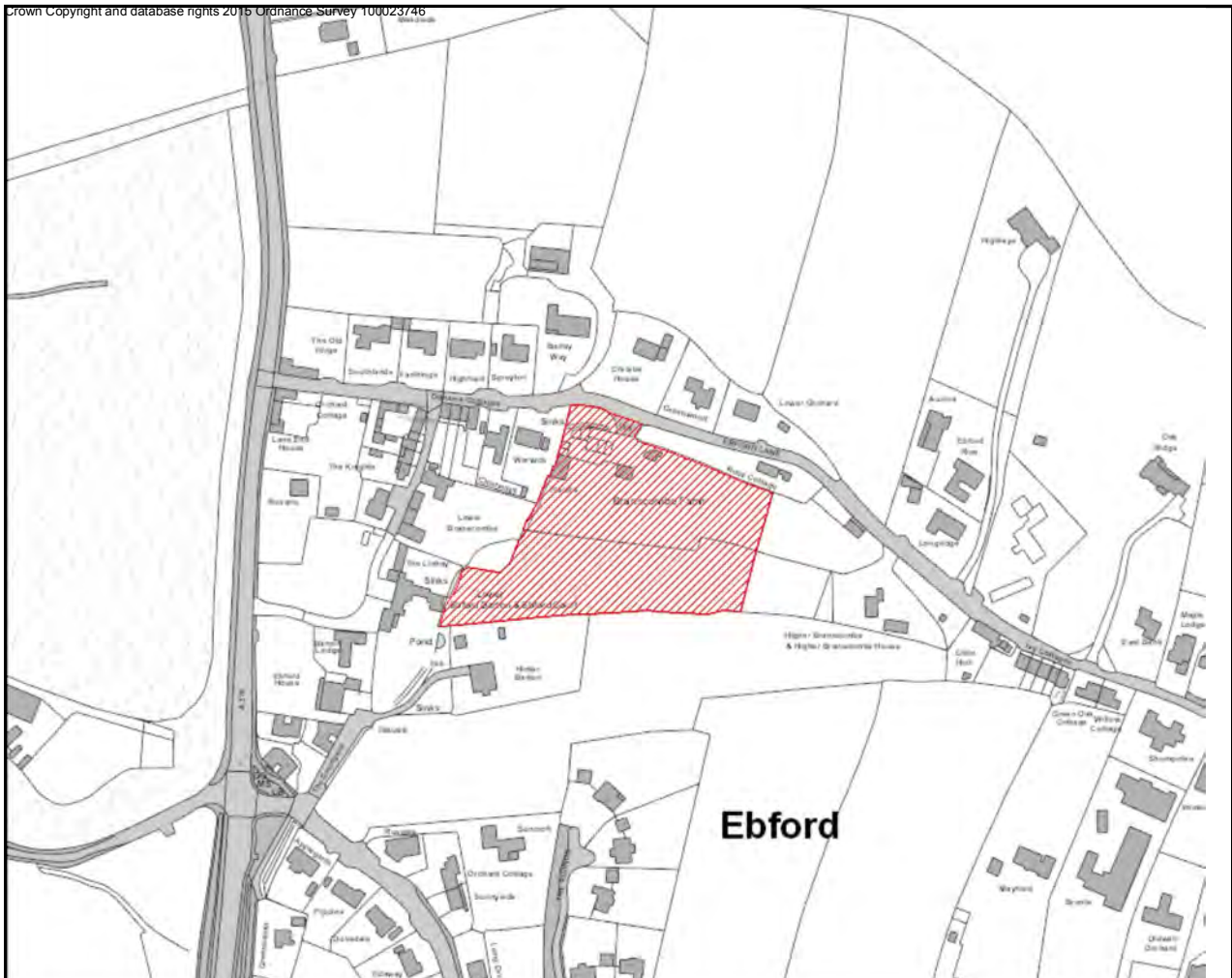
Location Branscombe Farm Ebford Lane
Ebford Exeter EX3 0QX

Proposal Construction of 9 dwellings,
garaging and landscaping with
access off Ebford Lane
incorporating works to Ebford Lane.



RECOMMENDATION: Refusal

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		Committee Date: 31 March 2015
Clyst Valley (CLYST ST GEORGE)	14/1901/FUL	Target Date: 02.12.2014
Applicant:	Heritage Developments (SW) Ltd	
Location:	Branscombe Farm Ebford Lane	
Proposal:	Construction of 9 dwellings, garaging and landscaping with access off Ebford Lane incorporating highway works to Ebford Lane.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application has been referred to Committee by the Chairman. This is on the basis that the Ward Member believes that there should be additional reasons for refusal relating to the design and layout being out of character with the area and the proposal having a detrimental impact upon the setting of listed buildings.

The application relates to a parcel of land in Ebford and the application is for the construction of 9 dwellings with associated highway works.

Whilst the proposal would provide benefits through the provision of housing (at a time when the LPA cannot demonstrate a 5 year supply of housing), and would not have a detrimental impact upon highway safety, ecology, flood risk or other matters, it is considered that there would be adverse impacts from the development in terms of the location of the site in relation to a very limited range of services that would not be sufficient to meet the day to day needs of a village community.

As a result of the limited services and facilities available within Ebford and the surrounding areas, it is not considered that residents of the development would have good levels of access to the range of services to meet their day to day needs, with a reasonable choice of transport modes that would be commensurate with the scale of development or the location of the site.

With regard to the design and layout and impact upon heritage assets, whilst the application proposes a contemporary design of dwellings off a cul-de-sac arrangement that is not characteristic of the area, it is considered that the design is not so harmful to justify refusal of permission. The main impact upon the setting of heritage assets is from within the site and it is considered that it would be difficult to justify refusal of permission on this ground given that these are private views at present with suitable

distances between the new dwellings and the listed buildings.

Whilst the application is accompanied by draft Heads of Terms, a second reason for refusal is recommend on the basis that the application is not accompanied by a S.106 Agreement securing the contributions and obligations necessary to mitigate the impact from the development.

Consultation Period End Date: 18.02.2015

CONSULTATIONS

Clyst Valley – Cllr M Howe 17/03/15

Following an initial review of the above application I recommend the following:

Support the application	No
Object to the application	Yes
In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee	Yes

Relevant planning observations on the planning application to support my recommendation above:

Although I support the Officers recommendation for refusal, I disagree with the lack of refusal on the Impact on the Listed Buildings, I support the Conservation Officers comments on this, and This development although, now much better looking than originally proposed, is still in my view out of character for Ebford that is built up in linear form with individual housed so I also object on design and local distinctiveness, and wish these two extra reasons to be added to the refusal.

Disclaimer Clause: In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Parish/Town Council

22/09/14 - Can I please confirm that Cllr Chris Heale has declared an interest and Cllr John Manser has declared a non-pecuniary interest.

22/09/14 - This application would create 6 large ultra modern houses, some with gated access, and 2 semi detached affordable houses completely out of character with the existing properties. A cause for genuine concern is the affect to the safety of all those using the narrow winding lane, with no pavements. If this application should be passed even allowing for the one way system as shown, allowing access from the existing entrance to higher lane at the A376, or alternatively from the junction with the Lower Lane, for heavy transport vehicles serving the site will bring a serious risk of accidents to pedestrians and motorists using the lane. The council

would like to see a co-ordinated plan to include all four of the developers in this vicinity to provide an access to the Lower lane through this site to exit near the existing traffic lights on the junction with A376. On these grounds we Object to this application. Cllr Heal declared an interest.

13/11/14 - Branscombe Farm - amended plans.

The PC feel this is unsustainable and would like this added to previous objections to the original comments for this application. Cllr Manser declared a non pecuniary interest.

27/01/15 - Branscombe Farm Ebford Lane - Construction of 9 dwellings, garaging and landscaping with access off Ebford Lane incorporating works to Ebford Lane to make it one way only - amended plans. PC comments - does little to improve the situation in providing a suitable access to commercial vehicles needed for the development of this site, they have reduced the number and improved the lay out but making the lane one way only from the entrance to Barley Way will only serve to complicate traffic movements along Ebford Lane which is clearly not suited to lorries.

27/01/15 - Just to confirm in conjunction with other comments submitted Cllr Heal declares a pecuniary interest in this application.

Devon County Archaeologist

23/09/14 - Branscombe Farm Ebford Lane Ebford Exeter EX3 0QX - Construction of 10 dwellings (4 affordable) garaging and landscaping with access off Ebford Lane incorporating works to Ebford Lane to make it one way only: Archaeology

I refer to the above application. The proposed development lies on the edge of the historic ore of Ebford and within a landscape that contains evidence of prehistoric activity - there are two prehistoric or Romano-British enclosures within 500m of the proposed development site. Both sites were identified through aerial photography and will represent the 'tip of the iceberg' with regard to the extent of prehistoric activity in this area. Groundworks associated with the proposed development have the potential to expose and destroy any archaeological or artefactual deposits associated with the known prehistoric activity in the wider landscape that maybe present within the proposed development site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological work, commencing with the excavation of a series of evaluative trenches to determine the presence and extent of any archaeological deposits. This would also determine the scope of any further archaeological mitigation that would be required and undertaken either in advance of or during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Further comments 23/01/15:

I refer to the above application and your recent consultation on the revision to the application. I have no additional comments to make to those already submitted to your Authority, namely:

The proposed development lies on the edge of the historic ore of Ebford and within a landscape that contains evidence of prehistoric activity - there are two prehistoric or Romano-British enclosures within 500m of the proposed development site. Both sites were identified through aerial photography and will represent the 'tip of the iceberg' with regard to the extent of prehistoric activity in this area. Groundworks associated with the proposed development have the potential to expose and destroy any archaeological or artefactual deposits associated with the known prehistoric activity in the wider landscape that maybe present within the proposed development site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological work, commencing with the excavation of a series of evaluative trenches to determine the presence and extent of any archaeological deposits. This would also determine the scope of any further archaeological mitigation that would be required and undertaken either in advance of or during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

County Highway Authority

06/11/14 - Observations:

The County Highways Authority has visited the site and has the following observations to make.

The development accesses on to an unclassified public highway which is restricted to 20mph. This carriageway width is on average 5 metre and the proposed development is approximately 150 metres from the existing access on to the A376 which is restricted to 40mph.

This existing junction is a substandard junction and has properties on either side of the junction causing limited visibility. There have been two reported accidents at this junction in 2012 one slight and one serious accident. There are footways on both sides of this carriageway one of which is only 0.70 metres wide. The carriageway width is on average 8m with a double white centre line. There are bus stops near to junction by the traffic lights with crossing points.

With the existing junction on to the A376 being so substandard to add more vehicular movements would cause this developments impact to be severe on an already substandard junction.

Submitted with this application is a number of proposals to address the impact on the substandard access onto the A376. The proposals in principle are acceptable to the County Highway Authority and will require a Traffic Order to put in place.

Four local residents have spoken to the County Highway Authority about these proposals and my understanding is that they would consult with all the residents on which proposal the majority would prefer if the Local Planning Authority were minded to approve the application.

The visibility splays shown on Drawing No Ebford-001- Site Plan meets the guidelines for this speed of road. With regards the internal layout a 2m overhang added to the turning head at the South of the development to allow for larger vehicles to turn safely and then the proposal on Drawing No Ebford-001- site plan will accord with the principles of shared surface roads as laid down in the Government Guidelines publication/s Manual for Streets 1 & 2 and are therefore would be acceptable in highway safety terms.

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram No Ebford-001- Site Plan Rev 8 where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 23 metres in both directions.

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

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway

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

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 development shall take place on site until the off-site highway works for the mitigation of the increased traffic at the A376 junction and the necessary junction layout has been submitted to and approved in writing by the Local Planning

Authority, in consultation with the County Highway Authority and has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy Section 4 of the NPPF

Further comments 07/11/14 - The Highway Authority have no further comments to make on these amended plans.

Natural England

04/11/14 - Thank you for your consultation on the above proposal which was received by Natural England on 20 October 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary Special Protection Area (SPA) and Ramsar site¹, East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

It is Natural England's advice that, as the proposal is not necessary for European site management; your authority should determine whether the proposal is likely to have a significant effect on any European site.

If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

On the basis of the information provided, Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

Exe Estuary SPA/ Ramsar Site

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

The application site lies c. 500m from the Exe Estuary SPA and Ramsar site and c. 4.7km from the East Devon (Pebblebed) Heaths SAC/SPA. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

We note in the Design and Access Statement (paragraph 1.27) that 'financial contributions towards the mitigation of any impacts on the Pebblebed Heaths and Exe Estuary SPAs are offered through a s106 planning obligation'. The proposed Habitat Mitigation Contribution (per dwelling) is to help avoid and mitigate additional recreational impacts from this housing proposal. We assume that the financial contribution is sufficient to provide mitigation for the Exe Estuary SPA/ Ramsar Site and the East Devon (Pebblebed) Heaths SAC and SPA. Your authority must be clear about this before granting permission. Assuming that the financial contribution is sufficient and if the mitigation contribution is secured, Natural England would concur with the view that a Likely Significant Effect can be avoided.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment. Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Exe Estuary SSSI and East Devon Pebblebed Heaths SSSI

Natural England advises that there will be no additional impacts on the features of interest of these SSSI sites resulting from the proposed development beyond those already identified with regard to the European wildlife sites above.

Protected Landscapes

The application site lies c. 3.9km from the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Green Infrastructure potential

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Biodiversity enhancements

Your authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework (NPPF). Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

The Town and Country Planning Association's publication 'Biodiversity By Design' provides further information on this issue.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- o local sites (biodiversity and geodiversity)
- o local landscape character
- o local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

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.

Conservation

02/10/14 - BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is located to the south of Rose Cottage, a grade II C17 cottage. The site is relatively well-screened to the south although during winter months the cover will be substantially reduced. Most other dwellings in the area are relatively modern although the character of the setting of Rose Cottage remains quite rural with open views and hedgerow boundaries.

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

The proposed development is quite alien in its layout and architecture to the more ribbon-type development of the village. I concede that there have been areas of infill development over the years but nothing in the form of a cul-de-sac arrangement. The material consideration is the impact of the proposed development upon the setting of Rose Cottage and the degree to which that setting contributes to its significance as a heritage asset. The setting of the listed building is reflective of its vernacular architecture and its rural setting is considered important to its significance. Plots 2 and 3 of the proposed development would be particularly close and quite dominant at the rear of Rose Cottage, and by virtue of their massing, bulk and design would be harmful to its setting. If development were to be limited to the

western half of the site the impact would be significantly reduced. However, as it stands I cannot support the application.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

12/11/14 - Additional comments on original submission and amended plans submitted 30th October 2014.

Firstly, in addition to my comments of 2nd October and a subsequent site visit the full extent of the site boundary became apparent and I now wish to advise that the proposed development would have an additional impact upon two other listed buildings to the south-west of the site; these being Ebford Barton (including Ebford Court) and Ebford House. If the site were to be developed this would open up prominent open views from within the site, and I would argue that this is a material consideration. The units towards the south and west boundaries of the site would certainly impact upon the setting of these two particular listed buildings, and units 5 and 6 would be in close proximity to Ebford Barton. With this in mind I would expect the significance of these assets to be properly assessed and the contribution of their setting towards their significance measured together with the impact of the proposals upon that significance.

With regard to the amended plans submitted on 30th October the very minor changes to the proposed layout has achieved nothing in addressing the points in my previous comments. Unit 3 will still have an impact upon Rose Cottage in my view. The suburban layout and proposed designs have no relationship with their context and while there is no statement of significance I remain of the view that the proposed development would have an adverse impact upon the setting of heritage assets. I would continue therefore to strongly recommend refusal.

Further comments 19/02/15

I have re-read my previous comments and would stand by the view that impact should be measured from within the site. While Ebford has evolved somewhat sporadically it still retains pockets of traditional vernacular development to the west of the site with a general ribbon form of more modern development running eastward. The proposed cul-de-sac arrangement surrounding a roundabout estate road is still, in my view an inappropriate for of development for this site. There would be far more appropriate layout forms and house designs that would sit more comfortably on the site without causing substantial harm to the setting of heritage assets. The impact from the highway would certainly be 'less than substantial' but from within the site the setting of Ebford Court, Ebford Barton, Ebford House and Rose Cottage would be affected.

Environment Agency

11/09/14 - The proposal is under 1 hectare (0.96 on the application form) and in flood zone 1, as such our standing advice should be applied

Robin Leivers
Area Sustainable Places Devon & Cornwall South West Region

Environmental Health

29/09/14 - I have considered the application and do not anticipate any environmental health implications once constructed. In order to restrict the impact on the amenity of local residents during works I recommend that the following condition is applied to any consent:

- a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
- b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
- c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .
- d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

Reason: To protect the amenity of local residents from smoke, noise and dust.

Further comments 21/10/14 -

We would not wish to comment on this, should be sent to Natural England.

EDDC Trees

26/09/14 - The Advanced Arboriculture Tree Report dated 25 July 2014 makes appropriate recommendations regarding tree constraints, which is reflected in the sites layout. The Arboricultural Method Statement (AMS) describes a suitable degree of protection for the trees during development, including provision of a site monitoring schedule during construction.

The proposed plans are considered acceptable in arboricultural terms.

If the application is approved it should be subject to conditions covering installation of tree protection fencing prior to any works on site, site monitor as described with the AMS, and submission of the completed site monitoring log prior to discharge of the of tree protection condition, routing of services outside of construction exclusion zones (unless agreed in writing by the local planning authority).

Suggested condition:

All arboricultural works (tree removal, pruning, planting and other remedial or preventative work) and protection measures as detailed in the arboricultural report [Advanced Arboriculture BS5837:2012 Tree Report 25/07/2014] which is approved as part the planning permission shall be carried out as described. The site monitoring record will be kept in strict accordance with the approved arboricultural method statement and submitted prior to the final discharge of the tree protection condition

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written

approval of the LPA. All tree works shall be carried out in accordance with BS3998. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

All underground services shall be located outside the construction exclusion zones, as shown in the approved arboricultural report [Advanced Arboriculture BS5837:2012 Tree Report 25/07/2014] unless otherwise agreed in writing by the LPA.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality.

Housing Strategy Officer Paul Lowe

10/09/14 - According to the submitted Planning, Design and Access Statement the site comes forward under Strategy 27 of the emerging new East Devon Local Plan 2006 - 2026. If this assumption is supported then we should be seeking 50% (5) as affordable housing and not the 40% proposed, with a tenure split of 70% affordable rent and 30% as shared ownership.

We believe that this application should be considered using the Interim Mixed Affordable and Market Housing Position Statement. If this position is supported then we will expect to see 66% (7) as affordable housing. However, due to the lack of a 5 year land supply, 40% affordable housing will be expected on site, with a tenure split comprising 3 affordable rent and 1 shared ownership unit.

In any case, all nominations should be sought via the Common Housing Registers, with all the affordable housing being available in perpetuity, with a nomination cascade mechanism in place giving preference to people who have a local connection to the Parish, then cascading to named adjoining parishes and finally the District. As the proposed development falls within a Designated Protected Area, staircasing is to be restricted to 80%.

If this proposal meets the various planning tests it should also reflect locally generated housing need. A Housing Needs Survey was undertaken within the Parish in March 2011, this showed a low need for affordable housing in the Parish of Clyst St George. If we considered this Parish forms part of a 'Grouped Parish', as stated in the current Local Plan it is grouped with Clyst St Mary, Farringdon and Sowton Village. All three Grouped Parishes have had Housing Needs Surveys in March 2011, the combined need for all Four Parishes is for over twenty affordable homes. The majority of need is for one / two bedroom houses. However, consideration should also be given to a number of three bedroom homes as well as affordable disabled use dwellings. We note that the proposed application only intends to provide 3 bedroom houses, this does not reflect the apparent housing need. The proposed affordable units are also considered to be below the minimum space standards required by the Homes and Communities Agency.

If this development secures planning permission, all the affordable housing should be transferred to and managed by a Registered Provider, they should also be

constructed to both the Registered Providers own design standards and to the Homes and Communities Agency Design and Quality Standards.

We further note that the proposed affordable housing appears to be tenure blind and Carbon Neutral, we understand that this is equivalent to Code 6 for Sustainable Homes, and is to be welcomed.

Further comments 21/10/14 - My comments made on the 14 October remain unchanged.

Further comments 27/01/15 - Recent National Planning Policy Guidance states that "affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of the units within the development". This applies to rural areas described under section 157 (1) of the Housing Act 1985. The guidance therefore requires a cash payment rather than on-site affordable housing provision in a case such as this where 9 units are proposed.

Assuming this forms the basis that the application is to be considered, and taking into consideration previous conversations and email exchanges with the developer we will be seeking a contribution of £432,000. This figure is based on information provided by the developer when trying to calculate an affordable housing offer for the original planning application.

DCC Strategic Planning Children's Services

18/02/15 - 18 February 2015

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards education infrastructure and school transport via a section 106 agreement is sought.

There is currently capacity at the nearest primary school for the number of pupils generated by this development therefore a primary education contribution will not be sought. However, Devon County Council will seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £15,338 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

In addition, we will require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Exmouth Community College. The costs required are as follows: -

2.00 secondary pupils

£47.70 per day x 190 academic days x 5 years = £45,315

The County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution.

However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Further comments 9.03.15

With regards to the figure for education infrastructure it has come to my attention that the original figure for 9 dwellings was incorrect. We calculate our education contribution figures using the DCSF Cash Multiplier Rates that are stated in the attached Section 106 Infrastructure Approach. This states that a contribution of £18,241 per pupil would be requested for expansion of local secondary schools. The development in question of 7 dwellings would generate 1.05 secondary school pupils and therefore a contribution of £19,153.05 would be sought. Apologies for any inconvenience the original error may have caused.

With regard to the secondary transport contribution, I believe that in this instance it would be acceptable to reduce the contribution to £2,517.50 due to the small amount of excess above the 1 secondary pupil the development would generate. This contribution would be used to transport the 1 additional pupil generated by the proposed development.

Other Representations

43 letters of objection have been received at the time of writing this report raising concerns which can be summarised as the following:

- Ebford is unsustainable as it has no facilities
- The applicant's sustainability statement is inaccurate and flawed
- Road improvements would not benefit existing residents
- Increase in traffic would impact on highway safety
- There would be increased surface water run-off
- Impact on ecology and wildlife
- Design, form, massing and size of the dwellings would be out of keeping with the character of the village.
- The bus stops and school cannot be easily accessed as there are no crossing points
- Narrow pavements to the school would discourage walking
- Contrary to neighbourhood plan which is under preparation
- Adverse impact on the village
- Impact on the setting of heritage assets
- Lower Lane would not be able to cope with increased traffic movements
- Impact on privacy of existing properties
- There has not been enough community consultation
- No S106 agreement has been submitted with the application

- Damage to road and disturbance to residents during construction
- Size and design of the dwellings are out of keeping
- Outside of the built-up area boundary of Ebford
- Would impact on a toad migration route
- Ebford is car dependent
- A detailed statement has been submitted by the Ebford Residents Association in response to the applicant's sustainability statement- this is addressed in more detail within the body of this report.

POLICIES

New East Devon Local Plan Policies

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 7 (Development in the Countryside)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D3 (Trees and Development Sites)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

Strategy 43 (Open Space Standards)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

S4 (Development Within Built-up Area Boundaries)

S3 (Built-up Area Boundaries for Villages)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

RE3 (Open Space Provision in New Housing Developments)

H4 (Affordable Housing)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN6 (Wildlife Habitats and Features)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site refers to Branscombe Farm, comprising two relatively flat rough grassland fields partially enclosed by hedges with mature trees. It is located in the small village of Ebford, which is located adjacent to the A376 Exeter to Exmouth Road, approximately equidistant between the two settlements. The site is approximately 0.96 ha in area and has an existing agricultural access off Ebford Lane. There are a number of dilapidated agricultural buildings located within the N.W. corner.

The site is bounded by residential development on its western and northern sides with a further area of agricultural land to the south, which separates it from further residential development along Lower Ebford Lane. Abutting the north eastern corner of the site is a grade II listed building (Rose Cottage) and to the south west, in the more historic part of the village, are grade II listed Lower Ebford Barton and Ebford House.

Proposed Development:

Planning permission is sought for the construction of 9 no dwellings comprising 2 no 4 bed units, 4 no 5 bed units, 2 no 1 bed units and 1 no 3 bed unit. 6 of the dwellings are proposed as open market dwellings with the remaining 3.6 being affordable. The proposed dwellings would be two storeys in height as a mixture of semi-detached and detached units. The properties would be arranged around a central green turning area in a cul-de-sac form of development. The dwellings would have a contemporary design with pitched roofs and would be constructed using a palette of materials which include render, timber cladding and stone. Parking for each property would be provided either in the form of detached garages (for the open market housing), courtyard parking or on-plot parking spaces.

The development would be served by the existing access into the site which would be widened and improved to provide adequate visibility splays.

The proposal also includes an alternative road layout which proposes a no entry arrangement to the front of the site to prevent access from the site to the A376 via Ebford Lane. In addition a suitable turning head would be provided before the no entry point within the Branscombe Farm site. This would be secured through a S106 agreement. This matter is discussed in greater detail later within the report.

Principle and Policy Context

The National Planning Policy Framework (the Framework) recognises that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 14 sets out that at the heart of the Framework there is a presumption in favour of sustainable development. This states that in decision-taking where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework.

In this case, it is acknowledged that the Council does not have a 5 year supply of housing land, as required by the Framework, and therefore its housing supply policies in the East Devon Local Plan, Adopted 2006, (LP) are out of date. The emerging local plan identified (Strategy 27) those settlements within the district where new development would be proposed within the plan period. Within this Strategy 25 new homes were proposed for Ebford. However the housing figures proposed under Strategy 27 are now the subject of further review following the concerns raised by the examining Inspector in a letter received at the end of March 2014 which questioned the proposed housing numbers suggested by the Council in the emerging plan and their locations within the district.

Previously the sustainability of sites located within or adjoining areas where a built-up area boundary had been identified was not scrutinised, however in light of the examining Inspector's letter on the draft local plan, lack of 5-year supply of housing and appeal decisions (see below) the BUAB is no longer the criteria against which the suitability of a site to accommodate new development should be assessed.

With regard to draft Strategy 27 of the New Local Plan, The Local Plan Inspector expressed concern that the figures in the draft plan were not based on an assessment of the ability of individual settlements to accommodate growth, and that the application of a 5% minimum growth across all of the villages was too general to be applied on a blanket basis across the district.

On this basis this application is a proposal that no longer falls to be assessed in relation to the BUAB or Strategy 27 but should be considered using the Framework's presumption in favour of sustainable development which is further addressed below.

The weight to be attributed to Strategy 27 and BUAB's was recently addressed in an appeal decision relating to a proposed development of 4 houses in the village of Offwell and is of particular relevance. (East Devon District Council reference: 14/0225/FUL, Inspectorate reference: APP/U1105/A/14/222273). The Inspector in this appeal found that whilst the site was located adjacent to that settlements' BUAB he attributed very little weight to draft Strategy 27 having regard to the examining Inspectors' letter. Additionally whilst Offwell contains a church, primary school, community shop/post office and recreational facilities the Inspector still found the location to be unsustainable.

Accessibility and Modes of Travel:

Section 4 of the NPPF is clear in its intention to promote sustainable modes of travel. However it is acknowledged that this guidance and the associated Practice Guidance are equally clear that transport solutions will vary between urban and rural situations. In that sense, the Framework does not seek to prevent car use but requires a balanced approach, depending on the context and scale of development proposed.

Whilst the site is located adjacent to existing properties, and is not regarded as being isolated in a geographical sense from other built development, Ebford as a whole contains no services or facilities. There is no doctors surgery, shop, post office, leisure facilities, school, or employment within Ebford. Although there is a primary school, a public house, a petrol filling station (south) and Darts Farm (which provides a more specialised and bespoke shopping experience) within a radius of 1km of the site these are not considered to be readily accessible without recourse to a private vehicle.

The application is accompanied by a detailed sustainability statement which acknowledges that whilst Ebford has no everyday facilities to sustain a community, there are facilities available within neighbouring settlements of Clyst St George, Exton and Topsham which it is claimed are all easily accessible by walking, cycling or using public transport. In appraising the sustainability/ accessibility credentials of the site, a significant amount of weight is given by the applicant to the footpaths, cycle paths and public transport routes as a means in which it is claimed these facilities are readily accessible and would therefore discourage reliance on the use of the car. In addition, it is claimed that the site is well placed in relation to a primary school, a pub, Darts Farm and a number of community facilities within the Parish. The statement is accompanied by a sustainability map to demonstrate the relationship between the site and surrounding services.

It is accepted that in theory it is possible to walk to some of these facilities, however the nature of the route, initially along narrow lanes without footways within Ebford to the junction with the A376, and then via a narrow footpath alongside the very busy A376 is not considered to be a journey that would be undertaken on a regular basis, and certainly not with small children, animals, at night or in poor weather. In addition to the nature of the footpaths, running alongside a busy 'A' road, which it is contended would significantly reduce the desirability of walking to a limited range of facilities, it is pertinent to note that there are no designated crossing points along the A376 to reach them.

For example, Clyst St George Primary School is located approximately 1 km from the Branscombe Farm site. As well as the distance, it is considered that the narrow width of the footpaths, coupled with the fact that parents with small children would have to cross a busy road to get into the village of Clyst St George would make the route undesirable for walking to school, particularly in the winter or in poor weather. Similarly, if residents from Ebford wish to access Darts Farm by foot, they would have to do so using the narrow footway and then find a way to cross the A376 and then back over the B3179 to do. It is considered that this makes for an unsafe and therefore undesirable journey which is likely to make people more dependent on the car. Similarly cycling to the above facilities would either involve cycling along the A376, or taking a lengthy detour to the Exe Estuary cycle path, again not likely to be a regular or daily occurrence. In order to make linked trips, it would involve crossing busy roads a number of times and travelling in different directions as the School, Darts Farm and other facilities are spread around in different directions.

This position is supported by a sustainability statement from the Ebford Residents Group who claim that residents who live in Ebford are very car dependent. In their own independent appraisal of the accessibility of Ebford to everyday facilities and services, the residents group support the Council's position in relation to concerns over the distance from the limited range of facilities at Exton and Clyst St George and desirability of accessing them from the Branscombe Farm site. They cite that pavements widths, lack of crossing points and traffic speeds all amount to safety issues which significantly reduces the desirability of choosing to walk to the school or Darts Farm. As well as identifying a number of flaws with the applicant's sustainability statement, the residents group also suggest that the relationship between the site and the village of Exton and Clyst St George has been overstated. For example, Ebford is located a considerable distance from Exton train station which is at least 2 km away. This distance itself is considered likely to be enough of a deterrent to use the train as an alternative mode of transport to the private car.

The residents group claim that Ebford is heavily car dependent as a consequence of its location, hazardous footpaths and lack of amenities. Figures from the Office of National Statistics 2011 appear to support this view that residents of Ebford are dependent on the use of the car. The figures in the table below show the method of travelling to work for the Parish of Clyst St George (which would include residents of Ebford and takes into account those working from home and not in employment) and demonstrates that of the 345 residents employed within the Parish, 75% travel to work via car- this is especially high when considered against the district wide figures (62.48%) and for the South West (62.34%).

Method of Travel to work	Clyst St George Parish	East Devon	South West	England
Bus	1.4%	2.64%	4.68%	7.5%
Car	75%	62.48%	62.34%	57%

Source: Office for National Statistics: Neighbourhood Statistics 2011

It is acknowledged that the site does benefit from reasonable bus services to Exeter and Exmouth, operating at 15 minute intervals throughout the week. Whilst the good bus service does weigh in favour of the proposal, it is again questionable as to how desirable using the bus would be (Exeter and Topsham bound) given the fact that it would be necessary to cross the busy A376 to get to the bus stop. This might be one of the reasons why usage of the bus as a means to travel to work is so low when compared to East Devon, the South West and national figures.

Notwithstanding the nature of the journey to the limited facilities within reasonable proximity of the village, it is not considered that these facilities would provide anywhere near the comprehensive level of services normally required for a household on a day to day basis. Residents are likely to require additional services such as access to health care and secondary schools and access to wider food shopping, leisure and employment. Such facilities are some distance away and it is considered that access to these would be most likely to be via private car from this location even though the A376 is serviced by a regular bus route linking Exeter and Exmouth and points in between.

The practicalities of accessing the available services is further emphasised by the fact that facilities are not located in one location which would enable a single or combined journey. The nearest primary school is located in Clyst St George to the north of the village; secondary school in Exmouth to the south; shops (other than Darts Farm) are available in Topsham to the west; public house to the north and garage to the south.

Advice within the NPPF is that Local Authorities should support dwellings where they encourage the growth of travel by modes other than by private vehicle and in this case it is considered this proposal is unlikely to arrive at that scenario. There is a train service from Topsham and Exton, however access to this would also involve a long walk/cycle and is not likely to be very practical as an alternative means of transport on a regular basis without reliance upon a motor vehicle.

Whilst all cases are required to be determined on their merits, considering the appeal decision at Offwell, as a village it compares more favourably in terms of services than Ebford in terms of this dimension of sustainability, although access to a regular bus service at Ebford is considered to provide some positive weight in the sustainability balance.

Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the

Framework and the objectives of the Local Plan in this regard. Policy TA1 of the Local Plan is a relevant policy stating 'New development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.' The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

It is acknowledged that at present the Local Authority cannot demonstrate a 5 year housing supply and as such the built up area boundaries carry little or no weight. However, sustainability is the 'golden thread' running through the National Planning Policy Framework. Spatially, the application site is located some distance from and is therefore poorly related to the nearest surrounding villages and it has limited access to few facilities within a 1-1.5 km catchment area. There are no everyday facilities such as a doctors, food shopping, education, employment and leisure that would be within easy and safe walking distance from the application site. The location of the site is not therefore considered to be a sustainable option for additional residential development. Future occupiers of the properties are likely to be dependent on the use of the car to access the aforementioned facilities such that it is not considered to be a sufficiently sustainable location for new residential development. It is therefore considered that new dwellings in this location would be harmful to the objectives of national and local planning policy which promote sustainable patterns of development.

Within the NPPF there are three dimensions to sustainable development and it is accepted that this proposal would contribute towards the economic role and social role as the construction of a further nine dwellings would make a contribution towards housing numbers within the district and employ builders and others in its construction and sale, meaning some economic and social benefits would be realised. However given the limited weight that can now be given to Strategy 27 and the circumstances of Ebford having a BUAB, and the relatively poor access to services at Ebford without recourse to a car for every day needs it is considered that this reduces the social benefits with the environmental role of sustainable development not being met and this would outweigh any gains from the social and economic dimensions. The proposal therefore fails to accord with the 'golden thread' running through the NPPF of promoting sustainable development through reducing the need to travel by private vehicle.

Character and Appearance:

Ebford is a village which is comprised of a variety of architectural styles and designs in a close knit and linear form along Ebford Lane and Lower Ebford Lane. The fact that Ebford has no discernible architectural style, gives the village an organic character typical of a Devon village.

Throughout the course of the application, a number of amended plans have been received revising the layout of the proposed development, following officer concerns about whether a modern planned estate of similar styled contemporary properties is appropriate for the village and the impact that the development would have on the rural character of the settlement. The application proposes 9 dwellings with an estate

layout of modern houses around a turning circle which it is acknowledged would be an alien form of development in relation to the character of the village which is largely characterised by its organic and linear form. Whilst this would be the case, it is acknowledged that there are examples of contemporary design within the village, generally limited to infill development of one or two dwellings that has less of an impact on the overriding character of the village as a whole.

In this respect, officers have sought a layout and design that would better reflect the characteristics and pattern of development identified above. In particular encouragement was given to providing a closer knit form of development, with the incorporation of a greater mix of house types to better reflect the pattern of development and the variation in architectural styles found throughout the village. Officers considered that further thought should be given to using a more traditional house type with vernacular design and detailing which would be more appropriate to the character of the village and to the setting of listed buildings within the vicinity. The applicant does not however agree with this view and has not agreed to a more traditional and vernacular design approach. The dwellings are contemporary in terms of their design, form and detailing. The most significant change that has been made to the design is the incorporation of pitched roofs to the properties in an attempt to give a more traditional appearance. However the size, massing and form of the properties would still have a distinctly suburban appearance, particularly from within the site.

The applicant has focused efforts on revising the layout in an attempt to create a better sense of place with the development, which has been achieved to a degree by reducing the number of dwellings from 10 to 9, re-positioning the dwellings towards the southern part of the site around a central green turning area. In addition the design now incorporates subtle variations to the elevations of the dwellings and the palette of materials in an attempt to ensure that each property is not viewed as being identical.

Whilst it is still considered that an suburban estate layout of contemporary dwellings is not in keeping with the pattern and urban grain of Ebford and would therefore have a degree of impact upon the character of the village, it is not considered that the development would result in significant enough visual harm from Ebford Lane that an objection could reasonably be sustained or defended at appeal. Ebford has such a variety of architectural styles and forms of property that its character can not readily be defined. In addition, whilst development of the village is largely linear in form, there are examples of tandem developments of two or three dwellings which run against this linear pattern.

The visual impact of the development would further be reduced by virtue of the fact that the dwellings would be set well back from Ebford Lane. A substantial amount of vegetation on the sites frontage would be retained and reinforced by additional planting. The visual impact of the development would therefore be limited to localised views along Ebford Lane when passing the site. On balance, whilst officers are certainly not satisfied that this is the most appropriate manner in which to develop the site to ensure that it best reflects the pattern of development and variety of architectural styles within Ebford, it is not considered that an objection could be sustained on these grounds.

Heritage Assets:

The site is located to the south of Rose Cottage, a grade II C17 cottage and is in close proximity to two other listed buildings to the south-west of the site; these being Ebford Barton (including Ebford Court) and Ebford House. The site is relatively well-screened to the south although during winter months the cover will be substantially reduced. Most other dwellings in the area are relatively modern although the character of the setting of Rose Cottage remains quite rural with open views and hedgerow boundaries.

The Council's Conservation Officer also acknowledges that the proposed development is quite alien in its layout and architecture to the more ribbon-type development of the village. Whilst it is conceded that there have been areas of infill development over the years there is nothing in the form of a cul-de-sac arrangement. The material consideration is the impact of the proposed development upon the setting of the heritage assets and the degree to which their setting contributes to their significance as a heritage asset. The setting of each of the listed buildings is reflective of their vernacular architecture and the rural setting is considered important to its significance.

Following the Conservation Officer's initial concerns, the layout has been amended which has moved unit 3 further away from Rose Cottage (35.0 metres) and unit 6 away from Ebford Barton and Ebford House. In addition cross section drawings and photomontages have been submitted to show the relationship between the development and Rose Cottage. Whilst development of large contemporary dwellings would have a degree of impact on the setting of Rose Cottage, the sections show the comparative ridge heights between unit 3 and the cottage where the ridgeline would exceed Rose Cottage by just 215mm. In addition unit 3 would be positioned 35.0 metres away from Rose Cottage such that views of the development in the context of Rose Cottage would be limited to directly in front of the property over its garage. It is not therefore considered that the development would result in substantial harm to the setting of Rose Cottage to sustain an objection.

The Conservation Officer also raised concerns about the impact on the setting of Ebford Barton and Ebford House as a result of the site being developed and opening up prominent open views from within the site. Whilst these concerns are noted, and it is accepted that the units towards the south and west boundaries of the site would have a degree of impact upon the setting of these two particular listed buildings, it is considered that units 5 and 6 would be positioned a significant distance from the boundaries of these properties. The impact on their setting would be limited to views from within the site which is not considered to be significantly harmful enough to sustain an objection. This is particularly the case as the site is currently a private piece of land from which there are currently no public views. It is not therefore considered that significant weight could be given to the impact on the setting of heritage assets from within the development itself.

Whilst again it is considered that the site could be more appropriately developed in terms of its layout and design, the amendments that have been made and the extra

information that has been provided is considered to be sufficient to ensure that the impact on the setting of heritage assets would not be significantly harmful.

Highways Issues:

The development accesses onto an unclassified public highway which is restricted to 20mph. This carriageway width is on average 5 metre and the proposed development is approximately 150 metres from the existing access on to the A376 which is restricted to 40mph.

Devon County Highways Authority contends that this existing junction with the A376 is a substandard junction with properties on either side of the junction causing limited visibility. There have been two reported accidents at the junction in 2012 one slight and one serious accident. There are footways on both sides of this carriageway one of which is only 0.70 metres wide. The carriageway width is on average 8m with a double white centre line. There are bus stops near to junction by the traffic lights with crossing points. DCC have advised that with the existing junction on to the A376 being so substandard to add more vehicular movements would cause the proposed development to have a severe impact on an already substandard junction and would not therefore be supported.

To address this concern, a report by WSP has been submitted with the application which considers the impact of the development on the local highway and puts forward a mitigation strategy which proposes the implementation of a Traffic Regulation Order (TRO) along the section of Ebford Lane between the A376 junction and the site access into Branscombe Farm which would effectively restrict its use to one-way eastbound only. This proposal would ensure that the development would have no greater highway safety impact on the junction with the A376 and would allow existing residents west of the site to continue to use the junction if they wish to do so.

A subsequent plan has been submitted as part of the application indicating a no entry system along a length of Ebford Lane from its junction with the A376 to the entrance of Branscombe Farm. In addition a suitable turning head would be provided before the no entry point within the Branscombe Farm site. The introduction of such a system would mean that traffic wishing to access the A376 from Ebford Lane would have to use either the traffic light controlled access, or the alternative access from Old Ebford Lane.

Either of the options would require vehicles to travel via Ebford Lane and Lower Lane to access the main road from this and neighbouring sites. DCC have advised that the proposals to address the impact on the substandard access onto the A376 are acceptable in principle and that the County Highway Authority would require a Traffic Order to put them in place. It is considered that the requirement for a TRO could be secured as part of the S106 agreement to which DCC would be a party. This would ensure that the development cannot commence until the TRO has been secured.

DCC have also advised that the visibility splays shown on Drawing No Ebford-001-Site Plan meets the guidelines for this speed of road. With regards the internal layout a 2m overhang added to the turning head at the South of the development to allow for larger vehicles to turn safely and then the proposal on Drawing No Ebford-001-site plan will accord with the principles of shared surface roads as laid down in the Government Guidelines publication/s Manual for Streets 1 & 2 and are therefore would be acceptable in highway safety terms.

Whilst this proposal would clearly result in some tangible benefits in terms of highway safety, the applicant's are suggesting that these benefits should be seen to outweigh the Council's concerns with regards to the site's inaccessible location. In this regard, DCC have informally advised that the cost of the TRO and putting in place the signage would be approximately £6,000. Officers view is that the reasonably low cost does not justify or require a development of 9 dwellings in a location which is not considered to be suitable in terms of its accessibility to services and facilities. This is a view that is clearly supported by residents of Ebford and the Parish Council and given the low cost of the TRO (which could reasonably be subsidised by a significantly smaller scale of development) it is not considered that the highway safety benefits to be derived from the scheme would outweigh the concerns about the site's location.

Residential Amenity:

The site is of a size that can accommodate 9 dwellings such that each would be positioned a significant distance from the boundaries of adjacent neighbouring properties without resulting in a significant physical impact in terms of an over bearing or over dominant impact or loss of light. Whilst the development would have a degree of impact on the occupiers of adjacent properties as a result of introducing a residential use into the site, it is not considered that it would introduce a relationship that would be unacceptable in planning terms. Units 1, 2, 3 and 4 would be positioned a sufficient distance from Rose Cottage and its rear garden and would be orientated such that it would not result in a significant level of overlooking or loss of privacy.

Units 7, 8 and 9 would be positioned alongside a property known as Warwick, a bungalow whose rear garden runs parallel to the western boundary of the site. Whilst these units would have a degree of impact upon the occupiers of Warwick, it is not considered that it would result in a significant impact on their residential amenity. The elevation of plot 9 would contain a side entrance door with a single window which is intended to serve a stairwell to the property. This window would be positioned such that it would face towards the garage and driveway of Warwick. On the basis that it is intended to serve a stairwell and not a habitable room, it is not considered that it would result in a significant impact in terms of loss of privacy. All other openings on the side elevation would be at ground floor level whereby it is not considered that there would be any significant overlooking.

Plot 6 would be orientated such that its rear elevation would face towards Lower Branscombe. It would have two bedroom windows facing towards this property however at a distance of 17.0 metres to the boundary it is not considered that this would result in an unacceptable relationship in terms of overlooking and loss of

privacy. First floor windows on the side elevations would be fitted with obscure glass which could be secured through condition.

Plot 5 would have a degree of impact upon the occupiers of Hinter Barton which is positioned to the south of the site. This property would have a secondary bedroom window at first floor level facing towards the boundary. However given the distance from the boundary, coupled with the fact that there is a strong tree lined boundary (intended to be retained) it is not considered that this would result in a significant impact on the amenities of Hinter Barton.

It is considered that the submitted layout would be acceptable in terms of the impact on the amenities of the occupiers of the surrounding properties. There is likely to be disturbance to residents in the village during the construction phase which could be limited/ controlled through the imposition of a condition requiring the submission of a Construction Environment Management Plan detailing delivery and working hours, dust suppression etc. It is considered that the proposal would provide a good standard of amenity for existing and future occupiers and in this regard it complies with one of the key principles within the NPPF.

Drainage:

The application site falls within an area designated as flood zone 1 and is less than 1 ha in area. As such, the application falls to be considered under the standing advice of the Environment Agency. A number of representations from members of the public have raised drainage and flood risk issues as an area of concern. The application is accompanied by a Flood Risk Assessment undertaken by Craddy Pitchers Davidson which identifies the existing site drainage and puts forward a surface water drainage strategy for the development. The report clarifies that the site is Greenfield and is not currently serviced by surface or foul water. There is a watercourse which enters the site at the north western corner into an open system which continues along the western boundary of the site.

A drainage strategy has been proposed which aims to ensure that redevelopment of the site would not increase flood risk elsewhere in respect of surface water through increasing the rate of runoff. In order to achieve this, a SUDS scheme is proposed which would be designed to 1 in 100 years plus 30% for climate change as required by EA standing advice. The main principles which underpin the surface water strategy would be to maintain 'greenfield' run off rates via a partially adopted attenuation facility. It proposes to utilise permeable paving to all car parking areas and private driveways. It is considered that the proposed drainage strategy would in principle ensure that there would be no significant risk of increased flooding outside of the site and on this basis a condition could reasonably be imposed to secure a more detailed surface water drainage strategy. It is not therefore considered that an objection could be sustained on the grounds that the proposed development would exacerbate flood risk off site.

Ecological Impact:

The application is accompanied by an Ecological Survey and Phase 1 Habitat Survey undertaken by Sunflower International Ecological Consultancy to assess the

ecological value of the site and likely impact of the development on protected species. The survey identifies that there would be no significant impact upon dormice, or badgers but does recommend further survey work to be undertaken to assess the impact upon bats and reptiles and amphibians.

In respect of bats, the ecologist advises that the site would appear to be suitable for bat foraging and possibly roosting in the large trees that run along the southern boundary and therefore additional bat surveys were recommended. In respect of reptiles and amphibians, the ecologist advised that whilst none were recorded on site, a reptile survey is recommended due to the suitability of some of the vegetation close to the neighbouring gardens.

A further bat activity report has been submitted which includes the results of a bat activity survey, preliminary roost inspections and bat emergence surveys. The preliminary bat roost inspections were undertaken to assess whether any trees within or immediately surrounding the development area include features which may potentially support roosting bats and emergence surveys confirmed the presence of bat roosts within an Oak tree at the south eastern extent of the site. The combined bat surveys identified a moderate to high level of bat activity comprising of at least 8 species. It is noted that a European Protected Species Licence would be required to legally allow the removal or disturbance of the tree with the identified roost.

The ecologist notes that the development would have a degree of impact upon bat activity as a result of urbanisation of the site, reducing permeability of movement through the removal of any vegetated boundaries and the introduction of artificial lighting. A number of measures have been put forward as part of a mitigation strategy for the development which include the retention and protection of the Oak tree, the formulation of a sensitive lighting plan and the creation of bat roosting opportunities through the incorporation of bat boxes into the dwellings. It is considered that these mitigation measures could be secured through the imposition of a condition.

Further survey work for the presence of reptiles has also been undertaken and no evidence has been found. The survey demonstrates that the site is unsuitable for reptiles.

The ecological impacts of the development are therefore considered to be acceptable.

Arboricultural Impact:

The application is accompanied by an Arboricultural survey undertaken by Advanced Arboriculture. The survey identifies three clearly distinct groups of trees on the site which collectively contribute to the visual amenity value of the local landscape. The trees along the southern boundary are considered to be the most significant specimens even though only obscured views of them are available from public vantage points outside of the site. Nevertheless, this group of trees which consists of a number of Oak trees forms a pleasant back drop to the site. It is the southern boundary of the site which is the most constrained in terms of its above and below ground constraints. The development would retain most of the trees along the

southern and eastern boundaries with the exception of a group of Elms on the southern boundary. Trees that are proposed to be removed are not considered to be of significant value and would not give rise to significant harm to the character and appearance of the area. The Council's Arboricultural Officer has advised that the Arboricultural Report makes appropriate recommendations regarding tree constraints, which is reflected in the sites layout.

The Arboricultural Method Statement (AMS) describes a suitable degree of protection for the trees during development, including provision of a site monitoring schedule during construction. In addition the applicant proposes further planting within the site which would help to soften the impact of the development. Details of planting could be secured through a condition and in addition a condition could be imposed requiring details for tree protection and an Arboricultural Method statement where parts of the development encroach marginally into the RPA's of retained trees.

Archaeological Impact:

The County Council Archaeologist has advised that the proposed development lies on the edge of the historic core of Ebford and within a landscape that contains evidence of prehistoric activity - there are two prehistoric or Romano-British enclosures within 500m of the proposed development site. Both sites were identified through aerial photography and will represent the 'tip of the iceberg' with regard to the extent of prehistoric activity in this area. Groundworks associated with the proposed development have the potential to expose and destroy any archaeological or artefactual deposits associated with the known prehistoric activity in the wider landscape that maybe present within the proposed development site. A condition is therefore recommended to ensure that no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Contributions and Obligations:

The Planning Statement supporting the application details the applicants' agreement to the provision of contributions towards Education, Open Space, Exe Estuary and Pebblebed Heaths, 40% affordable Housing. These contributions/obligations are necessary to mitigate the impact from the development in accordance with the relevant local plan policies.

The contribution amounts would be as follows based on a development of 6 no 4 bed, 1 no 3 bed and 2 no 1 bed dwellings:

Secondary Education Infrastructure: £19,153.05

Secondary Education Transport Costs: £2,517.50

Open Space (Allotments, Amenity Open Space, Parks and Recreation, Youth Play Space): £13,775.22

Exe Estuary and Pebblebed Heaths: £6741

In terms of affordable housing provision, recent National Planning Policy Guidance states that "affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of the units within the development". However, in this case, the proposal exceeds the 1000 sqm gross floor space threshold (measuring 1650 sqm) and therefore it is considered that affordable housing should be provided on site.

The applicant has agreed to the provision of 3 of the 9 dwellings on-site as affordable housing. Policy H4 (affordable Housing) of the East Devon Local Plan requires a minimum of 40% affordable housing provision. The applicant's have however put forward 3 affordable dwellings (1 no 2 bedroom dwelling and 2 no 1 bedroom apartments) with the remaining 0.6 of a unit being paid as a cash contribution of £72,000. The Council's Housing Enabling Officer has raised concerns that the 40% figure has not been rounded up to 4 units which is standard practice and questions the cash contribution.

As this element of the application remains unresolved, and there is no Section 106 Agreement securing the necessary contributions to mitigate the impact from the development, this forms a reason for refusal of planning permission.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of the location of the site, lack of services within Ebford and where access to wider services is likely to require travel by private vehicle is considered to be in an unsustainable location and fails to accord with the definition of sustainable development found within the NPPF with the adverse impacts of this development significantly and demonstrably outweighing the benefits when assessed against the policies within the Framework as a whole. As such the proposed development would be contrary to Policy TA1 (Accessibility of New Development) of the East Devon Local Plan and TC2 (Accessibility of New Development) of the emerging East Devon Local Plan) and the guidance in the NPPF.
2. The application fails to mitigate its impact through the provision of contributions towards Open Space, the Exe Estuary, the Pebblebed Heaths, Secondary Education and securing through legal agreement the provision of Affordable Housing. As such the application is contrary to Policies RE3 (Open Space Provision in New Housing Developments), H4 (Affordable Housing); S7 (Infrastructure Related to New Development); EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the Adopted East Devon Local Plan, Strategy 34 (District Wide Affordable Housing Provision Targets), Strategy 43 (Open Space Standards), Strategy 47 (Nature Conservation and Geology) and Strategy 50 (Infrastructure Delivery) of the Emerging New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

	Heritage Statement	24.02.15
REV2	Heads of Terms	24.02.15
	Design and Access Statement	24.02.15
	Arboriculturist Report	24.02.15
REPTILE	Protected Species Report	17.02.15
9924W001	Flood Risk Assessment	24.02.15
	Protected Species Report	17.12.14
SUSTAINABILITY STATEMENT	General Correspondence	08.01.15
EB-P01 REV C	Proposed Combined Plans	19.01.15
EB-P02 REV B	Proposed Combined Plans	19.01.15
EB-P03 REV B	Proposed Combined Plans	19.01.15
EB-P04 REV B	Proposed Combined Plans	19.01.15
EB-P05 REV D	Proposed Combined Plans	19.01.15
EB-P06 REV B	Proposed Combined Plans	19.01.15

EB-P7,8,9 REV B	Proposed Combined Plans	19.01.15
EBFORD-001 REV 14	Proposed Site Plan	08.01.15
EBFORD-002 REV 1	Proposed Combined Plans	08.01.15
EB-G3	Proposed Combined Plans	02.08.14
EB-LOC	Location Plan	02.08.14
EB-G1,4,5	Proposed Combined Plans	02.08.14
ECOLOGICAL APPRAISAL/HA BITAT	Protected Species Report	02.08.14

List of Background Papers

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

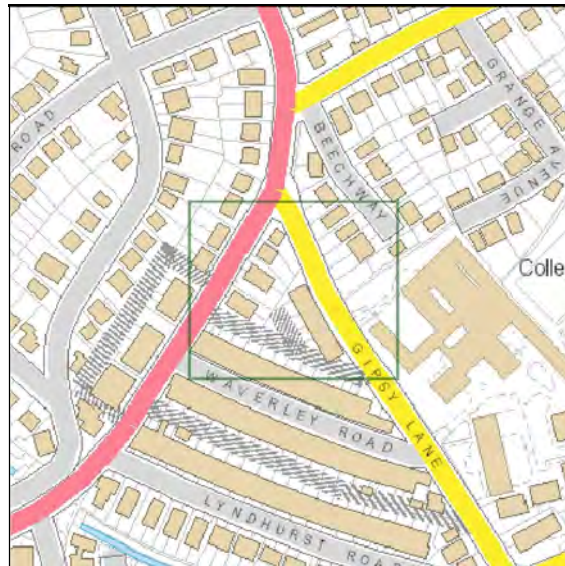
Ward Exmouth Halsdon

Reference 14/2912/FUL

Applicant Mr Nigel Hayman

Location 2 Gipsy Lane Exmouth EX8 3HW

Proposal Construction of attached two storey dwelling



RECOMMENDATION: Approval with conditions



		Committee Date: 31 March 2015
Exmouth Halsdon (EXMOUTH)	14/2912/FUL	Target Date: 16.03.2015
Applicant:	Mr Nigel Hayman	
Location:	2 Gipsy Lane Exmouth	
Proposal:	Construction of attached two storey dwelling	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the view of the Ward Member is contrary to the Officers recommendation.

The site is located within the built up area of Exmouth and within an existing residential area. The application seeks permission for the construction of a dwelling on the end of a terrace of Victorian housing off Gipsy Lane.

There have been two previous refusals of planning permission for a dwelling in 2006 associated with this site, with the second application dismissed at appeal in 2007.

The design of the new dwelling has a reduced width compared to the previous applications to mirror the other properties in the terrace and is of an identical design to number 2 Gipsy Lane. It is considered that concerns of the Inspector in 2007 with regard to the harmful impact on the symmetry and appearance of the terrace and visual impact on the immediate area have been addressed by the reduced width of the dwelling and a design that matches number 2 Gipsy Lane to which the property will adjoin. The reduced footprint also enables the provision of a slightly larger amenity area.

There are no concerns regarding overlooking or relationship to neighbouring properties, or with regard to the loss of existing parking or lack of parking for the proposed dwelling given the highly sustainable location of the site in Exmouth.

Taking into account the policies of the Adopted Local Plan, those proposed in the Emerging East Devon Local Plan and the NPPF, the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr J Elson

I object to this application. Site is very small.

Parish/Town Council

Objection on the grounds of:

The site was too small for development.

Loss of two parking spaces and no parking provision for the two dwellings.

Technical Consultations

County Highway Authority

Highways Standing Advice

Other Representations

At the time of writing this report, 5 letters of objection have been received. The reasons for objecting can be summarised as follows:

- loss of existing car parking spaces (that are rented out and used during the day by people dropping off at the Community College) and lack of parking for the proposed dwelling;
- overlooking of adjoining rear gardens and close position of the building to the site boundary;
- traffic;
- loss of natural light to adjoining gardens;
- concerns raised in the appeal from 2007 have not been addressed;
- noise pollution;
- infilling of the gap unacceptable and results in a cramped development;
- lack of amenity space for the proposed dwelling;
- lack of planting to the site boundary to prevent a loss of amenity to neighbouring properties.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

D4 (Landscape Requirements)

S4 (Development Within Built-up Area Boundaries)

RE3 (Open Space Provision in New Housing Development)

EN6 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The application site is a vacant triangular shaped plot of land adjacent to a terrace of Victorian housing, currently used as amenity space for number 2 Gipsy Lane and for car parking. The site is bounded to the north by a high property wall at the end gardens of nos. 152 to 160 Exeter Road and is accessed off of Gipsy Lane. The site is within the built up area boundary of Exmouth with the immediate area characterised by two-storey residential properties.

Planning History

The site has been the subject of two relevant planning applications for the construction of a dwelling to the end of the terrace.

Application number 06/1863/FUL was refused on the 25th August 2006 as the design was considered alien to the area and adjoining terrace; there were highway safety concerns due to the location of the site close to a junction; poor internal layout of the dwelling; and lack of suitable external amenity space.

The above application was followed by a further application (06/2745/FUL) that was refused on the 3rd November 2006 for the following reasons:

1. The development would neither function well nor contribute positively to the urban form because the inadequate provision of suitable outdoor space would cause harm to the living conditions of future occupants of the dwelling. Furthermore, the rear first floor windows of the proposed dwelling would overlook the garden areas of properties to the north of the site, compromising the privacy and enjoyment of the gardens by the occupiers of these properties, contrary to Government Guidance in PPS1 and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 1995-2011.
2. The proposed dwelling would compromise the distinctive, largely intact, form of the front of the row of Victorian terraced houses and appear as a prominent and alien addition to the street scene. Furthermore, the proposed dwelling would adversely impact upon the distinctive character of the terrace and would appear cramped on the plot. The proposal is therefore contrary to the provisions of Policy C06 (Quality of New Development) of the Devon Structure Plan (2001 - 2016) and criteria 1, 2, and 4 (i) (ii) of Policy D1 (Design and Local Distinctiveness) and Policy H7 (Residential Extensions) of the adopted East Devon Local Plan 1995-2016.

The latter application was dismissed at appeal (reference: APP/U1105/A/07/2043938) on the 21st August 2007 with the Inspector raising concerns regarding the proposed dwelling having a wider frontage than the others in the terrace with a gable roof above the bay therefore unbalancing the symmetry of the terrace and resulting in a cramped appearance detracting from the character of the terrace. In addition, the Inspector raised concerns regarding the dark living conditions for the occupiers and lack of suitable external amenity space.

Proposal

The application is for construction of a dwelling on the end plot of the terrace of Victorian houses off Gipsy Lane. The proposed dwelling will comprise a two bedroom house that has been designed to reflect the character and appearance of the adjoining Victoria terrace, replicating the height and mass of the existing, the roof pitch, position of the door and windows and the position of the bay window. The proposed materials will match the neighbouring property no. 2 Gipsy Lane.

Assessment

The main issues to consider are the design and impact on the surrounding area, the potential impact on residential amenity and highway issues.

Principle of Development

The site lies within the built up area of Exmouth, as defined in the East Devon Local Plan within which there is no objection to the principle of residential development in settlement policy terms. Consideration of the proposal therefore turns on the detailed issues which relates to the design and visual impact of the dwelling, impact upon residential amenity and highway safety and car parking.

Design and Impact on the Character of the Area

The Inspectors Decision letter from 2007 raised concerns over the appearance and character of the proposed dwelling and noted that it would break the existing symmetry of the terrace. That application proposed a design of dwelling that had a wider frontage than the other dwellings in the terrace (approximately 1.2m wider), entrance to the side whilst proposing a gable roof above the bay that unbalanced the symmetry of the terrace.

The current application proposes a dwelling width that matches number 2 and the other dwellings in the terrace in terms of its width and design. In addition, since 2007 number 2 has added a gable roof above the bay. There is no record of planning permission having been granted for the gable above the bay, although in itself the visual impact is not considered to be so harmful that it would warrant enforcement action to seek its removal.

Given that the proposed dwelling mirrors number 2, and despite the inclusion of the gable roof above the bay, it is considered that the proposed design of the dwelling is acceptable and adequately addresses the Inspectors previous concerns regarding the dwelling width. It is considered that it was the combination of the increased plot width, lack of front entrance door and gable above the bay that made the proposed in 2007 unacceptable to the Inspector. Refusal of the current application on the basis of the inclusion of a gable over the bay, when the plot width and design matches number 2, is not considered to be sustainable.

The Planning Inspector in 2007 also stated that the proposed infill of the site would fill a gap that creates an open setting to the terrace resulting in a cramped appearance to the detriment of the character of the area. Whilst it is appreciated that the proposed dwelling would partly fill this gap again, the reduced width of the dwelling to match number 2 Gipsy Lane is considered to be an improvement upon the design the subject of the appeal and that the closing of this gap is not now harmful subject to a condition removing permitted development rights for future extensions.

It is not therefore considered that the previous concerns of the Inspector regarding design could be upheld in 2015, particularly given the current lack of a 5 year supply of housing and the highly sustainable location of the site.

Impact on Residential Amenity

In the appeal decision from the previous application (06/2745/FUL) the Inspector notes the close relationship between the proposed dwelling and the neighbouring properties on Exeter Road. He stated that the loss of privacy at ground floor level could be prevented by the provision of additional boundary fencing along the boundary of the appeal site by means of a condition. The previous scheme had windows on ground and first floor level which overlooked into the gardens of these properties. The Inspector concluded that while the proposed house would exacerbate the situation, it would not be such a degree as to warrant dismissal of the appeal on that ground alone. The current proposal does not propose any windows in its side elevation facing the rear of properties on Exeter Road with the plans showing an increased height of boundary wall. Given the comments from the Inspector these

relationships are considered acceptable subject to a condition preventing the insertion of windows at ground and first floor in the side elevation of the proposed dwelling to prevent overlooking or any perceived overlooking from obscure glazed windows.

With regard to windows in the rear elevation, the Inspector stated that whilst there would be both real and perceived loss of privacy, the gardens are already overlooked by the neighbouring dwellings and as such the new dwelling would not exacerbate the situation to a degree that could justify dismissal of the appeal. Given this, windows in the rear elevation are again considered to be acceptable.

The Inspector in 2007 raised a concern regarding the very small area of amenity space for the dwelling and resultant poor living conditions for occupiers, particularly from a dark environment in the ground floor rear living room.

The layout of the interior of the proposed dwelling has been changed and is considered to work much better than the proposal the subject of the appeal in terms of allowing light into the rooms and improving the overall living conditions with the rear now served by a kitchen/diner with patio doors and a window. The amenity space available to the dwelling is increased by virtue of the smaller footprint of development and it is considered that it would be very difficult to refuse planning permission on basis of the amenity space or internal living conditions, particularly given the current need for housing and the Local Planning Authority having no adopted minimum amenity or living standards.

It is appreciated that the rear of the proposed dwelling extends the full plot width to adjoin the boundary wall, but in itself the visual and physical impact of this is not considered to be harmful enough to justify refusal of permission, particularly given the distance of approximately 18m to the rear of number 158 Exeter Road.

Highways Issues

Whilst there are no parking spaces associated with this development, and the proposed dwelling would result in the loss of parking, the site is located within walking distance of the town centre, easily accessible to education, leisure, shopping and other community facilities. The inspector noted in the decision notice APP/U1105/A/07/2043938 'I also acknowledge that the appeal site is situated within walking distance of the town centre and that redevelopment would therefore be in accordance with the thrust of government planning policies that seek the best use of previously developed land in sustainable locations.'

Given this, it is considered that refusal of planning permission on the basis of the loss of the current parking spaces, or lack of provision of parking for number 2 and the proposed dwelling could not be justified.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the side (north-west) elevation of the building.
(Reason - To protect the privacy of adjoining occupiers of adjoining properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

Plans relating to this application:

06021.10 A	Proposed Combined Plans	09.12.14
	Location Plan	09.12.14

List of Background Papers

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

Ward Seaton

Reference 13/1091/MOUT

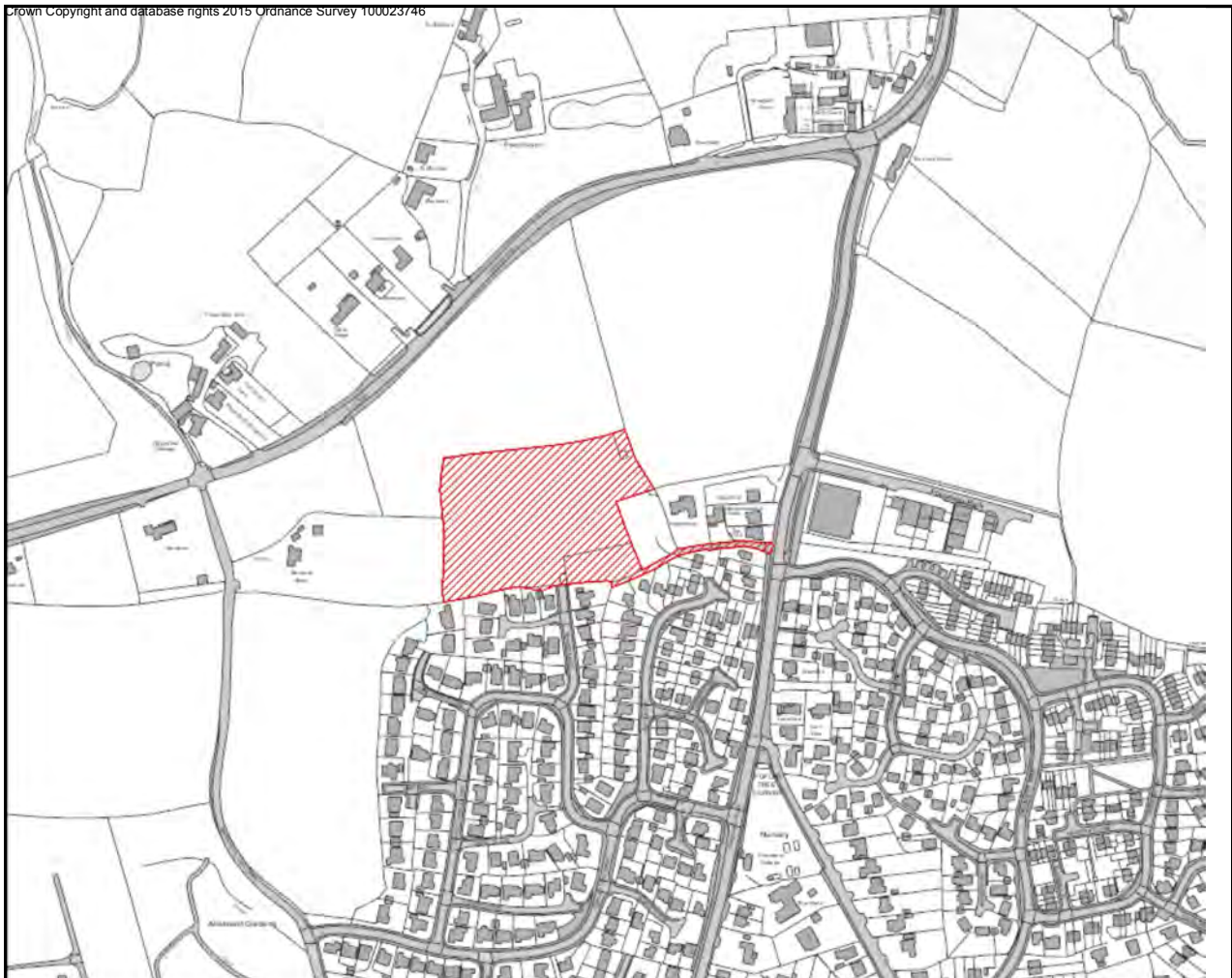
Applicant Fosseway Developments Ltd

Location Land North Of Rowan Drive Seaton

Proposal Erection of up to 42 dwellings with associated access and parking (outline application with all matters reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 31.03.2015
Seaton (SEATON)	13/1091/MOUT	Target Date: 24.10.2013
Applicant:	Fosseway Developments Ltd	
Location:	Land North Of Rowan Drive Seaton	
Proposal:	Erection of upto 42 dwellings with associated access and parking (outline application with all matters reserved)	

RECOMMENDATION: Approval subject to a legal agreement and conditions

EXECUTIVE SUMMARY

The application site lies to the north of the town centre, outside of but adjoining the built-up area boundary of the town. There is existing residential development to the south of the site, and properties fronting onto Harepath road to the east. The site is designated as countryside and a 'Green Wedge' in the Adopted East Devon Local Plan and is a sloping field enclosed on all sides by native species hedgerow.

The development proposed is in outline form with all matters reserved for the development of up to 42 dwellings with all associated infrastructure.

The adopted East Devon Local Plan 2006 defines the site as open countryside, however it is allocated for residential development in the New Local Plan, this is currently at examination awaiting amendments. Whilst little weight can be attributed to this allocation at present, it does signal the Council's preferred intention for the site in the medium to long term. The five year land supply of the Council has through Inspector's decisions and the Council's own review been found to be short, the most recent figures have suggesting overall supply is still below 5 years. Taking into account the need to effectively be able to demonstrate a 6 year supply (5 years + 20% due to historical under delivery) there remains a shortfall throughout the district. In such instances the built up area boundaries should carry only limited weight and the presumption in favour of sustainable development applied. To a certain extent this means approving development without delay if relevant policies are out of date unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF.

In landscape impact, highway safety and other terms the development of the site is considered to be acceptable, subject to conditions and the scheme would also look to deliver affordable housing at a ratio of 40% which meets the expectations

of the adopted Local Plan and is above the requirement of the New Local Plan. It is therefore considered that there are additional benefits to the local community of bringing the site forward in advance of the New Local Plan in terms of the level of affordable housing provision that can be secured on site.

In consideration of all of the matters raised within the report the proposal although a departure from the Adopted Local Plan, is considered to represent sustainable development and as such is recommended for approval subject to a legal agreement and conditions to secure the matters set out at the end of the report.

CONSULTATIONS

Local Consultations

Seaton - Cllr P Burrows

I object to this application along the lines submitted by Seaton Town Council.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against

Parish/Town Council

Councillors were grateful to members of the public for all their statements and comments which were agreed with and supported. The following points were raised by the Committee:

- within the Local Plan (present and previous), the site has an allocation for 25 dwellings only, not 50 as quoted several times in the Developers Design and Access Statement
- the site is outside the built up area boundary
- the site is within the green wedge
- the site is a reserve site and should not be developed until all sites identified for development within the built up boundary have been delivered
- the proposal would be over development
- the proposed dwellings would be out of character with the area which are principally bungalows or 2-storey dwellings set into the hill, thereby not impacting on the privacy of neighbours
- this development would result in loss of privacy to neighbours
- the access road is too narrow to accommodate the increased level of traffic
- the proposal is contrary to the Seaton Design Statement

Cllr Sanham proposed 'to object to the planned application on the grounds outlined'

OBJECTION (unanimous)

Adjoining Parish

Land North of Rowan Drive, Seaton (adjoining parish)

13/1091/MOUT - Erection of up to 48 dwellings with associated access and parking

The Parish Council objects to this application for the following reasons:

- Priority should be given to more central brownfield sites for development thereby preserving green spaces.
- Affordable housing should be located nearer to town centre services.
- The development would have a detrimental impact on the landscape and would increase light pollution.

Other Representations

27 letters of representation have been received raising the following concerns:

- Overdevelopment of the site, the draft plan allocated 30 houses, this application is for 48
- The 2 storey houses would be overbearing on the existing bungalows on the estate
- The site lies in a green wedge which precludes development
- The proposal would destroy wildlife habitats
- The western boundary is a bat flight path
- Site is outside the built up area boundary
- Too many additional vehicle movements on surrounding highways
- Not sufficient infrastructure in Seaton to cater for additional dwellings
- Impact on existing trees
- There are other more suitable and sustainable sites which are brownfield
- Contrary to Seaton's Design Statement
- Government has highlighted the need for more bungalows
- Impact on wider landscape

Technical Consultations

County Highway Authority

Observations:

The proposed development would be accessed from an existing county road, Rowan Drive, which has footway on each side and is of adequate width for the proposed access to the site. The roads and junctions that connect this road with the centre of Seaton, local shops, primary and nursery schools have good foot and cycle provisions. Also the proposed public footpath connection to Harepath Road would further enhance the existing facilities.

There is adequate access from the site to the existing public transport network with services hourly around Seaton and wider to Sidmouth and Exeter to the west and every two hours to Lyme Regis, Bridport, Wareham and Weymouth to the east. From Existing Accident Data for the last three years, analysis shows that there is no discernible pattern and that there are no mitigating measures required to improve highway safety.

It is shown through accepted traffic modelling means that the proposed development would not overburden the existing local highway network even at peak periods. The promotion of sustainable modes of transport through the use of a Residential Travel Plan should limit the environmental impact of the proposed development in transportation terms.

Recommendation:

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

3. No part of the development hereby approved shall be commenced until: The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25 metres back from its junction with the public highway. The ironwork has been set to base course level and the visibility splays required by this permission laid out. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

Devon County Archaeologist

I refer to the above application. I have now received the reports detailing the results of the geophysical survey and archaeological evaluation of the above proposed development site. These investigations have, despite the proximity of known prehistoric activity in the vicinity, demonstrated that the development of this area will have no archaeological impact.

In the light of this new information I would like to withdraw my previous objection and advise that the Historic Environment Team have no further comments to make on this planning application.

Environmental Health

This is a significant development of housing adjacent to existing residences likely to be impacted upon during the development. In order to ensure that the amenity of

these residents is protected I recommend that the following condition is applied to any approval:

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.

Housing Strategy Officer Paul Lowe

Assuming the proposal secures planning permission, we note that the Heads of Terms confirm that 20 units will be affordable housing with a tenure split of 70 / 30% in favour of rented accommodation the remainder as shared ownership. All nominations to come from the Common Housing Registers be available as affordable housing in perpetuity, be tenure blind with a nomination cascade in place giving preference to people who are in housing need and have a local connection to Seaton, then cascading to adjoining parishes and finally the district.

All affordable housing will be transferred to and managed by a Registered Provider, we note that the Heads of Terms also states that all the affordable homes will be constructed to the Homes and Communities Agency Design and Quality Standards and to Code level 3 for Sustainable Homes.

South West Water

No objection

Natural England

We have previously comments on this proposal (18th November 2013, our ref 93470) and have given additional advice to the applicant's ecologist regarding survey effort and mitigation. Our principal concern was the potential for this proposal, alone or in combination with other development proposals on the edge of Seaton (e.g. Seaton Heights, Harepath Road) to affect Beer Quarry & Caves Special Area of Conservation (SAC).

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

the proposal is not necessary for the management of the European site

□ the proposal is unlikely to have a significant effect on Beer Quarry & Caves European site, and can therefore be screened out from any requirement for further assessment **providing appropriate mitigation can be secured.**

The above advice is based upon the Bat Activity Assessment and Mitigation Strategy (November 2014) which has now been submitted in support of this application. This Mitigation Strategy confirms that the northern and southern boundaries of the development site are important dispersal routes used by the bat species of the SAC/SSSI. It proposes a number of mitigation measures which we consider would, together, provide sufficient mitigation to avoid a significant effect upon the SAC occurring.

However, there are a number of elements of this proposed mitigation which require confirmation/further consideration before they can be considered to be “secured”:

1. Dark corridors 5m wide comprising: Existing hedges, new hedgebank with native hedge, 1.8m close boarded fence and locked, gated access for maintenance.

a. The early establishment of these corridors should be secured via a condition – the new hedgebank, native hedge planting, close boarded fence and locked gated access should be completed prior to commencement of the residential properties to allow the maximum time for establishment prior to first occupancy of the new dwellings.

b. The Mitigation Strategy suggests that the dark corridors should be “*subject to management via an external management company to be paid for by the residents.*” (5.1.1) There are a number of risks with this approach which need to be addressed before the mitigation can be considered to be secured:

i. A management agreement/management plan will be required at the outset to ensure appropriate on-going management of these corridors to ensure their suitability as bat flyways, this should set out the desired condition and physical structure of the corridor and recommended management to achieve this. Clauses requiring remedial action to be taken should the corridor not be maintained in an acceptable condition should be included in the legal agreement and EDDC should consider a “step in” clause which would enable you to undertake any remedial management and recover the costs from the management company, should this become necessary. (This approach has been used elsewhere where it is important that habitat is managed appropriately to provide the mitigation it is intended to deliver – an example can be provided on request.) This should be secured through S106 (or conditions as appropriate). The applicant should be required to produce a management plan/management agreement to be agreed with EDDC as part of this legal agreement/condition.

ii. The house owners should be required to retain the 1.8m close-boarded fence as a boundary to their properties where these abut the dark corridors. This may require a restrictive legal covenant on each property. This should also cover a restriction on the installation of electric lighting on the rear of properties.

2. On-site lighting: 5.1.3 of the Mitigation Strategy proposes that “*A thorough lighting plan including the provision of a proposed lux level contour plan should be produced to accompany any reserved matters application, with the aim of reducing the lux levels below 1.0 lux on retained commuting habitat corridors for light sensitive bat*

species". This will need to be made a condition of this permission to ensure that the detailed plan is submitted with the reserve matters application.

3. Off-site lighting impacts: The Mitigation Strategy has identified significant light spill which already occurs from 2 lighting columns in the adjacent residential area adjacent to properties Nos. 9 and 10 Rowan Drive. It is proposed that shades or cowls be fitted to these lights which would "*significantly reduce the light-spill...that currently illuminates the southern...hedgerow.*" Reducing this light spill is an important component of the proposed mitigation package since the currently dark northern side of the southern boundary will be impacted by the proposed development and this reduction will help to reduce that impact. This should also be made a condition of the permission. You may need to seek assurances from the applicant that DCC will not object to these changes since they would not agree to the use of "non-standard" lighting within the proposed development.

Devon County Council Education Dept

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development and also a sum towards secondary school transportation costs due to the nearest secondary school being further than 3 miles from the proposed development.

A development of 48 dwellings is likely to produce 12 primary and 7.2 secondary aged pupils. Based on the forecast numbers on roll and existing planning approvals there is currently space in Seaton Primary School for 10.8 of the 12 primary aged children that the development is likely to generate, therefore the primary contribution sought is £13,633.80 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

There is currently sufficient capacity at the closest secondary to the development, The Axe Valley Community College, for the 7.2 pupils likely to be generated however a cost of £19,288.80 will be requested towards the transportation of the pupils from Seaton to Axe Valley Community College by the existing contract bus service.

The County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

POLICIES

Adopted East Devon Local Plan Policies
S5 (Countryside Protection)

S6 (Development in Green Wedges)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D5 (Trees on Development Sites)
H4 (Affordable Housing)
EN2 (Areas of Great Landscape Value)
EN6 (Wildlife Habitats and Features)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN14 (Development on High Quality Agricultural Land)
RE3 (Open Space Provision in New Housing Developments)
TA7 (Adequacy of Road Network and Site Access)

New East Devon Local Plan Policies

Strategy 6 - Development within Built-Up Area Boundaries
Strategy 7 – Development in the Countryside
Strategy 8 - Development in Green Wedges
Strategy 25 - Development at Seaton
Strategy 38 - Sustainable Design and Construction
Strategy 43 - Open Space Standards
D1 - Design and Local Distinctiveness
D2 - Landscape Requirements
D3 - Trees and Development Sites
H1 - Residential Land Allocation
H2 - Range and Mix of New Housing Development
TC7 - Adequacy of Road Network and Site Access

Government Advice;

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site lies in the open countryside to the north of Seaton and relates to an agricultural field to the north side of and accessed from Rowan Drive. The site extends to approx 1.6 hectares. To the south of the site is the residential cul-de-sac of Rowan Drive, to the north is open countryside, to the east residential development fronting onto Harepath Road and to the west open countryside. The site boundaries are all formed by hedgerows and mature trees. The site falls steadily from west to east. The residential development in the vicinity is of mixed character with 2 storey properties fronting Harepath Road and more recent estate housing primarily of single storey construction to the south.

The field is currently accessed by a field off Rowan Drive and by a narrower entrance to the south east. The surrounding area is designated as Area of Great Landscape Value and Green Wedge and is located approximately 1 km north of the town centre.

Relevant planning history

There is no relevant planning history relating to the site, the site has however been considered previously as a deliverable and developable SHLAA Strategic Housing

Land Availability Assessment and as a result is an allocated residential development site in the Publication Draft of the New East Devon Local Plan.

Proposed development

Outline Planning permission is sought with all matters reserved for the development of the site for development of up to 42 dwellings, 40% of which would be affordable.

The open market element would comprise 18 no. 3 bed houses and 7 no. 4 bed houses.

The affordable element would comprise 6 no. 1 bed flats, 6 no. 2 bed houses and 3 no. 3 bed houses and 2 no. lifetime homes

Assessment

The main considerations in the determination of this application relate to:

- The principle of the proposed development
- Design and impact on the character and appearance of the area
- Loss of agricultural land
- The wider landscape impact
- Highways and Access issues
- Impact on trees
- Impact on residential amenity
- Impact on archaeology
- Impact on ecology
- Section 106 matters:
- Other issues

The principle of the proposed development

The development plan for the District is the East Devon Local plan 1995-2011 including all the saved policies following the Secretary of State's Direction in 2009. The site is located outside of the built up area boundary of Seaton as defined within the Local Plan and is therefore identified as countryside for the purposes of Policy S5 of the Local Plan. This policy will only allow development in the countryside where it is in accordance with a specific Local 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, including:

1. Land form and patterns of development;
2. Important natural and man made features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings; and
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.

Within the housing section of the Local Plan there is not a policy that would explicitly permit housing on this site outside of the established built up area boundary. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a Departure by virtue of Regulation 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

However, The Council is now working on the production of a Draft Local Plan for East Devon for the period 2006 - 2026. The intention is that the draft Local Plan will build on and supersede work that has gone into the (past) LDF Core Strategy. In terms of the next stages, a Local Plan Inspector is currently conducting an examination into the proposed plan; the results of the examination will not be published for some time.

However, approving this application would not undermine the strategic intent of the new local plan, and in the absence of a five year land supply, as will be explained below, potential housing development sites are encouraged to be brought forward early in accordance with the National Planning Policy Framework and approved without delay providing there are no substantial adverse impacts from the proposed development that would outweigh the benefit of increased housing numbers.

The draft Local Plan is though still some way from adoption and the NPPF advises that decision- takers may give weight to relevant policies in the emerging plan according to:

1. The stage of preparation of the emerging Plan (the more advanced the preparation, the greater the weight that may be given);
2. The extent to which there are unresolved objections to relevant policies (for less significant and unresolved objections, the greater the weight that may be given); and
3. The degree of consistency with the relevant policies in the emerging Plan to the policies in this framework (the closer the policies in the emerging Plan to the policies in the framework, the greater the weight that can be given).

The NPPF advises Local Authorities to revise their Plans to take into account the policies within the framework policies can only apply to decision taking if they accord with the framework.

The NPPF advises that the "golden thread" running through Planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the Development Plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate that development should be restricted.

The NPPF also requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth

of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

The five year land supply of the Council has through Inspector's decisions and the Council's own review been found to be short. The most recent figures as reported to Audit and Governance Committee in June 2014 are in the region of 3.51 to 3.83 years based on the Sedgefield approach whereby past under supply is accounted for in the next 5 years. The Sedgefield approach to calculating 5 year land supply figures has gained most support when considered by planning inspectors and thus should now be used, however the council has historically used the Liverpool approach whereby past under supply is accounted for across the entire plan period. Under this methodology the figure would now be 6.02 years, however this is not considered to be a defensible figure as the Liverpool approach is no longer widely supported. Taking into account the need to effectively be able to demonstrate a 6 year supply (5 years + 20% due to historical under delivery) under the Sedgefield approach there remains a shortfall throughout the district.

The development is considered to be deliverable and any permission granted would significantly assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

The NPPF also advises that housing applications should also be considered in the context of the presumption in favour of sustainable development. To a certain extent this means approving development without delay if relevant policies are out of date (see comments in the above para. relating to five year land supply), unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF.

Design and impact on the character and appearance of the area

The application is in outline form with all matters reserved and therefore it is not possible to assess the full impact of any development of the site at this stage. However, the application is accompanied by an indicative layout plan that indicates how the site might be developed for 42 dwellings. Such dwellings would be predominantly two storey in form which is slightly out of character with the existing single storey development to the south on Rowan Drive but there is single storey accommodation proposed immediately adjacent the existing estate and two storey development can be found on the adjacent housing estate and on Harepath Road and is therefore considered to be acceptable in principle.

Loss of agricultural land

Paragraph 112 of the NPPF states that:

'Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality'

This is also echoed in draft local plan policy EN14. The land subject of this application falls within Grade 3 agricultural land which is not considered to be of the highest quality, furthermore, the majority of other agricultural land surrounding the settlement is also Grade 3 with pockets of higher Grade 2 remaining in agricultural production. Therefore, the loss of agricultural land in this location would not be contrary to the guidance set out in the Framework.

The wider landscape impact

There are no national landscape designations applied to the site. The advice within the NPPF is to place more emphasis on protection of nationally designated landscapes such as an AONB. Nonetheless, one of the core planning principles within the NPPF is to recognise the intrinsic character and the beauty of the countryside as well as contributing to the conservation and enhancement of the natural environment. Policies in the existing Development Plan generally seek to protect the landscape.

The Council's Landscape Character Assessment and Management Guidelines, agreed in 2008 defines the landscape character type as LCT 3B: lower rolling farmed and settled slopes. The existing landscape quality is one of gently undulating lower valley slopes to the west of the River Axe, the site itself is undeveloped agricultural land but has existing development to the south and east. Therefore whilst the development of the site would have some landscape impact, extending permanent development further across the hillside, when viewed in the context of the existing built form of the settlement this impact would be limited and being further aided by the existing hedgerows.

The site is located within the defined "green wedge" of Policy S6 of the Local Plan which would not allow development if it would add to existing sporadic or isolated development or damage the individual identity of the settlement or could lead to or encourage settlement coalescence. This is similar to some of the purposes of Green Belt policy as identified in the NPPF but policy S6 is a local policy which happens to fulfil some of the aims of a Green Belt. As mentioned above local landscape designations do not carry the same weight as national designations indeed the NPPF makes no mention of Green Wedges. The principles of Green Wedges are however upheld by the NPPF and so it is considered reasonable to give weight to this local designation.

Although within the designated green wedge the site would not extend development closer to any neighbouring settlements i.e. Colyford than the existing built-form of Seaton. The main urban area of Colyford is located approximately 1 km away to the north east with existing development to the east side of Harepath Road between the site and Colyford. The proposal would take development closer to the A3052 than is currently the case, however an agricultural field measuring in excess of 70 metres wide would remain between the proposed development and the main road, furthermore it is proposed to plant a 5 metre wide buffer strip to improve the existing

field hedgerow on the northern boundary. It is not considered that the proposal would have any significant landscape impacts or adversely affect the green wedge or the reasons for its designation.

Highways and access

Access is proposed through the existing field gate which lies at the end of the existing public highway serving Rowan Drive and the surrounding residential estate. The proposal would be to continue the adopted highway into the site to serve the 42 dwellings.

The Highways Authority considers... 'the proposed development would be accessed from an existing county road, Rowan Drive, which has footway on each side and is of adequate width for the proposed access to the site. The roads and junctions that connect this road with the centre of Seaton, local shops, primary and nursery schools have good foot and cycle provisions. Also the proposed public footpath connection to Harepath Road would further enhance the existing facilities.

There is adequate access from the site to the existing public transport network with services hourly around Seaton and wider to Sidmouth and Exeter to the west and every two hours to Lyme Regis, Bridport, Wareham and Weymouth to the east. From Existing Accident Data for the last three years, analysis shows that there is no discernible pattern and that there are no mitigating measures required to improve highway safety.

It is shown through accepted traffic modelling means that the proposed development would not overburden the existing local highway network even at peak periods'

The proposal is therefore considered acceptable in principle in terms of access and transport sustainability subject to appropriate levels of detail being received at the reserved matters stage.

Impact on trees

An arboricultural survey has been submitted with the application which identifies sections of the eastern and western boundary hedges as being of B category under British Standard 5837:2012 (i.e. worth of retention and a constraint on development). There are also a number of individual trees of B category quality identified within the eastern and western hedge boundaries.

The arboricultural report submitted with the application recognises the benefits of retaining the boundary planting in providing screening for/of the development and considers that this could be achieved. The accompanying tree constraints plan indicates that root protection areas are relatively linear and do not extend significantly beyond the hedgerows themselves, due to the size of the individual trees identified it is not considered that these represent any significant above ground constraint by virtue of shading or dominance.

Notwithstanding the retention of important existing trees and hedgerow there are opportunities for compensatory planting elsewhere within the site. Any approval of

development though should include a requirement for a Tree Protection Plan and Arboricultural Method Statement.

Impact on residential amenity

The proposal lies adjacent to existing single storey residential development to the south. Development of the site would clearly alter the character of the site and increase both activity adjacent to existing properties and traffic movements to and around the site. The indicative layout indicates back gardens of proposed properties adjoining the rear gardens of existing properties and that sufficient elevation to elevation distance could be achieved of 21 metres. It is recognised that the existing properties are single storey but set at a similar site level and subject to appropriate consideration of layout and fenestration arrangements at Reserved Matters stage, together with the retention of existing boundary planting it is considered that a development of the scale proposed could be achieved without any significant impact on residential amenity.

Impact on archaeology

A geophysical survey relating to the site has been considered by the Historic Environment Service of Devon County Council in relation to the potential archaeological impact of the development. Based on the results of this survey no additional survey work was considered necessary and the County Archaeologist considers that even there are known pre-historic deposits near the site, the proposed development would have no impact on archaeology.

Impact on ecology

An extended phase 1 ecology report has been submitted as part of the application which confirming that there would be no need for any additional surveys unless the indicative site plan were to change and that there would be additional breaches in the hedgerows. Specifically the survey comments as follows:

Reptiles and amphibians

The field margins are not considered ideal for reptiles and as the grass is cut periodically the habitats are not structured, the survey found one grass snake but outside the development site in a rear garden adjacent. There were no protected amphibious species found in the survey.

Badgers

Evidence of badgers was found on site in the form of a trail and a sett along the southern boundary, with further setts in the field to the north of the site and are therefore considered a constraint to construction on site. The report recommends that a 20 metre exclusion zone to the nearest sett is provided during any works and that works should be covered by a license granted by Natural England. Any permission would need to be conditioned accordingly.

Dormice

The survey found one record of a dormouse but over 800 metres from the application site. Due to the hedges around the site having been cut with a flail there is a severe reduction in the chances of dormice being present. However, other than minor works to the hedgerow adjacent to the entrance to the site for access purposes it is not proposed that any further disturbance to hedges will occur. However, should any further breaches be proposed a further survey would be required.

Bats

There were no buildings or tree roosting opportunities within the application site other than semi-mature oaks and ash trees. These were inspected but no species found. Natural England initially raised concerns that the site formed an important corridor for bats commuting and foraging from the Beer Quarry Caves Special Area of Conservation (SAC) to the SACs in Dorset and that any development of the site has the potential to detrimentally impact upon this important route for protected species.

A season's worth of survey work was undertaken on and around the site to establish the importance of the site for the protected species. However, Natural England subsequently raised concerns over the findings and recommended refusal until such time that a further survey had been undertaken. This has now been completed and a further survey and recommended mitigation measures has been submitted and reviewed by Natural England.

In essence, the mitigation measures proposed are to provide a 5 metre buffer corridor on the edge of the development for bats to use for commuting purposes and to ensure that all existing lighting from Rowan Drive does not 'spill' onto the application site and that the proposed lighting is designed to take into account the presence of the 'dark bat corridor', these are all detailed in the Bat Activity Assessment and Mitigation Strategy.

Whilst there are no objections to the proposed development in principle in terms of the mitigation measures proposed, Natural England require these to be secured by condition together with how the bat corridors proposed would be maintained, this would need to form part of the Section 106 agreement.

Therefore it is considered that the proposal would not impact detrimentally on protected species providing that the mitigation measured outlined above are provided as part of the development.

S106 matters

Over the life of the application, Officers have been negotiating with the applicant over the proposed Section 106 agreement. The following basic Heads of Terms have been submitted.

1. Provision of Affordable Housing as follows:-

(a) 40% (17) units of Affordable Housing will be provided by the Developer as part of the development of 42 units in total.

(b) The 17 Affordable Units will be either 1, 2 or 3 Bedroom units and will be transferred as Affordable Housing to a Registered Provider that manages Affordable Housing in East Devon.

(c) The housing mix and Tenure basis will be in accordance with the following Schedule of House Types;

	Social Rent	Affordable Rent	Shared Ownership	Sub Total
1 Bed Flat	4	2	0	6
2 Bed House	2	1	3	6
3 Bed House	0	1	2	3
Lifetime Home	2	0	0	2
Totals	8	4	5	17

All Affordable Homes will be constructed to Code for Sustainable Homes Level 3 and The Homes and Communities Agency Design and Quality Standards.

Nominations for the Affordable Housing will be sought via the Common Housing Registers.

(d) Subject to finding an Affordable Housing provider willing to acquire, on normal Terms, the practical completion of all Affordable dwellings, these will be completed pro rata and prior to the first occupation of 50% and 75% of the Open Market housing on the site respectively.

In the event of the Developer having approached three Affordable Housing providers (RP's) and been unsuccessful in effecting the disposal of all or any of the Affordable dwellings, then the position will be referred to East Devon District Council for further proposals of up to 3 RP's which, if still unsuccessful will be offered to East Devon District Council on similar terms as aforesaid and if the Council are not willing to take the remaining provision for Affordable dwellings, the requirement to provide all or any balance shall lapse.

2. Contributions:

(a) Education:

A contribution of £16,877.70 will be made towards the transportation of pupils to the Axe Valley Community College.

A contribution of £11,929.58 will be made towards the extension of Seaton Primary School.

(b) Open Space:

A contribution of £114,073.75 will be made from which items (c) and (d) below will be included.

The above payments will be made pro-rata to the first occupation of 33% and 66% of the Open Market dwellings and will not be subject to bonding or indexation.

(c) An equipped play 400 square metres in size (including run off areas) will be required on site prior to occupation of 100% of all dwellings to be maintained by a management company in a sum to be agreed.

(d) Monitoring fee to cover the cost of monitoring the requirements of the S106 agreement in a sum to be agreed.

The remaining £74,000 shall be paid to the District Council towards wider public open space in the town.

(e) A management agreement/management plan will be required at the outset to ensure appropriate on-going management of the dark corridors for bats to ensure their suitability as bat flyways, this should set out the desired condition and physical structure of the corridor and recommended management to achieve this. Clauses requiring remedial action to be taken should the corridor not be maintained in an acceptable condition should be included in the legal agreement and a "step in" clause which would enable the Council to undertake any remedial management and recover the costs from the management company, should this become necessary. The applicant should be required to produce a management plan/management agreement to be agreed with EDDC as part of this legal agreement.

Other issues

The Town Council and a number of local residents have raised the issue of over development of the site, however for the reasons outlined in the report and the density identified on the illustrative layout plan submitted with the application it is considered that the level of development proposed is acceptable on site and makes the most efficient and effective use for the site. The density of the proposed development would equate to 26.25 dwellings per hectare whereas the adjacent estate is approximately 28 dwellings per hectare.

RECOMMENDATION

APPROVE subject to the prior signing of a Section 106 agreement covering affordable housing, education, open space and bat mitigation features as set out above and the following conditions:

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and 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 an outline with one or more matters reserved.

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development hereby permitted shall be begun before the expiration of three years from the date of the approval of the last reserved matters.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Before any development commences, details and site sections identifying finished floor levels and finished ground levels in relation to a fixed datum of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that adequate details of levels are available in the interests of the appearance of the locality and the amenity of adjoining occupiers and flooding in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan .

4. Prior to the commencement of the development hereby permitted, details of materials to be used externally for the buildings on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in the materials approved.

Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

5. No development shall commence until details of the surface water drainage scheme for the development, incorporating sustainable drainage principles that will mimic or improve upon Greenfield performance, shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with details as agreed.

(Reason - to protect third parties flooding and water quality interests. In accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan and guidance within the National Planning Policy Framework)

6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance Policies TA7 (Adequacy

of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan)

7. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site and to prevent damage/disruption to the highway and in accordance Policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan)

8. No part of the development hereby approved shall be commenced until: The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25 metres back from its junction with the public highway.

The ironwork has been set to base course level and the visibility splays required by this permission laid out.

A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents and in accordance Policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan)

9. Development shall proceed in accordance with the following restrictions:
- a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
 - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
 - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
 - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)

10. No development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, such statement to include: details of parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials and a programme of works including measures for traffic management. The development shall be carried out in accordance with the approved details.

(Reason - To ensure the free flow of traffic on the highway in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, D or E for the enlargement, improvement or other alterations to the dwellings hereby permitted (other than works that do not materially affect the external appearance of the buildings) or for the provision within the curtilage of any building or enclosure, swimming or other pool.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the site or to the amenities of adjoining occupiers and in accordance with Policies D1 (Design and Local Distinctiveness) and EN2 (Areas of Great Landscape Value) of the East Devon Local Plan)

12. Development shall proceed in accordance with the mitigation and enhancement recommendations set out in the Bat Activity Assessment and Mitigation Strategy dated November 2014.

(Reason - In the interests of the continued protection of protected species and biodiversity enhancement and in accordance with policy EN6 (Wildlife Habitat and Features) of the East Devon Local Plan.)

13. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality and in accordance with policies D1 (Design and Local

Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.

14. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and 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 Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
15. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
16. Prior to commencement of development details of the proposed 'lighting cowls' to be fitted on the existing lamp posts in Rowan Drive shall be submitted to an approved in writing by the Local Planning Authority in consultation with Devon County Highways Engineer. The approved details shall be installed and capable of use prior to first occupation of any dwelling on the site.
(Reason – To ensure that appropriate mitigation measures are installed on the site to ensure protected species can remain using the site in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Approved Plans

10	Location Plan	16.05.13
INDICATIVE	Proposed Site Plan	13.11.14
102	Bat corridor detail	13.11.14

List of Background Papers

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

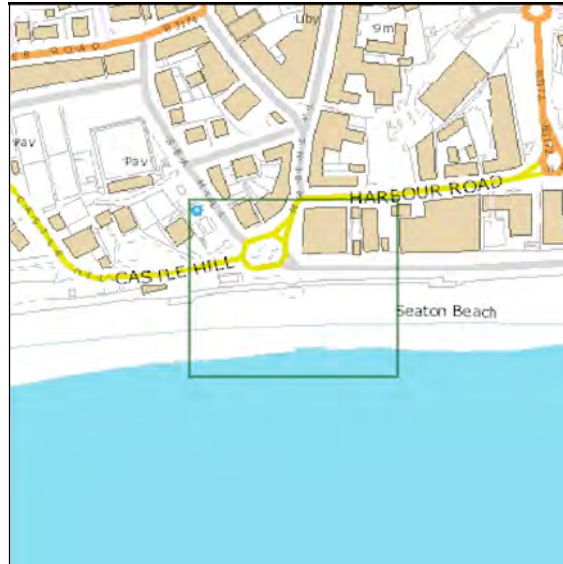
Ward Seaton

Reference 14/1897/FUL

Applicant Alison Hayward

Location Seaton Seafront Seaton

Proposal Erection of 2no. sculptured waves and 2 no. interpretive pillars



RECOMMENDATION: Approval - standard time limit



		Committee Date: 31.03.2015
Seaton (SEATON)	14/1897/FUL	Target Date: 15.10.2014
Applicant:	Alison Hayward (East Devon District Council)	
Location:	Seaton Seafront, Seaton	
Proposal:	Erection of 2no. sculptured waves and 2 no. interpretive pillars	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

Members may recall that the application was presented to Members at the February DM Committee and deferred for consultation to take place with the consultants working on the seafront enhancement scheme to ensure the design accords with their vision.

An update to the report has been provided, however the comments of the consultant do not change the officer recommendation for the reasons contained in the report.

This application is before members as East Devon District Council is the applicant.

The site refers to part of the sea wall which is located to the east of the first aid posts and toilets and to the south of the Marine roundabout, Seaton. Within the sea wall there is an entrance which leads down to the seafront and beach which is known as "Fishermans Gap". It is on the edge of the Conservation Area. The proposal is to place either side of the entrance two sculptured waves constructed from stainless steel. The outline of the waves will be bent from 200mm sheet steel and then welded to form 3m height waves using 200mm long tubes of steel to form bubbles in the crest of the wave and pebbles in the base. On top, the words "waves shape the shore" and "shore shapes the waves." Two interpretative pillars would also be set at the outer ends of each wave. Constructed from timber the interpretation pillars would appear as three separate slabs set at an angle representation the rock strata from Triassic, Jurassic and Cretaceous periods.

It is considered that the proposals would create a gateway feature both to and from the beach and provide information about the locality and history. It will enable visitors to find out more about the coastline and therefore ties in with the

wider regeneration objectives for the town.

Whilst it is acknowledged that the Seaton Town Design Statement encourages a cohesion between the Conservation Area and the seafront, the proposal is limited in the way it can achieve this due to its form and scale. Overall it is considered that the proposal would not be contrary to the design statement and aid in creating a sense of place along the seafront.

CONSULTATIONS

Local Consultations

Town Council

The Town Council has no objection to this application provided that proper consultation is undertaken with the organisation assigned by the Town Council to undertake the seafront enhancement programme.

Technical Consultations

County Highway Authority

Does not wish to comment

Environment Agency

The arrangement set out in the submitted drawing numbers S/HS/LBS/001; 002 ; 003 and 004 are acceptable to this Agency from the flood risk aspect and as such we are able to remove our earlier objection to the proposal.

The proposed development will require the formal Flood Defence consent of this Agency under the terms of the Water Resources Act 1991. This should be obtained before any works commence on site by contacting Tom Walling on 01392 354154.

Other Representations

14 letters/emails of representation objecting to the proposal have been received, and 3 letters/emails of representation supporting the proposal have been received.

The letters of objection raise the following concerns:

- Ridiculous design
- Not needed
- Who will pay for the sculptures
- Another disaster
- Will ruin 'Fishermans gap'
- Waste of money
- Out of keeping
- Contrary to Seaton Design Statement
- Will interfere with flood defence arrangements

- Monstrosity
- Far too tall
- Will not withstand wind
- Will upset continuity of sea wall
- Spoil the natural beauty
- Spoils the view

The letters of support raise the following points:

- A beautiful and memorable demonstration that Seaton is a forward thinking place
- Will encourage visitors to look further to see what else Seaton has to offer
- Form an excellent frame around a rather ugly Fisherman's Gap
- Not enough street art in the area or UK generally
- Will provide a distinctive landmark for a town which has badly needed some new features as a catalyst for regeneration and draw more people in

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN11 (Preservation and Enhancement of Conservation Areas)

National Guidance

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Other Guidance

Seaton Town Design Statement 2009

Site Location and Description

The site refers to part of the sea wall which is located to the east of the first aid posts and toilets and to the south of the Marine roundabout. Within the sea wall there is an entrance which leads down to the seafront and beach. It is on the edge of the Conservation Area and referred to in the Seaton Town Design Statement as zone 2.

UPDATE TO REPORT

A consultation was held on Saturday 28 February in Seaton. It was held at the Artisan market and throughout the town centre between 10 am and 3pm. The Council had a joint stand with Devon Wildlife Trust promoting DWT and the Seaton Jurassic project. Visitors to the stand were asked their views about the waves – whether they liked, disliked or were not sure about them. We also walked around the town centre and stopped people to ask them their views. Of the 207 people who participated, 170 liked the waves, representing 82% of all respondents. 17 people did not like the waves, representing 8% and 20 were not sure (9.6%). Of the 135 respondents who have a Seaton postcode, 106 liked the waves which represents 78.5% of the Seaton respondents. 13 respondents, all from Seaton, were under the age of 17 and all liked the waves. 23 respondents were over 70 and 17 of these respondents liked the waves.

Total Number Participants	207	100%
Total Likes	170	82.1%
Total Dislikes	17	8.2%
Total Not Sures	20	9.6%
Total participants from EX12	135	65.2%
Total Likes EX12	106	78.5%

The Project team have also met with Claire Fear who is the consultant appointed by the Town Council to advise on the seafront enhancement project.

The following issues/comments were raised by the consultant:

- It was understood that the height of the waves has been reduced to 3m in order to get the waves to site, but this also responds to concerns over the dominance of the waves in this location;
- A photographic impression had been completed of the waves in situ but was inaccurate as some of the posts and signage in the area had been deleted. The consultant suggested that to show an inaccurate image to the public would cause issues as they would know that it was not correct. It was suggested that another render should be completed with the waves and surrounding posts / signage shown accurately, and another with the posts removed as an 'ideal'. In reality, the retention of the posts and signage will obscure some of the writing of the waves and this application will add to the ad-hoc arrangement of features currently in place, not seeking to improve or rationalise them in any way. This seems to be a missed opportunity;
- The photographic visualisation does illustrate that the design of the waves is such that they are visually quite permeable so the views from the town - which the consultant was concerned about maintaining - would not be obscured. Oblique views from the pub the Vault and adjacent cafes etc may be affected across to the coast;

- The issue of possible vandalism of the waves was raised. CF suggested ways of stabilising the most vulnerable areas, i.e. the letters - bringing them into the shape of the wave, or locating them below the circular sections may assist in making the design more robust;
- It is still unclear if the waves are to have shear bolt connections to the seawall. The consultant suggested that this needed confirming with the Planners and EA both from a liability and safety issue.
- The consultant commented that the waves have been designed without consideration of any seafront enhancement and as a result they will preclude any other public art work in this area. Ultimately, enhancement proposals can be designed to accommodate the waves but again it seems to be a missed opportunity not to unite the two aspirations. Accepting the different timeframes it may have been possible to pursue a hot spot design that could be relocated when (if) the enhancement proposals are realised. However, the consultant understood that the funding is in place for a hot spot at this location - now - which is part of the HLF grant and EDDC are therefore anxious to proceed with this design to ensure that the timeframes around that grant are met.

It is considered that the comments/concerns raised by the consultant have been addressed in the previous report attached save for the comments regarding the consideration of the seafront enhancement scheme. As Members are aware each planning application must be determined on its own merits and decisions made in accordance with the development plan and any other material considerations. Unfortunately at this stage the seafront enhancement is an aspiration of Seaton Town Council and not underpinned by any adopted development plan or supplementary guidance, furthermore the funding for such a project has not yet been secured. Whilst an integrated scheme for the whole of the seafront would be the preferred option, it is by no means certain that the seafront enhancement scheme will come forward. Therefore, this application must be judged on its own merits and as previously recommended Officers consider that the proposal is acceptable.

PREVIOUS REPORT

ANALYSIS

The proposal is to place either side of the entrance known locally as 'the fisherman's gap' two sculptured waves constructed from stainless steel. The outline of the waves will be bent from 200mm sheet steel and then welded to form 3m height waves using 200mm long tubes of steel to form bubbles in the crest of the wave and pebbles in the base. The words "waves shape the shore" and "shore shapes the waves" surround the edge of the waves. One would be read on approach from the shore and the other from the town approaching the sea. The letters are 220mm in height and laser cut from stainless steel and welded to the wave sculptures. The overall height from ground level would be 3.8m sitting on the sea wall. Two interpretative pillars would be set at the outer ends of each wave. Constructed from timber the

interpretation pillars would appear as three separate slabs set at an angle representing the rock strata from Triassic, Jurassic and Cretaceous periods. Each pillar will incorporate a graphic, a brass rubbing, a trail map dispenser, a QR code and a hidden geo cache reference. The geo cache box will be designed as a section of ammonite with a handle to rotate it on a spindle to open. They would measure 1.86m in height at their maximum point

The proposed structures would be set away from neighbouring properties and businesses, and it is not considered that the proposal would result in any detrimental overbearing. Whilst adjoining the Conservation Area boundary, the Conservation officer does not wish to comment on the proposal and it is not considered that there are any objections in this regard. The main considerations relate to visual amenity, and flood defence impacts.

Visual Appearance

The National Planning Policy Framework attaches great importance to the design of the built environment. It advises that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". It is considered that this proposal would meet these criteria by being a gateway both to and from the each and providing information about the locality. The designer of the proposals states that the two thoughts "waves shape the shore" and "shore shapes the waves," are deliberately set on top of the wave almost as reflections showing the interactions between land and water that take place. One can be read on approach to the shore from land and the other is read when approaching the shore from the sea. Whilst the proposals would be in a highly visible location, it is considered that they would be read in conjunction with the surroundings to which they would relate. The waves would be hollow, allowing the sea and beach to be viewed beyond and the streetscape from views out from the beach. It is not considered that visually the proposal would be harmful to the appearance of the area.

The interpretative pillars would stand at a maximum height of 1.86m. They utilise an interesting design incorporating three slabs set an angle represent rock strata from. Whilst these too would be prominent as noted above the National Planning Policy Framework advises that good planning should contribute to making places better for people. Taking this into account and the interesting design it is not considered that the proposal would be detrimentally harmful to the appearance of the area. In addition, whilst the concerns regarding loss of a view are noted these do not form planning considerations, although views out of the Conservation Area across to the sea are planning considerations. However, in terms of the impact on the appearance of the area the proposals would still allow significant views of the sea beyond from the Conservation Area as the site coverage is considered to be relatively small.

Whilst it is acknowledged that the Seaton Town Design Statement encourages a cohesion between the Conservation Area and the seafront, the proposal is limited in the way it can achieve this due to its form and scale. Overall it is considered that the

proposal would not be contrary to the design statement and aid in creating a sense of place along the seafront.

Flood Defence

In the first instance the Environment Agency had objected to the application on the basis that it would:

- a) prevent the closure of the main flood gates that facilitate vehicular access through the sea wall, and;
- b) restrict our access to the flood wall for necessary inspection, repair and maintenance purposes.

However, this objection has now been withdrawn. The agent for the application has provided additional information relating to the structure and has stated that the design is not solid but a frame with individual letters and rings attached. The waves would be placed either side of Fishermans Gap and constructed from Corten steel to give a natural rustic finish. The outline of the waves will be bent from the steel and welded together in pairs using rings of steel to form bubbles in the crest of the wave and pebbles in the base. These will then strengthen the whole structure separating the two outlines and creating a 3D feel to the wave. Upon consideration of these details the Environment Agency has withdrawn their objection. The development will however still require the formal Flood Defence consent of the Environment Agency under the terms of the Water Resources Act 1991. This will need to be obtained before any works commence.

RECOMMENDATION

APPROVE subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

The development will require the formal Flood Defence consent of this Agency under the terms of the Water Resources Act 1991. This should be obtained before any works commence on site by contacting Tom Walling on 01392 354154.

Plans relating to this application:

CONSTRUCTION METHOD	Other Plans	24.10.14
	Location Plan	31.07.14
S/HS/IP/001	Perspective Drawing	31.07.14
S/HS/LBS/001	Combined Plans	31.07.14

List of Background Papers

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

Ward Sidmouth Town

Reference 15/0129/FUL

Applicant The Sampson Society

Location Manor Pavilion Theatre Manor Road Sidmouth EX10 8RP

Proposal Construction of memorial stone to Robert William Sampson on site of existing millstone adjacent to arts centre.



RECOMMENDATION: Approval with conditions



		Committee Date: 31.03.2015
Sidmouth Town (SIDMOUTH)	15/0129/FUL	Target Date: 16.03.2015
Applicant:	The Sampson Society	
Location:	Manor Pavilion Theatre Manor Road Sidmouth	
Proposal:	Construction of memorial stone to Robert William Sampson on site of existing millstone adjacent to arts centre.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application relates to land at the Manor Pavilion on Manor Road and is reported to Committee as it affects land owned by East Devon.

The application seeks full planning permission to locate a memorial stone as a tribute to the architect Robert William Sampson to mark the 150th anniversary of his birth in 1866 and in recognition of the architect's achievements. The memorial stone would be positioned on the site of the existing millstone in front of the Pavilion building.

Cut from Devonian Limestone the memorial stone would measure 1.2 metres wide x 600mm deep x 1 metre in height and would be positioned fronting onto Station Road. The stone would include lettering marking Sampson's connection with the Manor Pavilion building and his contribution to the town. The stone would also feature Sampson's initials in a style of letters to match the initials which appear on the facade of Fortfield Chambers - the officers on Station Road.

It is not considered that the proposal would result in any adverse impact on public amenity, the setting of the Listed Buildings opposite or have any adverse on the character and appearance of the conservation area.

CONSULTATIONS

Local Consultations

Sidmouth Town - Cllr F Newth

I will declare an interest because I am a member of the Manor Pavilion Steering group

Parish/Town Council

Support

Other Representations

None received at the time of writing the report.

Technical consultations

County Highway Authority

Does not wish to comment

PLANNING HISTORY

None relevant

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)
EN8 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)
EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)
EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
S4 (Development Within Built-up Area Boundaries)
EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)
EN11 (Preservation and Enhancement of Conservation Areas)

Site Location and Description

The application relates to the Manor Pavilion Theatre on Manor Road. The property is a large detached red brick building with a tiled roof with the theatre hall located to the rear. The building is shown on the 1890 - 1912 OS historic map. It is located just outside of the town centre and on the outskirts of the Sidmouth Conservation Area. The building sits opposite two listed buildings on the junction with Coburg Road and Station Road.

Proposed Development

The application seeks full planning permission to locate a memorial stone and plinth on the site of the existing millstone on the front lawn of the property.

The memorial stone would be a tribute to the architect Robert William Sampson who designed many of the buildings in Sidmouth between 1891 and the late 1930's. The Sampson Society would like to mark the 150th anniversary of his birth in 1866 with a memorial stone in recognition of the architects achievements in enhancing the town.

The application states that the site has been chosen for the memorial as the Manor Pavilion was built by Col Balfour of the Sidmouth Manor Estate to provide a public meeting hall. The Arts Centre houses the Manor Estate offices. Sampson was the Manor Estates architect and worked from these officers from 1891 to 1928 and therefore the Society consider the site in front of the Manor Pavilion to be appropriate.

The memorial would be sited on an area presently occupied by a millstone. The millstone was originally mounted at an angle to the ground however the mounting has collapsed and the millstone presently lies flat on the ground. The applicants proposed to remove the existing Mill Stone and to relocate it to the new development at Mill Gardens in Sidmouth.

Formed from Devonian Limestone the memorial stone would measure 1.2 metres wide x 600mm deep x 1 metre in height fronting Station Road. The stone would include wording marking Sampson's connection with the Manor Pavilion building and his contribution to the town. The stone would also feature Sampson's initials in a style of lettering to match the initials which appear on the facade of Fortfield Chambers - the officers on Station Road.

It is considered that the proposal would make an interesting contribution to the streetscene. It is not considered that the proposal would result in any adverse impact on public amenity, the setting of the Listed Buildings opposite or have any adverse on the character and appearance of the conservation area.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. The existing Mill Stone shall be removed from the Manor Pavilion site and stored in accordance with details that shall have previously been submitted to and agreed in writing by the Local Planning Authority prior to its removal from the application site.
(Reason - To preserve and maintain the historic Mill Stone in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

The relocation and siting of the Mill Stone at the Mill Gardens residential development may require a separate planning consent and the applicants are advised to contact the Local Planning Authority for further information.

In addition to planning permission, the applicant will require a licence from the District Council as the landowner. The applicants are advised to contact the Council's Property team.

Plans relating to this application:

	Location Plan	19.01.15
A	Other Plans	19.01.15

List of Background Papers

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

Ward Tale Vale

Reference 13/1828/FUL
(UNIT 4)

Applicant Mr Matthew Cottrell

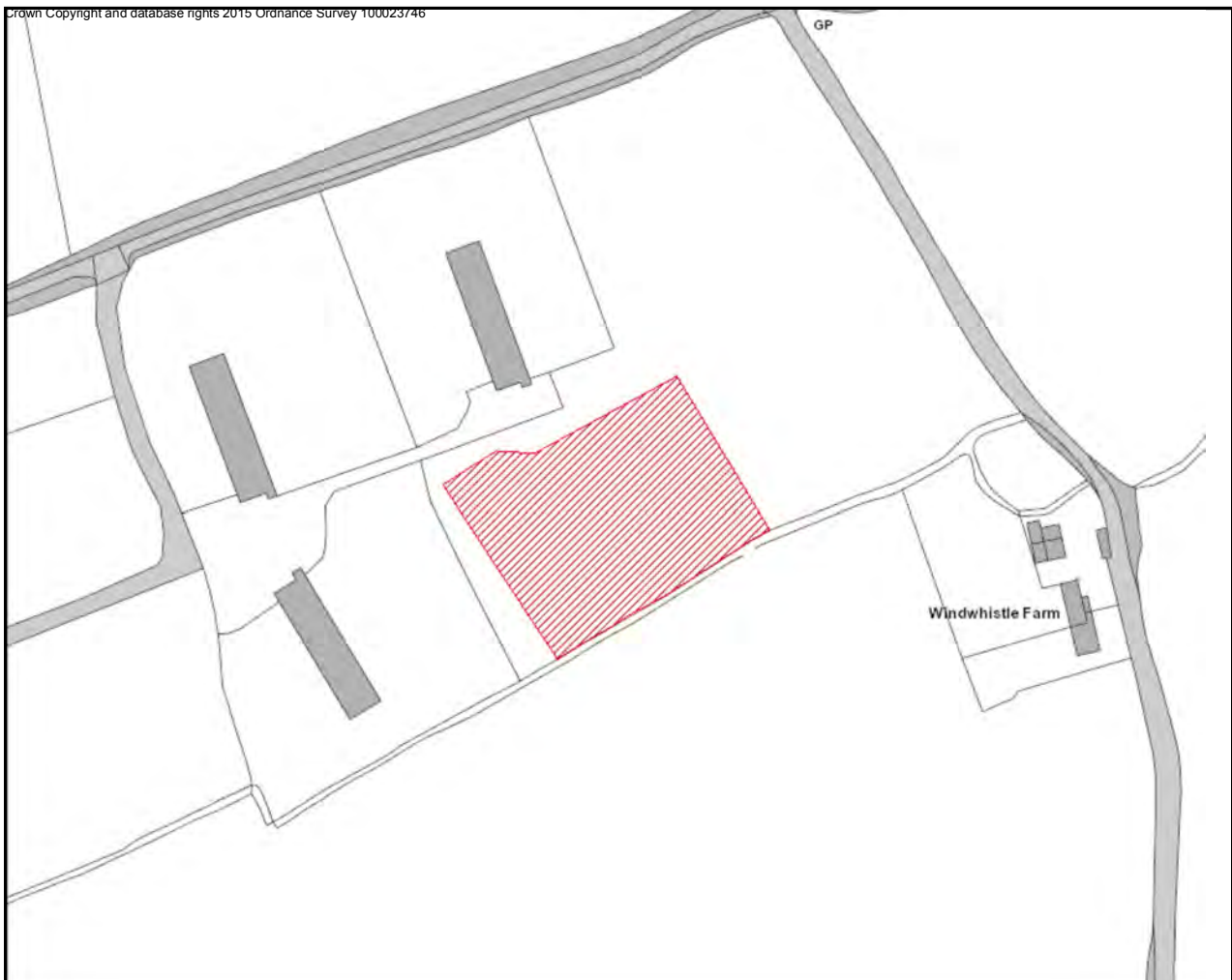
Location James Barn Kerswell Cullompton
EX15 2ES

Proposal Erection of agricultural building for
poultry rearing with associated
access and hardstanding (unit 4)
(Acompanied by Environemntal
Statement with further information)



RECOMMENDATION: Refusal

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Ward Tale Vale

Reference 13/1830/FUL
(UNIT 5)

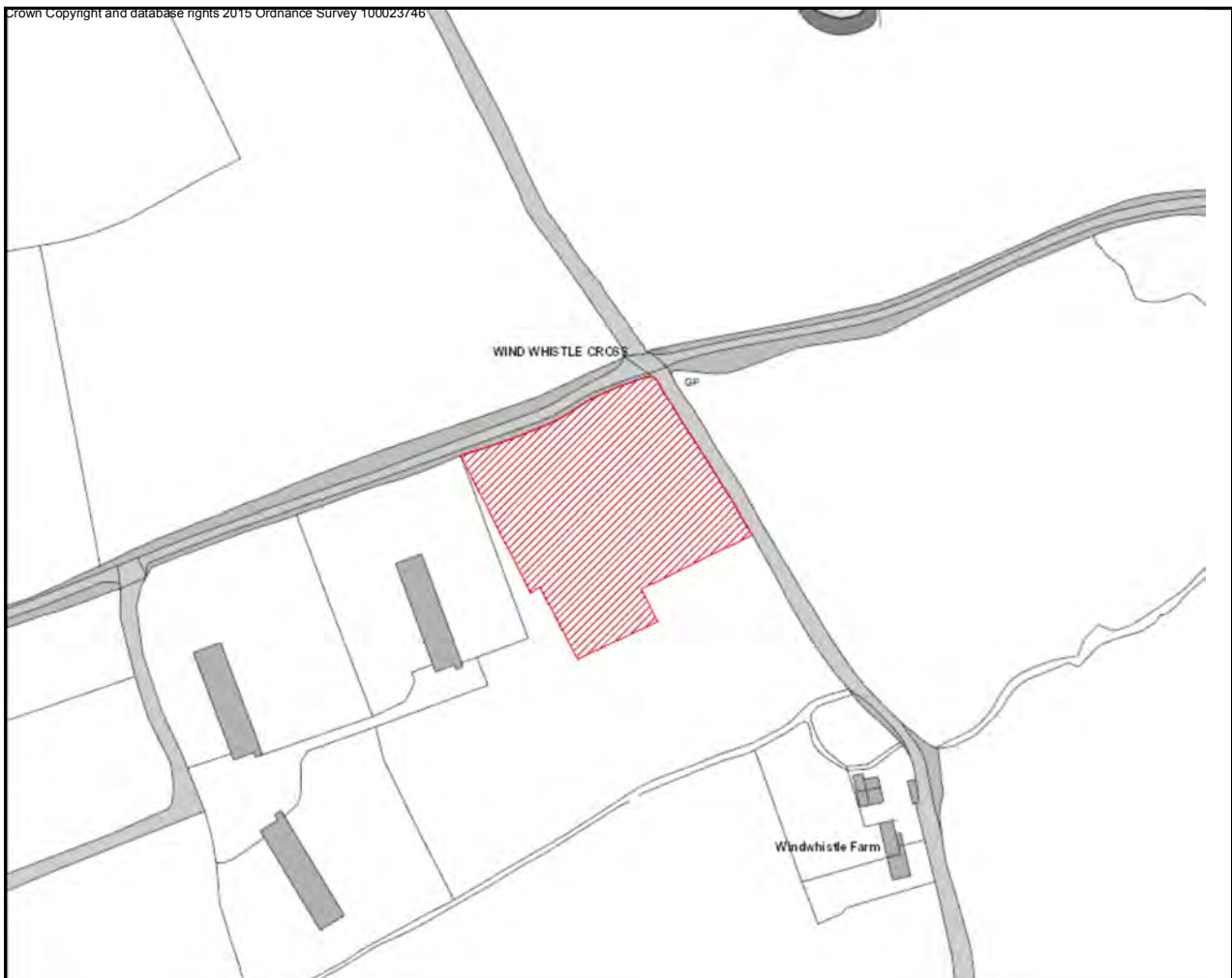
Applicant Mr Matthew Cottrell

Location James Barn Kerswell Cullompton
EX15 2ES

Proposal Erection of agricultural building for
poultry rearing with associated
access and hardstanding (unit 5)
(Accompanied by Environmental
Statement with further information)



RECOMMENDATION: Refusal



		Committee Date: 31.03.2015
Tale Vale (BROADHEMBURY)	13/1828/FUL & 13/1830/FUL	Target Date: 08.10.2013
Applicant:	Mr Matthew Cottrell	
Location:	James Barn Kerswell	
Proposals:	Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 4) (Accompanied by Environmental Statement with further information) Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 5) (Accompanied by Environmental Statement with further information)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

Planning applications have been submitted for two chicken houses and an extended concrete access track to add to the three houses established following permissions in 2009 and 2010. Each new house would have a capacity of 5720 birds, which would be received as day-old chicks and leave after 8 weeks. In the first four weeks of the cycle they would be kept inside the chicken houses but during the second four weeks they would be allowed to roam outside during daylight hours. Applications for very similar proposals were refused and dismissed at appeal in 2010/11.

The issues remain the same as before but these proposals have been screened as EIA development and are therefore accompanied by an Environmental Statement (ES) which has informed the recommendation.

The landscape impact of the proposals has not changed since the inspector concluded that the chicken houses would have an unacceptably harmful impact on the open countryside. Because of their industrial form and hillside location they would cause a significant visual intrusion which would be harmful to the distinctive character of the area. Furthermore, additional landscaping or orchard planting could not sufficiently mitigate the visual impact of the development.

The proposals would also give rise to significant harm to the living conditions of the occupiers of Windwhistle Barton, who would suffer the effects of dust, odour

and bioaerosols which would be dispersed from the chicken houses. These effects cannot be prevented by good management alone. The site is already managed to the highest standards but this would not prevent emissions having an adverse effect on Windwhistle Barton, which at its closest would be 85 metres from house 5. The only way to avoid such impacts is to locate the houses more than 200 metres away from any dwelling.

Although the proposals would support the expansion of an established rural business, the benefits are clearly outweighed by the significant adverse landscape and amenity impacts.

CONSULTATIONS

Local Consultations

Tale Vale - Cllr P Skinner – 25/04/2014

I have studied this application and would very much SUPPORT the view of the parish council in its initial thoughts in supporting 1828 and 1830.

As the application has progressed I understand that 1829 has been withdrawn which is much more satisfactory.

On that basis if the officers recommendation is one to refuse then I would ask that the application comes to committee where it can be a fair and robust hearing.

I reserve the right to have a change of opinion if any facts come forward of which I was unaware before submitting my comments

Further comment 05/03/2015

I have considered and deliberated on this report for some considerable time and feel that it is time I put pen to paper especially as this application was started in August, 2013.

We have on one hand, the impact on some residents whom would consider it to affect their lives and property (not all I might add) against the back drop of a young farming family trying to produce chicken in the countryside.

The biggest argument comes from the nearest property where Mr and Mrs Jonas reside at Windwhistle Barton of which I can understand their reason for objecting for the said proposal.

For clarification and not to be lost the application numbers run 1828 and 1830 for a reason and that is because 1829 was applied for but withdrawn as the applicant conceded on the closeness to Windwhistle Barton a point I think worth making.

Other members of the public have also shown some concerns which may or may not be opinion but nonetheless deserve a place to be aired.

As I am of the opinion that this application warrants the democratic process for all to be heard whether they be in support or against the applications the only option left open to me as the ward member is to SUPPORT these two applications which in turn will bring these applications to a Development Management Meeting.

Parish/Town Council – Original Comments 29/08/2013

Object - Councillors were not persuaded that the definition of sustainability used to justify the application had been couched broadly enough. In their view sustainability of the environment and the amenities currently enjoyed by neighbours had not been taken into account. It was insufficient to base the case solely on sustainability of the business to the detriment of other considerations. Furthermore the two main reasons given by the planning Inspector for rejecting the last application were still relevant: destruction of the visual approach to the A.O.N.B., and proximity to habitation. Although the P.C. has a policy of supporting local business, each application is considered on its merits. The reasons quoted above and many other local objections led to a lack of support for this application.

Parish/Town Council – Updated comments 18/03/2014

We now support these 2 sheds as a result of the EIS.

Parish/Town Council – Revised comments 20/01/2015

Broadhembury Parish Council is opposed to these applications. We are concerned about the impact on local infrastructure but the overriding consideration is the proximity of the proposed chicken sheds to the nearest non-beneficial domestic residence. We believe as a matter of policy that buildings for intensive farming practices should be located no closer than 250 mtrs to the boundary of neighbouring property. Reason: to protect the amenity and peaceable enjoyment of residents.

Furthermore, we request that these applications are considered at Development Management Cttee in view of the precedent implications and the significant public interest raised by these applications.

Parish/Town Council – Further Revised comments 21/01/2015

Planning Application No. 13/1830/FUL James Barn Kerswell
OBJECT

Due to proximity of nearest dwelling being within 250metres and on environmental grounds

Split decision 4 against 3 supporters

Technical Consultations

National Planning Casework Unit

We have no comments to make on these applications.

County Highway Authority – 23/08/2013

Does not wish to comment

County Highway Authority – 23/12/2014

We have no comments to make on this application or amended plans.

Environment Agency

Please refer to the Agricultural Guidance notes for appropriate conditions and informatives. I believe that the number of birds proposed may require an IPPC permit, the applicant is advised to contact our National Permitting Team (03708 506 506), to discuss this aspect of the proposal.

Blackdown Hills AONB Project Partnership – 04/09/2013

Essentially, points raised in response to previous applications in 2009 and 2010 remain applicable to consideration of development at this site.

We would expect the local planning authority to satisfy itself that the individual and cumulative effect of further development of this chicken farm will not adversely impact on the special qualities of the Blackdown Hills, including views out from the AONB, given the rising nature of the site directly abutting the AONB boundary.

While it is accepted that the chicken sheds sit relatively low, the feed silos are much more prominent, alien features. While one might expect to see a silo as part of a farmstead, seeing several in a field appears at odds with an otherwise undeveloped landscape. I recall that there was an enforcement issue with the silos for the existing sheds, and I trust that there will be appropriate control of siting, height, finish and colour of these features should the current applications be approved by the Council.

Blackdown Hills AONB Project Partnership – 17/03/2014

The comment submitted on 4th September remains valid, and I can confirm that we do not wish to comment further on the landscape impact.

Blackdown Hills AONB Project Partnership – 08/01/2015

Thank you for seeking the further views of the Blackdown Hills AONB Partnership regarding a revised Environmental Statement (ES) for the above. I apologise for this late response.

I have confined my consideration to landscape and visual impact, not all environmental issues.

I note that the letter from EDDC to the applicant requesting additional information for the ES included reference to landscape and visual impact assessment (LVIA), and noted that the earlier LVIA may be reproduced, with revisions as appropriate.

Since a key issue with this development is landscape and visual impact, and noting particularly the 2011 Appeal decision, I would respectfully suggest that one might expect to find further assessment of this aspect, with updated information, including reference to buildings and associated structures that have already been constructed, the effect of landscape mitigation measures, and assurance that the methodology complies with Guidelines for Landscape and Visual Impact Assessment, Third Edition.

I am concerned that the information in the ES suggests there are very limited public views of the development site, which is at odds with various views and viewpoints put forward by local respondents.

Environmental Health – 07/01/2015

Conclusion from EHO report

(Full report can be found under the following link - [Consultation Response](#) - See document number 1670065 dated Jan 8 2015)

I have now considered in detail the submitted Environmental Impact Assessment and am able to conclude my comments. These must be considered together with my original comments on 20th March. I have prepared a full report which is available online as a separate document and the conclusions of this are as follows:

The Environmental Impact Statement is a detailed document which concludes not only that the current buildings impact at times on off-site receptors but that the addition of two more sheds even closer will increase these impacts. The report includes several references to the benefit of separation distances and this concurs with our view. The site is well managed and I cannot recommend any improvements in management which would negate the need for maintaining the current separation distance. I therefore recommend that the application be refused for the following reasons:

- The poultry houses would each be closer than 200m to the nearest residential premises. The evidence of noise, odour and dust arising from the existing buildings has shown that these impacts are unavoidable by good management alone.
- The report provided by the applicant indicates that these impacts will get worse.
- The applicant has failed to demonstrate that the requirements of Policy D7 in the emerging local plan document will be met: New agricultural buildings will be permitted where there is a genuine agricultural need for the development and the following criteria are met:It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.
- The applicant has failed to demonstrate that the requirements of policy EN15 will be met, or that the need to avoid environmental impacts is outweighed by any economic need.

Other Representations

The following representations have been received (where an individual has written several letters, their interest in the applications is only recorded once for each application):

13/1828/FUL

10 Objections, 7 Support and 1 'no objection'

13/1830/FUL

11 Objections, 7 Support and 1 'no objection'

The comments are summarised as follows:

Objections

Increased risk of flooding in the village
 Damage to roads and hedge banks caused by lorries accessing the site
 Visual intrusion
 Harm to the adjacent AONB
 Percolation tests are out of date
 There is no reference to the Nitrate Vulnerable Zone
 The proposals are not sustainable
 Other sites are available
 Causes light pollution
 Causes adverse dust, odour and noise impacts on Windwhistle Barton

Support

The existing houses have given no cause for complaint
 The applicants are committed to the business
 The site is managed to a high standard
 The countryside is a workplace not a museum
 Flooding cannot be attributed to the site
 There are no highway issues

PLANNING HISTORY

Reference	Description	Decision	Date
05/2658/FUL	Erection of 5 stables and attached hay store	Approval with conditions	14.03.2006
06/1227/FUL	Retention of extension to agricultural building	Approval with conditions	03.07.2006
09/0137/FUL	Erection of two free range chicken houses, and construction of new vehicular (Agricultural) access and formation of internal access tracks.	Approval with conditions	05.06.2009
09/1576/FUL	Alterations to existing and new access	Approval with conditions	12.11.2009

10/0315/FUL	Retention of horse manege area	Approval retrospective (conditions)	18.05.2010
10/0944/FUL	Erection of one free-range chicken house (House 3)	Withdrawn	22.06.2010
10/0948/FUL	Erection of one free-range chicken house (House 5)	Refusal Appeal Dismissed	12.10.2010 08.06.2011
10/0951/FUL	Erection of one free-range chicken house (House 2)	Approval with conditions	29.10.2010
10/0952/FUL	Erection of one free-range chicken house (House 6) together with construction of access track	Refusal Appeal Dismissed	12.10.2010 08.06.2011
10/0953/FUL	Permanent location of portacabin for agricultural purposes	Approval with conditions	12.10.2010
10/2383/FUL	The retention of existing mobile home for person or persons employed in agriculture	Approval retrospective (conditions)	24.03.2011
13/1829/FUL	Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 6)	Withdrawn	25.03.2014
14/0739/FUL	Renewal of temporary planning consent for agricultural mobile home for one year.	Approval with conditions	02.05.2014

15/0014/FUL	Construction of agricultural dwelling and garage.	Pending Consideration	
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POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D7 (Agricultural Buildings and Development)
 EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)
 EN13 (Development on High Quality Agricultural Land)
 EN15 (Environmental Impacts, Nuisance and Detriment to Health)
 EN22 (Surface Run-Off Implications of New Development)
 E5 (Small Scale Economic Development in Rural Areas)
 TC2 (Accessibility of New Development)
 TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)
 D1 (Design and Local Distinctiveness)
 D4 (Landscape Requirements)
 EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
 EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)
 EN15 (Control of Pollution)
 E4 (Bad Neighbour Uses)
 E6 (Small Scale Employment Development in Rural Areas)
 TA1 (Accessibility of New Development)
 TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

James Barn is some 500 metres or so outside the village of Kerswell, itself just off the A373 Cullompton-Honiton road. Access is via a driveway which enters the middle of the site and branches south west to a temporary dwelling, stables, a manege and an agricultural storage building and north east to a field in which there are three chicken houses. These houses have timber walls and dark green box profile steel roof cladding. Each house is surrounded by a concrete apron, linked to the access road, with attached feed hoppers. Each sits within a 'free-range' paddock planted with fruit trees. The field joins Windwhistle Cross at its northern extremity and a

dwelling known as Windwhistle Barton at its eastern extremity. The Blackdown Hills Area of Outstanding Natural Beauty extends eastwards from Windwhistle Cross but does not cover the application site.

ANALYSIS

Two planning applications have been submitted, each seeking permission for an individual chicken house, with associated concrete apron, paddock and feed hopper in the same form as the established houses. The new houses would be located uphill of the existing houses, creating a line of three on the north side of the field and a line of two on the south side. A further application for a chicken house on the area nearest to Windwhistle Barton, which would create a row of three on the south side of the field, has been withdrawn by the applicant.

The existing business produces free range chickens for human consumption and operates under a contract with Hook2Sisters based in Willand. The poultry houses are stocked on a nine week cycle, which includes a one week turnaround between batches of hens. The hens are delivered as day old chicks and placed in each house in batches of 5720 birds. The target is to rear 5500 birds per unit to the age of 8 weeks, which allows for around a 4% mortality rate.

The birds are contained within the buildings for the first four weeks of the cycle and allowed out during daylight hours for the second four weeks. At the end of the cycle the birds are collected at night under darkness. Over the following week the houses are cleared of soiled bedding, cleaned and filled with fresh bedding ready for the next batch. The cycle is repeated without interruption throughout the year meaning that there are 5.7 cycles per year.

The proposals would introduce a further two houses which would increase the capacity of the site from 17,160 to 28,600 birds. The new houses would follow the same cycle as the existing houses, with deliveries and collections for all five houses taking place at the same time.

Owing to the nature, size and location of the proposed development (when considered cumulatively with the existing houses), and because of its impact on an environmentally sensitive landscape and on the occupiers of a dwelling on adjoining land, the development was screened as EIA development in September 2013, requiring submission of an Environmental Statement. This statement was submitted in February 2014 but was found to be lacking in certain detail and therefore a formal request for more information was made under the EIA regulations. An updated 'Environmental Impact Statement' (ES) was submitted in December 2014 and has been taken into account in this assessment of the proposals.

Background

The first two chicken houses were constructed at the lower end of the field following a grant of planning permission in 2009. This was followed by four applications for four further houses in 2010. All four applications were recommended for refusal owing to concerns about need, nuisance to neighbours and environmental harm. However, the application for the house nearest to the neighbouring property,

Windwhistle Barton, was withdrawn before a decision was made. The remaining three applications were presented to the Development Management Committee in September 2010 when, contrary to the recommendation, one of the houses was approved. The other two, which were proposed in the same areas as the two houses now under consideration, were refused in accordance with the recommendation. An appeal against the refusal of these applications was subsequently dismissed by the Planning Inspectorate in 2011 owing to unacceptable harm to the open countryside and environmental nuisance affecting the living conditions of the occupiers of Windwhistle Barton. In both cases the Inspector found that the harm was not outweighed by the benefits to the economy.

[Anyone reading the appeal decision should be aware that the chicken houses are now numbered differently. The existing houses 1, 2 and 3 are referred to in the appeal as houses 1, 4 and 2 respectively. Proposed houses 4 and 5, which are the subject of the current applications, are referred to as houses 5 and 6 in the appeal decision. House 6, which has been withdrawn, is referred to in the appeal as house 3.]

CONSIDERATIONS

This report concerns two applications, each for a single chicken house. The proposals are identical to the refused applications except that both houses have been moved lower down the field. House 4 would now be about 105 metres from the boundary with Windwhistle Barton, rather than 85 metres, and house 5 would be about 85 metres away, rather than 75 metres.

The proposals should be considered against the policies in the National Planning Policy Framework and the saved policies of the Local Plan, where they do not conflict with the Framework. Policies in the emerging New East Devon Local Plan carry little weight at this time but emerging policy D7 (Agricultural Buildings and Development) is particularly relevant to this proposal and provides a useful guide to the relevant considerations. The policy states:

New agricultural buildings and development in the countryside will be permitted where there is a genuine agricultural need for the development and the following criteria are met:

- 1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.*
- 2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.*
- 4. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.*
- 5. It will not lead to an unacceptable increase in traffic on the local highway network*
- 6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.*

Proposals for the development of new buildings for livestock should be accompanied by a Waste Management Plan.

Having regard to emerging policy D7 and drawing on the appeal decision, the main issues are considered to be:

1. the impact of the proposed chicken houses on the open countryside, with reference to the relevant policies of the Framework and the adopted and emerging Local Plans;
2. whether the increased use of the site would give rise to environmental nuisance, affecting the living conditions of the occupiers of the nearby dwelling and the ecology of nearby County Wildlife Sites; and
3. whether any adverse impacts of granting planning permission would outweigh the benefits of the proposal.

1. The impact of the proposed chicken houses on the open countryside

The appeal inspector visited the site in 2011, after the three approved houses had been constructed and brought into use. His appraisal of the site begins:

The site is a field in open countryside, on rising ground. It is adjacent to the Blackdown Hills AONB and shares its distinctive landscape character. The intricate landscape of enclosed fields, hedges, trees and winding lanes is the result of centuries of traditional farming practice. This is very attractive countryside. The isolated site can be seen in this context from public viewpoints, particularly from higher ground to the south-west. The existing chicken houses, at the lower end of the site, are very noticeable despite some tree screening. Because of their size and industrial appearance, they appear as somewhat alien features in this landscape.

There has been no change in the landscape surrounding the site and therefore the inspector's assessment is still an accurate description of the area. Although when he visited in 2011 the orchard trees within the free range paddocks would have been newly or not yet planted, they have not grown significantly and are not easily visible from the higher ground to the south-west.

National policy on development in rural areas is now set out in the National Planning Policy Framework. This replaced PPS7 'Sustainable Development in Rural Areas', which informed the Inspector's decision. A core principle of the Framework is that planning should recognise the intrinsic character and beauty of the countryside. This is a slight shift in emphasis from PPS7, which sought to 'protect the countryside for the sake of its intrinsic character and beauty'. Furthermore, whereas PPS7 sought to protect and enhance the character of the countryside, the Framework seeks to ensure that development respects its character. This is not to say that harmful landscape effects should be more tolerated now, but when assessing the sustainability of the proposal, weight should be attributed to landscape impacts according to the severity of the effects.

The Inspector went on to say:

These 2 additional buildings, one in the middle of the field and the other at the top, would be even more noticeable because of the topography of the land. I consider that the cumulative effect of these and the 3 existing chicken houses would result in the appearance of rows of long industrial-type sheds, stepping up the hillside. The utilitarian nature of the feed hoppers and the extent of wire fencing and concrete paving would add to this impression. Together the houses would cause a significant visual intrusion which would be harmful to the distinctive character of the area. The buildings would reflect no local characteristics and would not be assimilated into the landscape. There would be a substantial loss of open countryside. I do not consider that additional landscaping or orchard planting could sufficiently mitigate the visual impact of the overall development.

The Inspector did not expand on that last point but it is considered to remain a valid concern. In view of the limited space available within the site for tree planting (owing to the need to preserve space around the buildings for the chickens to roam), the length of time that any planting would take to establish and become effective, and the unnatural form it would inevitably take because of the regimented layout of the houses, it is still considered that additional landscaping and tree planting would not mitigate the visual impact of the development in a way which would be compatible with the character and appearance of the area.

It is also noted that the Inspector did not make reference to the 2010 Landscape and Visual Impact Assessment which was submitted with the applications. However, it is clear that he would not agree with its conclusion that there would be 'limited' or 'very little' landscape and visual impact. In his view, the cumulative impact of 5 chicken houses would be extremely detrimental to the distinctive character and quality of the attractive rural area.

This is further picked up having reference to the landscape character assessment work that has been undertaken across the District. The site lies within Landscape Character Type 3A and is referenced as Upper Farmed and Wooded Slopes. Within this typology the landscape is recognised as having amongst other key aspects:

- Small to medium size fields with irregular boundaries
- Deciduous woods and copses, especially on hilltops and upper slopes
- Very wide, usually low, species-rich hedges with many hedgerow trees
- Remote and with little 20th century development

Having regard to the views of the Inspector and the landscape character type, and based on a fresh assessment, it is considered that houses 1 and 2 only have a slight visual impact but house 3 already has a moderately adverse impact, particularly in views from the south-west where the concrete track is also prominent. It follows that, owing to the higher elevation of houses 4 and 5, as now proposed the cumulative

effect of all five houses and the impact of the extended concrete track, there would be a detrimental effect on the area. Such harm would also be exacerbated by the proposed shelter belts (discussed under point 2) as these too would represent an alien form of landscaping that would fail to reinforce the key characteristics of the area.

With reference to emerging policy D7, it is clear therefore that the houses would not be well integrated with their surroundings and would not be appropriately located. Consequently they would harm the character and landscape of the area. Owing to the close proximity of the site to the AONB, there would also be a detrimental impact on views of the AONB from the south-west. It is concluded, therefore, that the two additional chicken houses would have a harmful impact on the open countryside which could not be satisfactorily mitigated.

2. Whether the increased use of the site would give rise to environmental nuisance

The main environmental pollutants resulting from the development are considered to be dust, bioaerosols, odour, ammonia and nitrogen, and noise. These are all assessed in the Environmental Statement (ES), with all except noise being the subject of an Air Quality Assessment carried out by a suitably qualified specialist.

Dust

Windwhistle Barton is prone to being affected by dust because of its proximity to the existing and proposed chicken houses. The ES notes that there is a low risk of dust being generated from sources such as bare soil, the food hoppers and vehicle movements. These sources are not considered to result in harm to the occupiers of Windwhistle Barton owing to the way in which the site is managed. However there are other sources of dust which cannot be controlled by good management alone and which would affect Windwhistle Barton because of its close proximity.

Dust from feathers, used litter/bedding, skin particles and feed is dispersed from within the building at two key stages in the cycle. In the last four weeks of the cycle the pop holes in the houses are opened during the day to allow the chickens to roam outside. Wind blowing through the houses then causes dust to be dispersed in the air outside. The second point at which dust is dispersed is at the end of the cycle when the houses are cleared.

To reduce the effect of dust dispersal at these times, the ES recommends the planting of a shelterbelt (sometimes known as a vegetative buffer or barrier) on the southern and eastern boundaries. This would consist of three or more rows of trees, with shrubs planted in the outside rows followed by conifers, with deciduous hardwoods towards the middle or along the downwind side where they can grow more efficiently.

The ES does not predict the effectiveness of a shelterbelt nor does it claim that it would prevent Windwhistle Barton being affected by dust.

Bioaerosols

Bioaerosols are living microscopic airborne organisms including bacteria, fungal spores protozoa and organic constituents of microbial and fungal origin. The ES predicts that bioaerosols would be dispersed, like dust, during the 4-week outdoor period and at the end of the cycle. Research shows that the concentration of bioaerosols in the air reduces with distance from the source. The ES therefore concludes that concentrations of bioaerosols are unlikely to be significant at Windwhistle Barton but does not go so far as to conclude that there would be no effect whatsoever. It is suggested that the shelterbelt would mitigate this impact but how effective it would be is again not known.

Odour

The effects of odour are highly subjective; a level of odour which leads to complaints from one resident may be acceptable to another. An odour assessment has been carried out to gauge the predicted levels of odour at Windwhistle Barton in the existing and proposed scenarios. The assessment concludes that the two additional chicken houses would lead to a 'slight adverse' effect on the occupiers of Windwhistle Barton. It is further predicted that this effect would only occur at the end of the cycle when the houses are cleared out.

The 'slight adverse' effect is considered significant enough to warrant an odour management plan. Most of the measures in the suggested plan are already carried out as part of the applicant's good management of the site. The main new measure is the proposed planting of a shelterbelt, as already described. However, it is not predicted to eliminate odour.

Ammonia and Nitrogen

The predicted impact of the proposals on ammonia levels at Windwhistle Barton and the impact of nitrogen deposition on nearby County Wildlife Sites (as a result of ammonia emissions from the site) has been assessed in the ES.

Ammonia levels at Windwhistle Barton are predicted to increase but would remain well below the level at which action would be necessary. Levels of ammonia would also increase at North Hill Woods, a County Wildlife Site about 800m east of the site. Owing to the presence of lichens at this site, the increase, although small, cannot be regarded as insignificant. Because existing concentrations of ammonia at North Hill Woods are known to be above the level at which adverse effects occur, the predicted impact of the proposed development is considered to be slight adverse.

Nitrogen deposition at North Hill Woods would also increase but the level of increase is not predicted to be significant.

The ES concludes that measures to avoid the effects of ammonia dispersal in the direction of North Hill Woods would be required. Again, it is suggested that planting a shelterbelt would have a beneficial effect but the extent to which it would reduce the impacts is not known.

Noise

At the end of each cycle there is a certain amount of noise at night and in the early hours of the morning which can be audible at Windwhistle Barton. It is considered that the addition of two chicken sheds is unlikely to significantly add to noise already experienced at these times. It is, however, noted that there is potential for problems to occur which may mean that a house has to be cleared at a different point in the cycle. Although this would result in additional noise, it is likely to be an infrequent event because the business is focussed on avoiding such problems.

Conclusion on the environmental nuisance effects

Increased levels of dust, bioaerosols, odour, ammonia and nitrogen are predicted to arise from the proposed development. Some are not predicted to be significant, whereas others would result in some adverse effects. It is suggested in the ES that all effects could be reduced (but not avoided) if an effective shelterbelt were in place. Given that the other reduction and avoidance measures in the proposed mitigation strategy are already taking place as part of the good management of the site, the mitigation strategy is completely dependent on the shelterbelt being effective to make the proposals acceptable. There are several issues with this approach:

- a shelterbelt would only reduce, not prevent, adverse effects occurring;
- it would take at least 2-3 years to become effective at reducing the effects;
- it would be an uncharacteristic and prominent landscape feature which would increase, not reduce, the landscape harm arising from the proposals (this is because it would consist of an uncharacteristic mix of species, including conifers, and because belts of trees are not a typical feature of the landscape); and
- it is doubtful that there is sufficient space within the site to plant a suitably wide and dense shelterbelt which would have the desired effect.

With reference to emerging policy D7, it is clear that the proposal would be detrimental to the amenity of nearby residents on grounds of dust bioaerosols and odour. Even if the shelterbelt were planted and made to be as effective as it is possible to be, adverse effects on Windwhistle Barton arising as a direct result of these proposals would not be prevented. The only way to avoid the adverse effects is not to carry out the proposed development in this location. This is consistent with the advice of the Environmental Health Officer, which is that chicken houses should not be located within 200 metres of a residential property.

Other matters

The effect of large vehicles on the condition of the highway has been raised as a concern by local residents and drawn to the attention of the highway authority. Although there may be some adverse effects, these cannot be entirely attributed to the existing development. Based on knowledge of the existing development, it is considered that the highway impacts of the proposed development would be acceptable.

Drainage is also a concern for some local residents but there is no reason why an effective drainage strategy for the proposal could not be achieved.

3. Whether any adverse impacts of granting planning permission would outweigh the benefits of the proposal

The Framework supports the sustainable growth of rural enterprises but the inclusion of the word 'sustainable' indicates that a balancing exercise must be undertaken. Growth is not promoted at any cost; adverse impacts of development must be weighed in the balance of considerations.

In this case, the proposals would expand an established and successful rural business, allowing it to meet demand for its product and extend its contract with Hook2Sisters. In view of the Government's continuing encouragement of economic growth, this weighs strongly in favour of the proposal.

However, the Framework also requires a good standard of amenity for all existing and future occupants of land and buildings and recognition of the intrinsic character and beauty of the countryside.

It is considered that the proposals would have an adverse impact on the character and beauty of the countryside. Such impacts are not inevitable and can be avoided or mitigated by good site selection, design, layout and landscaping. In this case it would appear that operational factors have determined the location and layout of the site and this has resulted in an adverse landscape impact which would only be made worse by the proposals.

The adverse effects on the occupiers of Windwhistle Barton are also acknowledged in the ES and would be made worse by the proposals. These effects can only be avoided by placing the chicken houses more than 200 metres away from any residence. The unavoidable harmful effects of the proposals on the occupiers of Windwhistle Barton amount to a serious failing.

According to the Framework, planning should proactively drive and support sustainable economic development. However, profit should not come at the expense of individuals living conditions. Having regard to the core planning principles in the Framework, the benefits of these proposals are outweighed by the harm that two additional chicken houses would cause to the countryside and the occupiers of Windwhistle Barton.

RECOMMENDATION 1

In accordance with the EIA regulations and having regard to the Environmental Statement submitted REFUSE 13/1828/FUL for the following reasons:

1. By virtue of the separation distance between the proposed poultry house and the adjoining neighbouring residence known as Windwhistle Barton being less than 200m, the poultry house and resulting intensification of the site would result in an unacceptable level of environmental nuisance through dust, bioaerosols and odour which would be detrimental to the living conditions of the

occupiers of Windwhistle Barton, contrary to policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the saved East Devon Local Plan, policies D1 (Design and Local Distinctiveness), D7(Agricultural Buildings and Development) and EN15 (Environmental Impacts, Nuisance and Detriment to Health) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.

2. The proposed chicken house, together with the existing houses, and feed hoppers would create rows of industrial-type sheds stepping up the hillside which would cause a significant visual intrusion and unacceptably harmful impact on the open countryside. In addition the shelter belt identified within the Environmental Statement represents an uncharacteristic form of landscaping that itself would harm the character and the appearance of the local environment. The proposal would therefore be contrary to policies S5 (Countryside Protection) of the saved East Devon Local Plan, strategy 7 (Development in the Countryside) and policy D7 (Agricultural Buildings and Development) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.

RECOMMENDATION 2

In accordance with the EIA regulations and having regard to the Environmental Statement submitted REFUSE 13/1830/FUL for the following reasons:

1. By virtue of the separation distance between the proposed poultry house and the adjoining neighbouring residence known as Windwhistle Barton being less than 200m, the poultry house and resulting intensification of the site would result in an unacceptable level of environmental nuisance through dust, bioaerosols and odour which would be detrimental to the living conditions of the occupiers of Windwhistle Barton, contrary to policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the saved East Devon Local Plan, policies D1 (Design and Local Distinctiveness), D7(Agricultural Buildings and Development) and EN15 (Environmental Impacts, Nuisance and Detriment to Health) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
2. The proposed chicken house, together with the existing houses, feed hoppers and extended concrete track would create rows of industrial-type sheds stepping up the hillside which would cause a significant visual intrusion and unacceptably harmful impact on the open countryside. In addition the shelter belt identified within the Environmental Statement represents an uncharacteristic form of landscaping that itself would harm the character and the appearance of the local environment. The proposal would therefore be contrary to policies S5 (Countryside Protection) of the saved East Devon Local Plan, strategy 7 (Development in the Countryside) and policy D7 (Agricultural Buildings and Development) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.

Plans relating to this application:

13/1828/FUL:

	Location Plan	13.08.13
GPS/13/07	Proposed Site Plan	13.08.13
08/631/04	Proposed Combined Plans	13.08.13

13/1830/FUL:

	Location Plan	13.08.13
GPS/13/07	Proposed Site Plan	13.08.13
08/631/04	Proposed Combined Plans	13.08.13

List of Background Papers

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

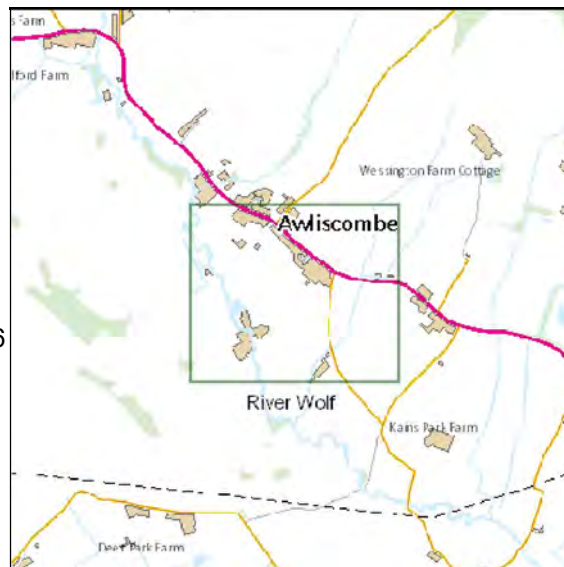
Ward Tale Vale

Reference 14/2633/MOUT

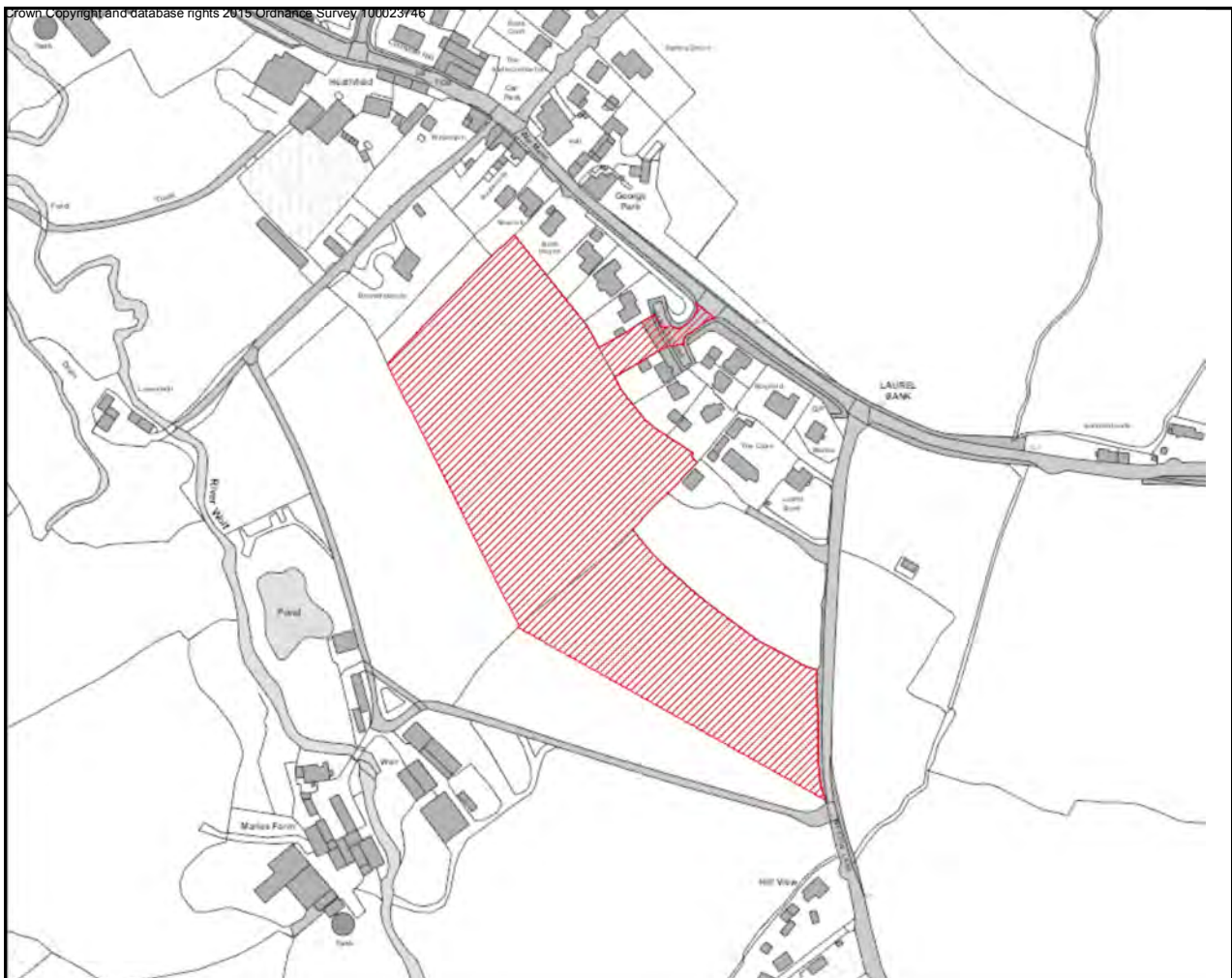
Applicant Davies Holdings (Somerton) Ltd

Location Land To West Of Marles Close
Awliscombe

Proposal Residential development of up to 16 dwellings and provision on site for football pitch, both with associated parking, landscaping and access (Outline application with detailed access; all other matters reserved.



RECOMMENDATION: Refusal



		Committee Date: 31 March 2015
Tale Vale (AWLISCOMBE)	14/2633/MOUT	Target Date: 12.02.2015
Applicant:	Davies Holdings (Somerton) Ltd	
Location:	Land To West Of Marles Close	
Proposal:	Residential development of up to 16 dwellings and provision of site for football pitch, both with associated parking, landscaping and access (Outline application with detailed access; all other matters reserved.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application relates to the two fields immediately to the south west of the existing properties in Marles Close, Awliscombe. The site is located to the south of the centre of the village and is currently enclosed by the existing residential development to the north and north west, and the agricultural field boundaries to the north west, south east and south west. The site is approximately 2.5 miles to the north west of Honiton and over 7 miles south east of Cullompton.

The application seeks outline planning permission for residential development of up to 16 dwellings (including 50% affordable) and the provision of land for a football pitch/playing field, both with associated parking, landscaping and access.

Whilst access from Marles Close is detailed, the scale of the development, the layout and appearance of the dwellings, and the landscaping are all left for a reserved matters application. The proposed access uses the existing junction with Marles Close onto the A373 and an extension of the existing cul de sac entering the site between numbers 5 and 6 Marles Close.

This proposal presents a number of positive impacts with benefits in the form of additional housing, local spend and temporary employment during construction works; it would provide an for an identified local affordable housing need; and the development would provide for some additional housing towards the short fall in the Council's 5 year housing land supply. However, development in Awliscombe also presents a number of issues in terms of the principles of sustainable development where the NPPF caveats the implications of the presumption recognising that schemes can be refused where adverse impacts of the proposals would significantly and demonstrably outweigh the benefits.

In this instance it has been identified that Awliscombe is a relatively small village with limited provision of core services. It has a limited bus service and as a result poor accessibility to many facilities and services in towns nearby. The village has a church, primary school (with capacity) public house and village hall, however and importantly for the self sufficiency of a settlement it lacks most the basic services necessary for day-to-day living. In this regard all access to shops, post offices, doctors/health care facilities by residents of the proposal would have to take place outside the settlement. The village is also poorly served by appropriate key services and therefore of limited accessibility.

It is considered that the proposed development would go some way to supporting the existing community, however it fails because the site remains remote from local services that would support the community's needs, and its health, social and cultural well-being. On balance, it is not considered that the identified benefits of the scheme are sufficient to warrant development in the countryside and that the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits of the proposal contrary to Local Plan Policies and guidance in the National Planning Policy Framework.

CONSULTATIONS

Local Consultations

Ward Member – Cllr P Skinner

I have worked with the parish of Awliscombe for a number of years on the strategic future of the village and 3 sites have worked their way through the system. I list above 2 of the sites [references 14/2633/MOUT and 14/1157/MFUL] that have been written up for refusal by the officers reports.

I will as ward member contest the refusal on both of these applications on the grounds of sustainability and recommend SUPPORT so as to bring both applications to committee where both applications can be heard and the people of the village along with the parish council can have their say on this very important issue that will affect the outcome of the future development of the village for many years to come.

Parish Council

This was the least popular site following the SHLAA 2009 survey and subsequent village consultations.

Having inspected the site the Parish Council echo some of the concerns of the residents of Marles Close.

The layout seems ill conceived. New two storey houses overlook existing bungalows and the density of the housing is out of proportion with the existing Marles Close development, which it greatly impacts. The area allocated for the "Football field" is of insufficient size. The surrounding boundaries are too tight and considerable work would be required to make it level.

The Parish Council does not support this application.

Parish Council - Further comments received

The Parish supports any reduction in the numbers of houses. The original parish survey required a maximum of 8 affordable houses.

Technical Consultations

Environment Agency

No objections providing development proceeds in accordance with the conclusions and recommendations of the Drainage Strategy Report submitted by Hydrock (ref. R/C14798/001).

Advice to LPA/Applicant

Discussions should be held with the Lead Local Flood Authority regarding any requirement for flood defence consent in connection with the outfall headwall structures on the watercourse at either of the proposed discharge locations.

Environmental Health

I have assessed the application and recommend the following condition relating to the construction of the development:

NO(B)3

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."

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the

benefit of present and future generations, thereby contributing to sustainable development.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)
COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 S. 84 (AONBs)

Designated Sites

This application is not in close proximity to any nationally or internationally designated wildlife sites. We therefore advise your authority that designated sites do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Landscape

The proposed development is adjacent to the Blackdown Hills Area of Outstanding Natural Beauty (AONB). From the information available, Natural England is unable to advise on the potential significance of impacts on the AONB. We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB Management Plan.

Natural England is aware of and has submitted comments on another planning application for 20 dwellings in the village (14/2383/MOUT). The proposed development site was allocated in Policy 2 of the East Devon Villages Plan (Site C004) as being able to accommodate 20 dwellings. There are no other proposed allocations in the village.

We note that this site (C095) was identified in the Strategic Housing Land Availability Assessment (SHLAA) process undertaken by the council but it was not taken forward as an allocation in the East Devon Villages Plan.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape

characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

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.

Blackdown Hills AONB Project Partnership

Thank you for requesting comments from the Blackdown Hills AONB Partnership on this application.

The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Where significant development is proposed in or affecting the AONB, we consider that it is best dealt with through a plan-led approach which ensures that impacts on the AONB can be properly considered and the relative merits of different sites around a settlement can be soundly assessed. While the council have previously identified Awliscombe as being suitable for some development, it is fundamentally a small village on the edge of an AONB and any development should be of the highest quality, providing an exemplar in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced. I am mindful of the Local Plan Inspector's view on both housing numbers and distribution from earlier this year. In this regard I am also aware of the recent appeal decision on a residential development in Offwell (application 14/0225/FUL), where for this reason that Inspector gave little weight to either ED local plan policy 27 or to the draft Villages DPD. As such, for now therefore we consider that it is impossible to determine whether this development proposal is sustainable and the most appropriate for this settlement, looking at the role and function of the settlement, the availability and capacity of local facilities and services, the availability of local jobs, transport and accessibility issues.

My key comments in response to the pre-application enquiry on this application were related to a design and layout that enhances the rural village character of the settlement, and retains the linear settlement form, or demonstrates how this is a logical expansion of the historic core, and is well related/integrated with the rest of the village. In terms of landscape and visual impact, I also noted the need for an assessment particularly to be certain that development in this location would not impact on long views, either from or towards the Blackdown Hills AONB (or the East Devon AONB). I highlighted that any proposed landscaping/planting should reflect the local landscape character.

Although I have not assessed the submitted material in any depth, I welcome the work that has been done by the applicants to address these questions. Should the application be approved, the detail of any subsequent applications will be crucial.

We trust these comments are helpful to your consideration of this application, and would be grateful if you could keep us informed of progress.

Housing Strategy Officer Paul Lowe

If this proposal meets the various planning tests it should also reflect locally generated affordable housing need, both in the Parish in the first instance and then the surrounding areas. A Parish Housing Needs Survey was completed in June 2010 which identified a need for 8 affordable homes. The survey suggests that the main need is for 6 two bed homes for rent and 2 three bedroom homes for shared ownership. This housing needs evidence may require updating to gain a current understanding of the need.

If this application is supported then we would expect a minimum of 40% (8 units) of the proposed development to be affordable homes with a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as intermediate housing. The planning application submitted makes reference to providing 5 x 2 bedroom rented houses and 3 x 3 bedroom intermediate housing, applying the 70/30 split and accounting for the identified need we would expect to see 6 rented units and 2 intermediate.

Once completed the affordable homes should be transferred to and managed by a preferred registered provider. We expect that a nomination agreement is in place that enables the Local Authority or a Preferred Registered Provider to nominate individuals from the Common Housing Register with preference being given to individuals who have a local connection with Awliscombe, then cascading to named adjoining parishes and finally the District. All the affordable homes should be available in perpetuity and staircasing is to be restricted to 80%.

We expect that all affordable housing will be constructed in line with the Registered Providers own design standards and to the Homes and Communities Agency Design and Quality Standards, be tenure blind and meet the relevant Code Level for Sustainable Homes.

The affordable homes should be dispersed throughout the development. The illustrative site layout plan shows the majority of the affordable units at the entrance to the development and not dispersed.

County Highway Authority

The Highway Authority has visited the for the proposal for 20 dwellings and provisions of site for a football pitch.

The CHA have commented on this proposal through a pre application 14/0291/Preapp.

The access to the proposed development would be from Marles Close off the A373 which is a restricted to 30 mph in that area, there is a footway on the proposed development side which takes you so far up into the village , although not all the way to the school or to the facilities within the village, which would be more ideal.

In principle we have no objection to the proposal but would recommend a number of conditions.

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. Visibility splays shall be provided, laid out and maintained for that purpose at the junction between at the A373 in accordance with Drawing 14798/T03 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjoining carriageway level and the distance back from the nearer edge of the major road carriageway (identified as X) shall be 4.5 metres and the visibility distances along the nearer edge of the major road carriageway (identified as Y) shall be 120 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles

2. No other part of the development hereby approved shall be commenced 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

3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway

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

4. 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;

5. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road

maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details

to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

6. 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: To protect water quality and minimise flood risk in accordance with NPPF

South West Water

South west water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. South West Water will only allow foul drainage to be connected to the public or foul combined sewer. Permission will not be granted for surface water from this site to return to the public or combined foul sewerage network. We will request that investigations are carried out to remove surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove surface water, please contact the Development Planning Team for more information.

DCC Strategic Planning Children's Services

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards education infrastructure is not sought.

There is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development.

Should you require any further information regarding either of the above please do not hesitate to contact me.

Other Representations

36 contributors have made representations on the application. A summary of comments follows below:

Support

- Limited impact on the main part of the village
- 5 year housing land supply shortage
- Closely related to the village
- Continuation of existing development
- Would not be immediately apparent from the roadside
- Better fits with the character of Awliscombe
- Outside of flood zone
- Would not be a blot on the landscape
- Safe and visible access
- Provision of open space and playing field
- Need for affordable housing
- Expansion of the village would retain a balanced and progressive demographic
- Construction jobs
- Potential for future development of a village hall

Objection

- Unsustainable location
- Adverse landscape impact
- Out of keeping
- Out of proportion
- Impact on wildlife
- Impact on trees
- Light pollution
- Adverse effect on local economy
- Loss of agricultural land
- Plans do not show boundaries correctly with Marles Close or more recent residential extensions
- Overlooking
- Loss of privacy and amenity
- Planting and landscaping spacing from existing dwellings inappropriate
- Change the character of the village
- Proposals would further restrict parking in Marles Close
- Likely at least 2 vehicles per new dwelling
- Traffic congestion and parking issues from those using the football pitch
- Increased vehicle movements would impact amenity
- No infrastructure consistent with the size of development proposed
- No healthcare facilities in Awliscombe the D&A is incorrect
- No footpath to the centre of the village
- Public transport is inadequate

- All health, secondary school, retain and main public transport provision is located in Honiton and people will need to travel to access them
- Narrow road with limited pavements and heavy traffic flow
- Awliscombe should be protected from extensive development
- Edge of Area of Outstanding Natural Beauty
- Foul drainage infrastructure at capacity
- Football pitch not big enough, has a tapered boundary narrowing to a point of being impractical at one end and un-level
- Football pitch too small for league competitions
- Football pitch not in suitable location
- Cost of levelling the pitch would be a struggle for the village
- Dangerous road for walking and cycling
- Excessive development
- Development pressure already from development in Honiton
- Impact on social well being of the community
- Marles Close would no longer be a close
- Two storey houses would obscure outlook from Marles Close
- Two storey development would be overbearing
- Construction traffic nuisance and damage to roadway and pavements
- Access would be close to existing properties and annex extension in Marles Close
- Design and appearance of indicative proposals are inadequate
- Potential flooding from surface water discharge to watercourse in Weston Lane
- Impacts demonstrably outweigh the benefits
- Does not comply with the NPPF
- No economic role as no employment opportunities in Awliscombe
- New occupants unlikely to spend money in Awliscombe because they will commute to Exeter or Honiton for social activities or employment
- Erode community cohesion
- Indicative layout does not respect existing dwellings

PLANNING HISTORY

None

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E5 (Small Scale Economic Development in Rural Areas)

EN5 (Wildlife Habitats and Features)

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

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)
H1 (Residential Land Allocation)
H2 (Range and Mix of New Housing Development)
RC2 (New Open Space, Sports Facilities and Parks)
TC2 (Accessibility of New Development)
TC9 (Parking Provision in New Development)

Strategy 7 (Development in the Countryside)
Strategy 43 (Open Space Standards)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
EN6 (Wildlife Habitats and Features)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN15 (Control of Pollution)
H2 (Residential Land Allocation)
H4 (Affordable Housing)
H5 (Affordable Housing on Exceptions Sites)
RE3 (Open Space Provision in New Housing Developments)
S5 (Countryside Protection)
TA1 (Accessibility of New Development)
TA2 (Traffic Management Schemes)
TA3 (Transport Assessments /Travel Plans)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The application relates to the two fields immediately to the south west of the existing properties in Marles Close, Awliscombe. The site is located to the south of the centre of the village and is currently enclosed by the existing residential development to the north and north west, and the agricultural field boundaries to the north west, south east and south west. The site is approximately 2.5 miles to the north west of Honiton and over 7 miles south east of Cullumpton.

The levels of the site slope from north east to south west down towards the River Wolf. The land is grade 3 agricultural farmland. The area is not within the identified flood zone from the River Wolf.

The Landscape character is described as lower rolling farmed and settled slopes. The assessment describes the key characteristics to be a gentle rolling landform, sloping up from the valley floor with fields of variable size with wide, low boundaries and irregular patterns. There are many hedgerow trees, copses and streamside trees. The settlement has buildings of various ages and styles with much use of stone as a building material. The settlement is dominated by the main A373 but also features winding and often sunken lanes to either side.

The application site sits behind Marles Close to the south and opposite the designated Blackdown Hills Area of Outstanding Natural Beauty. The A373 forms the dividing boundary between Marles Close and the designated landscape to the north east. The AONB forms part of the landscape back drop when the site is viewed from the public vantage points to the south west.

A public footpath follows the route of the lane to Lower Mill which runs to the north west of the site boundary from the A373 down behind the property known as Bramblelands. The public footpath then leaves the lane and heads south west away from the River Wolf towards Buckerell.

There is a pavement for most of the way between Marles Close to the centre of the village although this is broken where the road narrows to the west opposite the war memorial where there is no footpath provision.

Proposed Development

The application seeks Outline Planning Permission for Residential development of up to 16 dwellings (including 50% affordable) together with the provision of land for a football pitch, both with associated parking, landscaping and access.

Whilst an indicative layout has been provided the application has been submitted in outline with the scale of the development, the layout and appearance of the dwellings, and landscaping all reserved. The application does however seek to determine access which is proposed using the existing junction with Marles Close and the A373 with a new road entering the site between properties 5 and 6 Marles Close.

The total area proposed for development is around 2.65ha (6.55 acres) and includes residential development, public open space (including attenuation pond), open amenity area and a 1ha (2.47 acres) playing field and associated parking area.

The submitted site plan drawing number 14.63.04B is therefore for illustrative purposes only and indicates a possible layout for 16 dwellings and associated parking spaces and playing field. The scheme has been amended during its period of consideration and reduced from 20 to 16 dwellings. The assessment is made on the basis of 16 as currently indicated.

Introduction

Since the introduction of the National Planning Policy Framework and the recognition that the Council could not demonstrate a 5 year supply of housing, applications have had to be considered in light of the presumption in favour of sustainable development. While the Development Plan has always had to be the starting point for consideration, Paragraph 14 of the Framework is a significant and material consideration that allows for the favourable determination of proposals where they constitute sustainable development. In this instance it is recognised that this policy approach must continue to be applied and therefore an assessment of the sustainable credentials of both the village and site must be considered.

Significance of a presumption in favour of sustainable development

At the outset it is important to recognise in a little more detail the background and significance of the presumption in favour of sustainable development. This flows not only from paragraph 14 but also 47 of the Framework where there is a key objective to boost significantly the supply of housing. It is important to recognise that in addition and irrespective of the size of shortfall the presumption is engaged. However that is not the end of the story as the framework caveats the implications of the presumption recognising that schemes can be refused where adverse impacts of the proposals would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. This balancing exercise requires that the harms identified to be weighed against the benefits of the proposal and only where it can be demonstrated that the harm is significant can permission then be refused.

The easiest way to make the assessment and achieve a robust response to the proposal is to consider separately the environmental, social and economic impacts that arise both individually and in the context of the site and its surroundings. In this context the report will consider the accessibility of the site, its delivery of affordable housing, its impact on landscape and character, and the impact on residential amenity.

The report will conclude with a final assessment on the elements considered and weigh the benefits and harms identified to determine whether the proposal constitutes sustainable development.

Strategic Housing Land Availability Assessment (SHLAA)

In further understating the basis for assessment it is important to set in context both the SHLAA and emerging Policy both of which have been raised in support of the application.

The application site is one of a number of locations identified in 2012 Housing Land Availability Assessment (SHLAA). The SHLAA does not pre-empt future plan making or related decisions, is not Development Plan policy and is not “informal” Council policy. It is only a technical evidence gathering exercise and does not prejudge the relative suitability of sites for development or rank them in order of preference.

In this instance the SHLAA indicates that it would be technically feasible to develop the land for housing within a recognised time period. It does not indicate “acceptability” of such development and as such it is right that such proposals are considered in more detail either through the plan making process or as in this case, an application for planning permission.

It is not considered that the listing in the 2012 SHLAA gives any weight to this proposal.

Emerging Policy

In addition, strategy 27 in the emerging new Local Plan has been raised in support of the proposal. This strategy sought to allocate the number of new homes to each village over the next plan period and in the case of Awliscombe identified that 20 new dwellings might be appropriate. However at the Local Plan Examination this strategy was particularly criticised by the Local Plan Inspector with concern that the figures were not based on an assessment of the ability of the settlements concerned to accommodate growth, and that an application of a 5% minimum growth to each settlement was too crude a tool in assigning dwellings to villages. In the light of this and as the Strategy is currently being reconsidered it remains that it should be given no weight.

Existing Policy and the 5 Year Housing Land Supply

As alluded to already Paragraph 49 of the NPPF states that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to date. In this instance, this affects the built up area boundaries to which little weight can be given.

In addition and in the context of the Paragraph 47 and 49 of the framework, it must be recognised that any permission granted would assist in the Council's supply of housing within the District. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs in favour of permitting the current proposal for additional housing.

Delivery of affordable housing

Local Authorities are facing many challenges to deliver the required homes and this is a particular challenge when delivering homes in rural areas. The challenge facing local authorities is to deliver the right amount of rural housing, of the right type and in the right place.

Specifically on Rural Housing, the NPPF states that local plans need to:

- Plan to meet local needs for market and particularly affordable housing
- Consider allowing market housing where it will significantly increase affordable housing to meet local need
- Locate development where it will enhance vitality of a community – using hubs and clusters
- Avoid isolated dwellings in the countryside

The land to the west of Marles Close site is located outside of a designated settlement boundary. The East Devon Local Plan includes a specific policy with regard to affordable housing. Policy H4 (Affordable Housing) states where an up to date housing needs survey demonstrates a need for affordable housing, the District Council will seek the provision of affordable dwellings as part of proposals for new housing development in the following circumstances:

- Area and Local Centres (where population level as exceed 3000 persons) where proposals on site of 0.5Ha or larger, or where a site is capable of accommodating 15 dwellings or more
- Settlements with a population falling below 3000 persons where proposals are on sites of 5 dwellings or more.

In this instance there is a reasonably up to date affordable housing needs survey. The survey was completed in June 2010 and identifies a need for 8 affordable homes. The survey suggests that the need is for 6 two bed homes for rent and 2 three bedroom homes for shared ownership. The Housing Strategy Officer has advised that we would expect a minimum of 40% of the proposed development to be affordable homes.

However while the application states that in this instance 8 units would be affordable providing a total of 50% (and therefore exceeding the minimum quantum of 40% sought by the Housing Strategy Officer) the site is outside of the defined village boundary. Notwithstanding the offer of 50% and based on the sites location, the it remains both technically contrary policy, and fails to accord with the Council's Interim Mixed Affordable and Market Housing Position Statement which for such sites requires 66% affordable housing on departure site.

On balance however, it is considered that while there is a technical conflict with adopted policy and the Interim Statement, the current scheme would meet the locally identified need for affordable housing for the village and as such this should weigh as a "positive" in terms of the overall assessment

Accessibility

In this instance Awliscombe is a relatively small village with a strong north south axis running along the line of the main A373. This is the main road linking the village with Honiton to the south and Cullompton to the north. It has a limited bus service arising from the 368 and 694 services. Currently an analysis of the timetables shows that there are typically three/four services per day to Honiton (not serving the commuter/working community) and including a single service each day to Cullompton.

In addition the village has a church, primary school (with capacity) public house and village hall. However and importantly for the self sufficiency of a settlement it lacks most of the basic services necessary for day-to-day living. In this regard all access to shops, post offices, doctors/health care facilities by residents of the proposal would have to take place outside the settlement and most likely in Honiton itself. Without a good public transport (the level of service cannot be described as frequent or convenient for most users) future occupiers would be reliant on the private car.

Such reliance on the private car demonstrates that the village is poorly served by appropriate key services and of limited accessibility.

In terms of the actual site itself this is located a little over 200m from the public house and village hall and approximately 450m from the school. While these distances and eminently walkable and well within national guidelines they do require a walk along the side of a busy road. While most of the route has a footway, there is a section close to the Greenway Lane road junction where there is no footway. This is not a length which in this instance is considered so long as to prevent safe walking but it does serve to limit the weight that can be ascribed in terms of a benefit to the proximity of the site to the few services that the village enjoys.

On balance and while the proximity to services is noted as a positive (notwithstanding the lack of footway in one section) it is considered that there remains an outstanding "harm" to the environmental and social assessments, resulting from placing more people in an inherently unsustainable location with few key services and a largely car dependent community.

Design and Impact on the Character and Appearance of the Area

Whilst Policy S5 (Countryside Protection) of the Local Plan is in part concerned with the supply of housing, it does also seek to ensure that development does not harm the distinctive landscape, amenity and environmental qualities of the area including patterns of settlement. Given that these provisions reflect some of the core planning principles set out at paragraph 17 of the NPPF and are therefore consistent with national guidance, it should not be regarded as being out-of-date.

The application is in outline form with all matters reserved other than access. The residential use of the site is considered to be appropriate in relation to the character of the surrounding area. In terms of detailed design and layout these would be considered as part of any subsequent reserved matters approval

The proposed site occupies a relatively elevated and open position within the agricultural land to the rear of Marles Close. There are limited views of the site from the road, however there are longer and wider views from the public footpaths and surrounding land to south and west.

The land to the north east is designated as AONB and gently rises from the boundary with the A373. The development would be viewed in the context of the existing housing and the wider setting for Area of Outstanding Natural Beauty. Positioned to the south west of Marles Close, the existing housing and trees would form the backdrop when viewed from the longer more distant views. When viewed from the south, it is considered that development could be accommodated without being dominant over the existing residential development. The landscape character is open and generally unwooded with a network of mature hedgerows. It is acknowledged that the development would result in a physical incursion onto a green field which is clearly distinguishable as part of the attractive surrounding countryside, interspersed with trees and the loose sporadic pattern of development along the A373. However it is considered that the proposed housing positioned close to existing residential development, where it is considered to relate well to the core of

the village, has the potential to be well integrated subject to an appropriate design and landscaping scheme.

The application also proposes a football pitch / playing field to the south east of the proposed residential development. The playing field would extend into the adjoining field. The existing hedge boundary would remain, however the application seeks a vehicular access through the hedge bank to enable access and parking close to the site. The indicative parking layout shows a number of trees enclosing this area with the site for the football/playing field remaining open. It is considered that the potential adverse landscape impact would be from parked cars. The landscape impact from the playing field itself is considered to be limited; however it is likely that some regrading of the land would be necessary as the site gently slopes away and is not level. In any case it is considered that the boundaries could be appropriately softened with planting. Any future proposals for associated structures and facilities would need to be carefully controlled.

A number of objections have been received with regard to the loss of a green agricultural field and the loss of view. While private view is not a material planning consideration, the loss of a green field (and associated countryside) is noted. On balance and noting the objections received and the observations outlined above it is acknowledged that the site would be open to some longer range views from the south, but would not significantly harm the wider landscape in terms whereby the Local Planning Authority could reasonably recommend refusal solely on landscape grounds. The limited harm that arises does however weigh as a negative when considering the environmental impacts of the proposal as part of the sustainability assessment.

Impact on amenity

The impact on the amenity of existing and future occupiers can only be properly considered at reserved matters stage. However, it is important to recognise whether the quantum of housing proposed can be properly accommodated on site without causing a likely significant harm to neighbour amenity.

The main concern in this regard is the relationship between the site and the closest neighbouring properties i.e. those to the north east of the site in Marles Close and properties known as Bath Hayes, Newcott, Redwoods and Bramblelands respectively. These properties sit against the north east and north western boundaries of the site. A number of these properties are bungalows, others have limited boundary treatments and there is a variation in levels between the site and the surrounding neighbouring properties. As a result there is the potential for two storey dwellings to be overbearing and out of keeping with the existing development.

A number of objections have been received with regard to the loss of outlook and loss of view. While private view is not a material planning consideration the over bearing impact and loss of outlook to neighbouring properties are inter-related and inseparable when a judgement is made on the obstructing building. Neighbouring properties currently enjoy an outlook over the fields to the wider countryside beyond. It is recognised that the proposed development would affect views from rear windows and the assessment of whether the development would have an

overbearing impact, is finely balanced because it is far more subjective that the loss of day light or sunlight.

The indicative layout shows proposed dwellings positioned south of the existing dwellings with separation distances of between 25 and 30 metres. The closest relationship is shown on plan number 14.63.04B between numbers 5 and 6 Marles Close and plots 1 and 16, where the plan shows an indicative separation distance of 25 meters. It is considered that the application details demonstrate that development could be accommodated on the site with acceptable levels of separation between neighbouring properties. The overbearing impact would need to be fully assessed at reserved matters stage. At this stage where, details are indicative only, it is considered that the proximity of the development would not be sufficiently significant to refuse the application on grounds of loss of outlook, dominance or overlooking.

While the development of the site for residential use will clearly have some impact in terms of noise and disturbance in comparison to the existing agricultural use of the site, it is not considered that such noise and disturbance would be at an unacceptable level. Reference has been made to the impact of construction but as with all development this is short term situation and the hours of construction could be controlled by condition.

Highways/Access

The access to the proposed development would be from Marles Close off the A373 which in this location is restricted to 30 mph. In addition there is a footway on the proposed development side which allows access through most of the village although is broken in the vicinity of the War Memorial. While the Local Highway Authority recognise that a continuous footway would be a benefit they have not raised objections either in respect of the pedestrian access or to the principle of extra vehicle movements through the existing highway junction with the A373.

Open space provision

It is currently recognised that Awliscombe has an under provision of allotments, outdoor sport, parks and recreation grounds, children's and youths play space, and amenity open space. The open space requirement for 16 dwellings is 1,278.72 sqm along with a financial contribution of £37,580.16.

The application proposes a total on site open space contribution of 19,221 msq. This includes an area for a football / playing field, public open space and amenity land. As detailed on plan number 14.63.04B this is shown as being split:

- 1.24 acres - public open space = 5018sqm
- 1.04 acres - retained field/amenity space = 4208.7sqm
- 2.47 acres - football pitch = 9995.7sqm

This equates to an open space contribution of 17942.28msq more than is required for a development of 16 dwellings.

Based on the above figures it can be noted that the application offers a substantial over provision of open space and in this instance, should the developer look to bring the total offer forward this would be entirely at their discretion. Based on the provision offered, it is impossible to secure the delivery of all the open space offered through a Section 106 agreement because it would be out of scale and kind with the development as per regulation 122 of the CIL regulations. As such the developer would be under no obligation to provide most of the land or lay the pitch out. Whilst it is reasonable to consider the proposal for the open space and football pitch, Members are advised that this element should not be considered as a social or community benefit against which weight can be ascribed..

In considering the football pitch in isolation and as development in itself, it is recognised that there is support from the local community for such a facility. Currently Awliscombe football team travel to a pitch laid out on a local farmers field at the top of St Cyres Hill. The pitch is located 2 miles away and teams currently change at the village hall and drive to the field to play. The site for the pitch proposed indicates a minimum pitch size of 90.0 x 45.5 metres which would comfortably accommodate a youth U15/U16 age grouping, however the site itself would not be large enough in width to accommodate U17/U18 or over 18 age grouping which requires a recommended pitch size of 100m x 66m without run off safety area or 106m x 70m with a run off area. Therefore it is unlikely that the pitch offered would be suitable to accommodate the local football team. It does not however cause such land harm that it should be resisted or be located in an unsustainable location for such a use. While the size limits the potential functioning of the pitch, it does not itself warrant refusal of permission.

Further offers

The application is accompanied by a draft Head of Terms which also confirms that the applicants are willing into enter into an agreement for the following;

- Affordable housing
- Education (no contribution sought)
- Public Open space provision – The off-site financial contribution would be 32,402.16 (inc. £150 admin fee)
- Habitat mitigation contributions
- Dedication of land to the west for provision of a football pitch (LPA unable to secure though S106)
- Legal fees

While a number of these have already been discussed in detail, it is important to recognise that for education no contributions have been sought by Devon County Council as there is capacity at both the nearest primary and secondary school. In addition the Habitat mitigation contribution is also not required as the site is more than 10km from the Pebblebed Heaths and Exe Estuary designated environment where mitigation is required.

Surface water

The site lies within Flood Zone 1 defined by the Technical Guide to the National Planning Policy Framework (NPPF) as having a low probability of flooding. However, the proposed scale of the development may present risks of flooding on-site and/or off site if surface water run-off is not effectively managed

The application is accompanied by a drainage strategy report submitted by Hydrock. Due to the limited permeability of the site the drainage strategy indicates that the surface water runoff from all private roof, driveway, car park and adoptable road areas would drain, via a piped network, to the attenuation basin to be located within the site. Discharge from the attenuation basin would be controlled by the use of a flow device. This would then discharge into a watercourse located to the southeast of the site, crossing under Weston Lane.

It is considered that the report adequately demonstrates that the surface water could be appropriately managed within the site. The Environment Agency have raised no objections providing development proceeds in accordance with the conclusions and recommendations of the Drainage Strategy Report.

South West Water will only allow foul drainage to be connected to the public or foul combined sewer. Permission will not be granted for surface water from this site to return to the public or combined foul sewerage network.

Should permission be granted further survey work and a more detailed drainage strategy would be required at reserved matters stage to ensure an appropriate and viable drainage solution for the disposal of surface water from the site.

Trees

There are semi mature and scattered trees located within the east and the north western boundary of the site. Species include field maple, hazel, oak, silver birch and sweet chestnut. The remaining field boundaries consist of native hedge planting. It is considered that development could be accommodated on the site without adverse impact to important trees along the site boundaries.

There are a number of trees located within Marles Close which would be removed to provide access into the site. The loss of these trees is not considered detrimental whereby the Local Planning Authority could reasonably recommend refusal on these grounds.

Wildlife

The application is accompanied by an extended phase 1 habitat survey report. The site was inspected for evidence of and assessed for potential to support protected and notable species. The site was found to have negligible potential for foraging and commuting bats, badgers, newts, dormice or reptiles. Further enhancements to maximise opportunity for biodiversity are recommended.

Agricultural land

The land is designated as grade 3 agricultural land and therefore potentially falling outside the category of best and most versatile agricultural land. Even if the site were to fall within the higher classification of land it is a relatively small area of land and recent appeal decisions have indicated that where there is a deficit in housing land supply this takes precedence over loss of such agricultural land.

Analysis

The National Planning Policy Framework identifies 3 dimensions of sustainable development which are defined as:

- An economic role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the need of present and future generation, and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing or natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF goes on to state that “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

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

It then states a need to take local circumstances into account and states a presumption in favour of sustainable development.

In practice when assessing applications the Council and planning inspectors have tended to look at whether developments would have access to key services and facilities that are required to enable everyday life and enable social integration within a community. These core services and facilities generally include:

- Post office
- General convenience store
- Primary school
- Doctors surgery
- Public transport

Awliscombe faces a number of challenges due to the size of the settlement, its location, accessibility and limited available infrastructure of core facilities to support the community.

From the assessment of the material planning considerations above, clearly the proposal would have a number of benefits

- economic benefit in the form of additional housing, local spend and temporary employment during construction works,
- The proposed development would provide affordable housing where there is an identified need from an up to date affordable housing needs survey;
- Assist with the likely introduction of new families within the community to support the school; and
- The development would provide additional housing towards the shortfall in the Council's 5 year housing land supply.

However it has also been recognised that there are harms arising from such development which also need to be weighed in the overall balance. These are:

- Lack of public transport to access a wider range of shops services and employment
- Lack of core services that underpin the sustainability of the settlement
- Landscape harm arising from developing on an attractive area of countryside which affects the setting of the village.

Based on the above and in recognising the positive and negative elements of the proposal, the recommendation has to be balanced. Socially there is significant support for the proposal at the scale that is now proposed and there remains only limited landscape harm which in itself could be outweighed by the benefits of affordable housing provision and support for the school. Economically, there is also support for the proposal arising from the construction job creation, new homes bonus and subsequent furnishing etc of the properties.

However the lack of core services and lack of alternative means of public transport weigh heavily against the proposal. The Framework requires all three elements to be held in tension and a serious shortcoming in a particular area makes it much harder to demonstrate that a particular development represents sustainable development.

Further building on the concept of sustainability, Paragraph 17 of the NPPF sets out a series of core planning principles that underpin the decision-taking process. Among these is the principle that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. It is considered that the proposal would not be successful in this regard, creating a need for further vehicle movements.

On balance, and in light of the issues as discussed above, it is not considered that identified benefits of the scheme are sufficient to warrant the proposed development in the countryside, and to override the adverse impact of the development given the general policies of restraint which apply and the lack of services and facilities that would be available to the occupiers of the proposed dwellings.

Conclusion

It is considered that the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would be contrary to Local Plan Policies and guidance in the National Planning Policy Framework.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of its isolated location in the open countryside on the edge of a village which has limited services to support the proposed development, fails to accord with the definition of sustainable development, found within the National Planning Policy Framework.

In this case it is considered that the adverse impacts of this development in terms of its positioning within an unsustainable location, with the occupiers of the dwellings having limited access to essential services, infrastructure and public transport, together with a limited landscape harm, significantly and demonstrably outweigh the benefits of providing these dwellings to meet a local need and the shortfall of housing within the district (5 year land supply) when assessed against the policies within the Framework as a whole. As such, the proposed development is considered contrary to the provisions of Policies D1 (Design and local Distinctiveness) S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan D1 (Design and Local Distinctiveness) Policy TC2 (Accessibility of New Development), Strategy 48 (Local Distinctiveness in the Built Environment) and Strategy 7 (Development in the Countryside) and of the emerging new East Devon Local Plan and guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

HEADS TERMS	OF	Additional Information	05.11.14
14798 PATH ANALYSIS	SWEPT	Additional Information	04.11.14
14.63.03		Location Plan	04.11.14
14798-SKC001		Other Plans	04.11.14
678-02		Landscaping	04.11.14
678-01		Landscaping	04.11.14
678-03		Landscaping	04.11.14
AJB/A085906-1		General Correspondence	04.11.14
14798/AT01 REV A		Other Plans	04.11.14
14798/T03 REV A		Other Plans	04.11.14
C14798/001		Additional Information	04.11.14
APPENDIX D BUS SERVICE TIMETABLE		Additional Information	04.11.14
14.63.04B		Proposed Site Plan	20.02.15

List of Background Papers

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

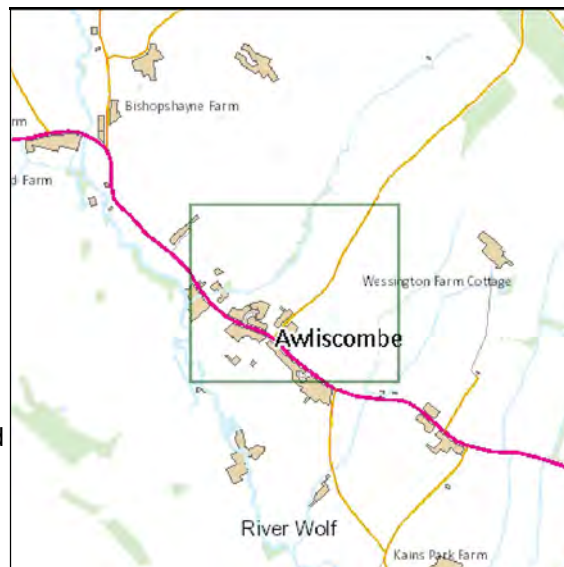
Ward Tale Vale

Reference 14/1157/MFUL

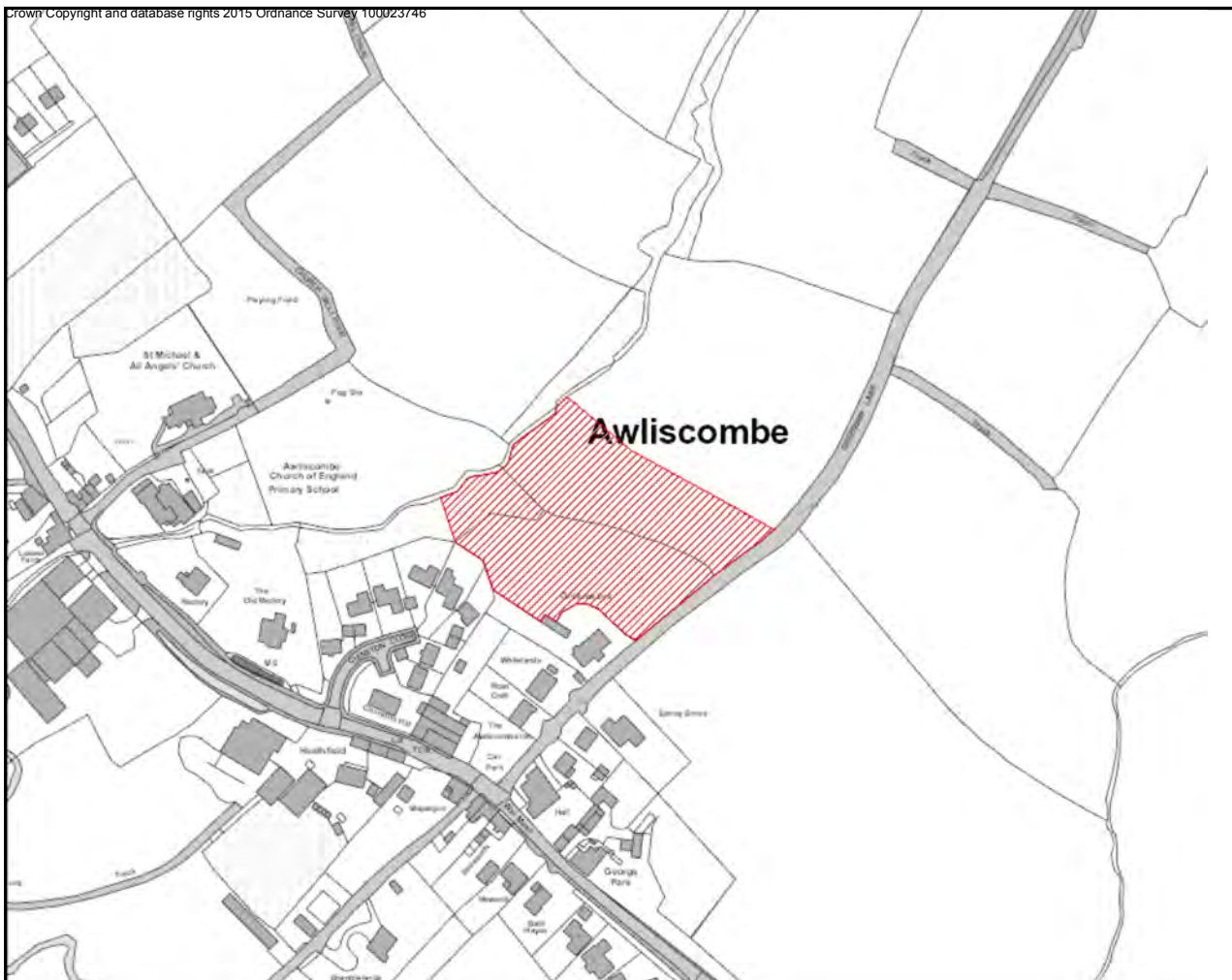
Applicant Feniton Park Ltd

Location Land North Of Greenways
Greenway Lane Awliscombe
Honiton EX14 3PJ

Proposal Construction of 15 no. dwellings
(comprising mixed open market and
affordable) and associated access
and landscaping works



RECOMMENDATION: Refusal



		Committee Date: 31.03.2015
Tale Vale (AWLISCOMBE)	14/1157/MFUL	Target Date: 28.08.2014
Applicant:	Feniton Park Ltd	
Location:	Land North Of Greenways Greenway Lane	
Proposal:	Construction of 15 no. dwellings (comprising mixed open market and affordable) and associated access and landscaping works	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This matter is brought before the Development Management Committee in view of the difference of opinion with regard to the proposal between officers and the ward member.

The application relates to land on the north western side of Greenway Lane on the edge of Awliscombe. Part of the site is located outside of the designated Area of Outstanding Natural Beauty (AONB) and part within.

Detailed planning permission is sought for a mixed open market and affordable housing scheme of 15 dwellings comprising 8 market units (53%) and 7 affordable dwellings (47%) and associated access, parking and landscaping together with the provision of an area of 'green open space'.

Access would be taken from Greenway Lane by way of a new site entrance that would be formed with the moving back of existing lengths of hedge bank proposed to provide visibility splays in both directions.

The scheme envisages a mix of detached, semi-detached and terraced units, all two storeys in height. Revisions to the form and design of the units have been submitted during the course of consideration of the application with all units shown to be of gabled form with a mix of render, brick and timber boarded external wall finishes under slate roofs.

The proposal presents a number of positive benefits in the form of the provision of additional housing, local spend and temporary employment during construction works. The scheme would help to address an identified local need for affordable housing as well as provide for an additional housing contribution towards the recognised shortfall in the Council's five year housing land supply.

However, development in Awliscombe also presents a number of issues in terms of the principles of sustainable development where the NPPF caveats the implications of the presumption recognising that schemes can be refused where it is considered that the adverse impacts of the proposals would significantly and demonstrably outweigh the benefits.

In this instance it has been identified that Awliscombe is a relatively small village with limited provision of core services. It has a very limited bus service and as a result poor accessibility by public transport to many facilities and services in towns nearby. The village has a church, primary school (with capacity), public house and village hall. However, and importantly for the self sufficiency of a settlement, it lacks most the basic services necessary for day-to-day living. In this regard all access to shops, post offices, doctors/health care facilities by prospective residents of the proposed development would have to take place outside the settlement with access only being readily available by increased use of the private car. The village is poorly served by appropriate key services and therefore of limited accessibility.

While it is acknowledged that the proposed development would go some way to supporting the community socially though the provision of an element of local needs housing and there are clear economic benefits to be derived, it is thought that it fails because the site and the village is remote from, and poorly connected with, local services that would support the community's needs and its general health, social and cultural well-being and as such is not an appropriate settlement upon which to focus additional housing growth. On balance, it is not considered that the identified benefits of the scheme are sufficient to warrant development in the countryside and that the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits of the proposal contrary to Local Plan Policies and guidance in the National Planning Policy Framework.

The same issues are set out in relation to a separate residential scheme proposed for land at Marles Close in the village (subject of application ref. 14/2633/MOUT) that is the subject of a report that appears elsewhere on this agenda.

CONSULTATIONS

Local Consultations

Tale Vale - Cllr P Skinner

I have worked with the parish of Awliscombe for a number of years on the strategic future of the village and 3 sites have worked their way through the system. I list above 2 of the sites that have been written up for refusal by the officers reports.

I will as ward member contest the refusal on both of these applications on the grounds of sustainability and recommend SUPPORT so as to bring both applications to committee where both applications can be heard and the people of the village

along with the parish council can have their say on this very important issue that will affect the outcome of the future development of the village for many years to come.

Parish/Town Council

Dear sirs,

The Parish council have considered the amendments.

We feel that it is unfortunate that the Parishioners were not advised of these new designs at the outset.

It is difficult to assess whether or not the initial response would have been the same.

Certainly some people were impressed by the original modern eco friendly design.

It rather renders conducting a village survey inaccurate.

W. Furnival

Chair.

Clerk To Awliscombe Parish Council

1. The council supports the introduction of Devon banks. If this application is approved the landscaping should be sympathetic to the Blackdown Hills AONB.

2. The plan for the access onto the A373 appears unchanged. The Parish Council are still extremely concerned that the proposed alterations to the junction will force the traffic against the houses opposite, making it even more dangerous for the residents to walk out of their front doors. Please note that there is no pavement in front of these properties.

In addition, the plan appears to ignore the already dangerous exit from Mill Lane. It is already difficult to join the main road. If HGVs are encouraged to pass even closer, it will only exacerbate an already dangerous situation.

William Furnival

Parish/Town Council

Comments received 04.07.2014

Following our Parish Housing Needs Survey carried out in 2010 this was one of three sites identified for possible development.

The development itself appeared to fulfil the criteria of the survey, however both the Parish Council and the Highways Authority expressed concern about the access of Greenway lane onto the A373.

Following a recent site meeting, the Parish Council did not have any objection in principle to the development. However, in the absence of a proper meeting with the developers, both the councillors and parishioners were concerned that insufficient consideration has been given to liaising with the villagers. This is a major development that will have a significant impact on the village and an open meeting with the parishioners should be part of the process.

Our main concern is still the access onto the A373.

It appears that the proposal is to move the "Give Way" line at the Tee junction forward to improve the visibility to the left. This reduces the individual lane width on the A373 to 2.8 metres. The A373 is a busy road and in spite of restricting signage it is in constant use by HGVs. Having spent some time observing the passing traffic it is clear that when HGVs pass, the whole road is required. As it is, exiting from the front doors of the properties on the opposite side of the road is dangerous enough,

as is exiting from the adjoining Mill lane. Forcing the traffic further towards these properties would exacerbate what is clearly an already dangerous situation. In November 2012 the SHLAA panel stated: "The junction of Greenway Lane is seriously substandard with respect to visibility and geometry and the site would therefore be unacceptable on highway grounds as it would have a significant impact on that junction."

Technical Consultations

Blackdown Hills AONB Project Partnership

Thank you for advising the Blackdown Hills AONB Partnership of further revisions and additional information.

I note the submitted LVIA and the steps taken to address the impact of this proposal on both landscape and visual amenity. In this regard I accept that in respect of the AONB, there would be limited adverse impact.

Nevertheless, earlier comments still stand, with careful consideration of all planning issues being required when planning for the expansion of small rural settlements. As outlined in previous responses the AONB Partnership would advocate a more strategic planning overview as to the most appropriate scale and location for any new development in Awliscombe.

Lisa Turner
AONB Planning Officer

Blackdown Hills AONB Project Partnership

Thank you advising us of revisions to this application.

It seems to me that this application has still not considered the impact on the AONB and its special qualities, nor taken account of the available landscape character assessments for the area. The LVIA summary appears to focus on views (important but not the only factor) and planting to mitigate visual impact.

As such I am concerned about this development on the following grounds:

- o It does not contribute to local distinctiveness or character in that;
 - it will have a negative impact on the open character of the surroundings
 - it does not appear well related to the village
 - The design, mixed materials and uniform layout are not well considered to a rural setting on the edge of an AONB.

o I am further concerned that highway works to meet requirements will conflict with the current nature of the narrow rural lane, thus not contributing to conserving or enhancing the AONB.

o I am concerned about the creep into the designated AONB and future plans for the field to the north. In this regard the planting strategy does not relate to the site area.

The AONB Management Plan 2014-2019 includes the following policy of relevance:

PD 1/B

Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local

character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

I trust that these additional observations are helpful.

Lisa Turner

AONB Planning Officer

Blackdown Hills AONB Project Partnership

Thank you for requesting comments from the Blackdown Hills AONB Partnership on this application.

Although this site appears to be just outside, but abutting, the AONB boundary, Awliscombe is considered as a 'gateway' settlement to the Blackdown Hills and to all intents this part of the village in particular, northwards of the main road, is seen in association with the AONB. I would therefore suggest that the potential impact on the AONB is a particularly relevant consideration in this case.

The Blackdown Hills AONB Management Plan seeks to ensure that all development in or affecting the AONB will be of the highest quality, conserving and enhancing natural beauty and special qualities, particularly by respecting the character of the landscape and built environment and reinforcing local distinctiveness. The AONB Partnership supports local planning authorities in the application of national and local planning policy in order to help achieve this aim. Furthermore, we would advocate a plan led approach to development in villages which ensures that impacts on the AONB can be properly considered, and relative merits of different sites around a settlement can be soundly assessed. In this regard, I note that this site was not favoured in the draft East Devon Villages DPD.

It would seem that sites on the south west side of the main road, lower down slopes and further away from the AONB, would have less impact on the setting of the designation than a site such as this that encroaches towards it. Development of this site does not reinforce the linear character of the village, and would be better integrated with the village rather than screened out of sight in its own surroundings.

I trust that these comments are helpful to your consideration of this application.

Lisa Turner

AONB Planning Officer

Devon County Council Education Dept

Dear Sir

PLANNING APPLICATION: 14/1157/MFUL

PROPOSED DEVELOPMENT: LAND NORTH OF GREENWAYS, GREENWAY LANE, AWLISCOMBE, HONITON, EX14 3PJ

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards education infrastructure is not sought.

There is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Yours sincerely,
Strategic Planning Children's Services

Housing Strategy Officer Paul Lowe

The proposal appears to be outside the development boundary of Awliscombe and as a consequence I believe it should be considered using the Interim Mixed Affordable and Market Housing Position Statement. This states that at least 66% of the proposed development should be available as affordable housing, and of the 66% at least 50% should be available as rented accommodation. If this is applied to the fifteen houses proposed, we would expect to see ten affordable and not the seven (47%) as stated.

If this proposal meets the various planning requirements the affordable homes should be constructed to the Homes and Communities Agency Design and Quality Standards, be tenure blind and to at least Code Level 3 for Sustainable Homes. Once completed they should be transferred to and managed by a Registered Provider approved by the District Council.

We expect a Nomination Agreement is in place giving priority to individuals with a local connection to the Parish of Awliscombe, then cascading to adjoining Parishes and finally the District. Nominations should be sought via the Council using the Common Housing Registers. The affordable homes will be available in perpetuity with staircasing restricted to 80%.

I am aware of a Parish Housing Needs Survey that was completed in June 2010, this identified a need for eight affordable homes. It states in the report that these affordable homes should predominately comprise of two bedroom houses, in addition to a small number of three bedroom homes. According to the current Local Plan Awliscombe is a grouped Parish as it is reasonable to assume that there will be a housing need in these grouped Parishes that could be partially met within Awliscombe.

Additional note

The two bedroom affordable houses as proposed on the Site Plan Job No 12-581 are considered to be large and are in fact the same size as the proposed three bedroom houses.

County Highway Authority

LOCATION: Land North Of Greenways Greenway Lane, Awliscombe, Honiton EX14 3PJ

Observations:

The proposed development accesses off Greenways Lane which is a unclassified county highway and has a 60 MPH speed restriction.

I have been in talks with the Agent and have received a number of plans for this proposal.

Firstly the junction onto the A 373 has been amended on Plan PW02 and PW03 which has changed the original design to incorporate the Safety Auditors comments and the speed survey and now have a visibility splay which meets the requirements of Manual for Streets of 2.4 metres x 43 metres. The footway link on the A 373 from the steps through to Greenways Lane is also shown on this plan.

The internal layout for the proposed development has a 4.8 metres wide shared surface carriageway which is widened to 6 metres of the bend to allow larger vehicles to negotiate with minimum overhang. There are adequate turning facilities at the end of the proposed development. This is all shown on drawing SK111 Rev C, SK112 Rev C 4 sheets. There will also be a pedestrian link into Greenway Lane.

A note for the applicant, if the Local Planning Authority are minded to approve this application, a Highway Agreement must be in place for works to be carried out in the Public Highway.

With the all the above now provided the Highway Authority have no objections.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION:

1. 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;

2. 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: To protect water quality and minimise flood risk.

3 No development shall take place until the junction with Greenway Lane and the A373 visibility splays have been constructed, laid out and maintained for that purpose in accordance with the Drawing PW02 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide a safe and suitable access and visibility to the site for all road users.

4 The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

Officer authorised to
sign on behalf of the County Council
12 February 2015

Environment Agency
Dear Sir/Madam

CONSTRUCTION OF 15 NO. DWELLINGS (COMPRISING MIXED OPEN MARKET AND AFFORDABLE) AND ASSOCIATED ACCESS AND LANDSCAPING WORKS
GREENWAYS AWLISCOMBE HONITON EX14 3PJ

While there are no objections in principle to the proposed development from the flood risk aspect it is important that a sustainable drainage scheme (SUDS) for the safe management of surface water is submitted in due course to serve any approved

development. We are happy for this aspect to be dealt with by a suitably worded planning condition at the detailed design stage.

Yours faithfully

Mr Robin Leivers
Sustainable Places Planning Advisor

Environmental Health

I have considered this application and recommend that the following condition is attached to any permission granted:

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."

Natural England

National Parks and Access to the Countryside Act (1949)
Countryside and Rights of Way Act (2000)

Inadequate LVIA - Advise consultation with AONB Partnership

Natural England considers that this development has the potential to affect special qualities of the AONB. However, from the information available Natural England is unable to advise on the potential significance of impacts on the Blackdown Hills Area of Outstanding Natural Beauty (AONB). We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

It is our view that the detail provided in the 'Local Visual Impact Assessment' is inadequate to enable a proper assessment the potential impacts of the proposal to be made. Specifically it fails to:

- Recognise the importance of the AONB designation
- Provide an adequate assessment of the potential visual impact on the AONB
- Make any assessment of the potential landscape impacts of the proposal

This assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20131. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and

to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Conservation of Habitats and Species Act (2010)
Wildlife & Countryside Act (1981)

PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Devon County Archaeologist

I refer to the above application. The proposed development lies within an area where little in the way of formal archaeological investigation has been undertaken but within a landscape known to contain evidence of prehistoric activity. The site also lies on the edge of the historic core of the Domesday settlement of Awliscombe. Groundworks associated with the construction of the new dwellings and associated infrastructure have the potential to expose archaeological and artefactual deposits associated with the known prehistoric and medieval activity in the wider landscape.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological investigation, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets within the site. The results of this first stage of work would enable the requirement and scope of any further archaeological mitigation to be understood and implemented either in advance of or during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

Other Representations

21 representations of objection have been received raising the following grounds:

1. Narrowing of the A373 through alterations to the Greenway Lane junction could have a detrimental and dangerous effect to adjacent properties with regard to potential flooding and vehicle accidents, especially as there is no pavement outside Redwoods.
2. Greenway Lane cannot sustain the amount of additional traffic that would be generated without causing traffic problems.
3. Development is far too cramped with not enough parking provided and Greenway Lane is too narrow for overflow parking.
4. Development at Hillcrest will more than fulfil any requirement for new housing.
5. Rainwater from the development would exacerbate problems with flooding via a large gully adjacent to the site; it would pass the school and an existing culvert would not cope with the extra water.
6. Alterations to the Greenway Lane junction with the A373 would create problems for left-turning traffic.
7. The application should be considered along with the other two housing applications for the village.
8. Awliscombe does not have the infrastructure or facilities to absorb a large number of new houses.
9. Changes to the junction mean that traffic from Greenway Lane will project more in to the main road than at present, making it even more dangerous.
10. Preference should be given to development of either the Hillcrest or Marles Close sites.
11. Incursion of a footpath into the highway to create a visibility splay for Greenway Lane will clearly narrow the highway at a sensitive point creating a very dangerous junction.
12. Increased housing density not in keeping with the surrounding area bringing associated levels of additional noise to a quiet rural community with a negative impact on current residents.
13. Increase in traffic entering the A373 at the Greenway Lane junction with greater safety risk for all road users

14. Pedestrian access and rights of way insufficient to support the needs of families in the vicinity.
15. Access to local amenities in rural villages, including Awliscombe, are limited and increasing the population will have a negative impact on the general environment for existing and new residents alike.
16. Increased risk of surface water runoff and flooding into Chinston Close properties.
17. No choice for residents but to use cars to access local amenities as it is a rural location and families cannot walk to amenities and Honiton and elsewhere.
18. Loss of view and value to residents in Chinston Close.

3 representations of support have been received raising the following points:

1. Will provide much needed affordable housing for Awliscombe.
2. Development of a site adjacent to the development boundary, centrally located and not within the AONB that is as sustainably located as it could be.
3. Adequate contribution to housing supply to help address the shortfall in housing land within the district.
4. Eco-friendly design of dwellings which will soften the impact of the development and respect the close AONB boundary.
5. Street scene of Awliscombe consists of different fabrics and designs and the lends itself to more modern and innovative design such as this.
6. Will not overcrowd the site and the number of homes necessary to subsidise the affordable homes should be appreciated.
7. Access onto the A373 is one of the safer locations in the village in visibility terms.
8. Contrast with the Hillcrest site which is not sustainable or connected to the main area of the village and provides an openness that maintains a rural feel on the edge of the village.
9. Alongside the school, church and pub, the central part of the village will develop into an area where locals will want to socially invest to its benefit.

POLICIES

New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 35 (Mixed Market and Affordable Housing Outside Built-up Area Boundaries)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

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

EN22 (Surface Run-Off Implications of New Development)

RC2 (New Open Space, Sports Facilities and Parks)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S5 (Countryside Protection)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN6 (Wildlife Habitats and Features)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

H4 (Affordable Housing)

RE3 (Open Space Provision in New Housing Developments)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

94/P1539 - Social needs housing - Four dwellings (Outline). Refused 1/11/94.

93/P1062 - Local needs housing (Outline). Refused 31/8/93.

Site Location and Description

The site, which extends to around 1.15 hectares in area, comprises the entirety of one field and part of an adjoining field to its north east that are located on the north western side of Greenway Lane on the edge of the built-up area of Awliscombe. The site occupies a hillside that rises gently from south west to north east.

Greenway Lane extends out of the village to the north east from its junction with the A373 which is positioned between the village hall and its car park. The Honiton Inn public house is located nearby, to the north west of the latter.

The slightly lower field nearest to the edge of the village lies just outside of the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB). However the established hedge that separates it from the other field, which is partially within the application site, forms the AONB boundary at this point. A portion of the site area is therefore within the AONB.

Proposed Development

The application proposal relates to the development of a mixed affordable and open market housing scheme of 15 units together with the provision of an area of 'green open space'. It would comprise 7 affordable units and 8 open market dwellings at a 47%/53% ratio. Draft heads of terms submitted with the application propose that the tenure split for the proposed affordable element would consist of two shared ownership and two intermediate rented units with the remaining three dwellings social rented. Four of these would be two bedroom units with the remainder three bedroom while the proposed open market dwellings would all be three bedroom.

The submitted layout details show all but one of the proposed dwellings located within the lower field with the remaining unit occupying a position within the southern corner of the higher field to the north east of the proposed site access. This would comprise one of three detached units oriented 'end on' to the Greenway Lane frontage of the site. The remaining dwellings would be arranged in a mix of two semi-detached pairs, two terraces of three units each and two detached units arranged around a central estate road.

Each of the proposed dwellings would be of gabled form with pitched roofs. The five detached units would feature subservient two storey gabled side projections housing ground floor utility rooms with a bedroom above. The terraced groups and semi-detached pairs would by comparison exhibit a more simple form. All units are

designed with the addition of enclosed recycling and bicycle storage facilities. A design element common to the principal elevation of a number of the units is a projecting brick surround of two storey height containing a ground and first floor window.

Externally, it is proposed that the dwellings would be finished in a mix of render and vertical timber boarding over face brick with slate roofs.

The laying out of the proposed site access and the first part of the proposed estate road serving the development would necessitate the removal of a 35 metre length of the existing hedge that separates the two fields. The access itself would also be created through the setting back of the existing roadside hedges in order to accommodate visibility splays. However, by way of mitigation it is intended that an area of indigenous woodland would be planted to the north east of the unit that would be located within the AONB as well as new hedge banks.

No details as to the intended layout of the proposed open space or the intended ownership or means by which it would be managed have been submitted with the application.

Draft heads of terms submitted with the application confirm the applicants' willingness to enter into a legal agreement in respect of the provision of the area of open space and the affordable housing element together with a financial contribution towards educational infrastructure.

Considerations/Assessment

The proposal falls to be considered having regard to the following issues that are discussed in turn:

Principle of Development

Introduction

Since the introduction of the National Planning Policy Framework (NPPF) and the recognition that the Council could not demonstrate a 5 year supply of available housing land, applications have had to be considered in light of the presumption in favour of sustainable development set out in the NPPF. While the development plan has always had to be the starting point for consideration, paragraph 14 of the Framework is a significant and material consideration that allows for the favourable determination of proposals where they constitute sustainable development.

In this instance, it is recognised that this policy approach must continue to be applied and therefore an assessment of the sustainability credentials of both the village and site must be considered.

Significance of the presumption in favour of sustainable development

It is important to recognise the background and significance of the presumption in favour of sustainable development. This stems not only from paragraph 14 but also paragraph 47 of the Framework which sets out a key objective of boosting

significantly the supply of housing. However, the framework caveats the implications of the presumption recognising that schemes can be refused where any adverse impacts of proposals would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. This balancing exercise requires that the harm identified should be weighed against the benefits of the proposal and only where it can be demonstrated that the harm is significant can permission then be refused.

The appropriate way therefore to make the assessment and achieve a robust response to the proposal is to consider separately the environmental, social and economic impact dimensions to sustainable development defined at paragraph 7 of the NPPF that arise, both individually and in the context of the site and its surroundings. In this context, the report will consider the accessibility of the site, its delivery of affordable housing, its impact on landscape character and the impact on residential amenity.

The report will conclude with a final assessment on the elements considered and weigh the benefits and harms identified to determine whether the proposal constitutes sustainable development.

Strategic Housing Land Availability Assessment (SHLAA)

In further stating the basis for assessment it is important to set in context both the SHLAA and emerging policy, both of which have been raised in support of the application.

The application site is one of a number of locations identified in the 2010, 2011 and 2012 Housing Land Availability Assessments (SHLAA). The SHLAA does not pre-empt future plan making or related decisions, is not development plan policy and is not 'informal' Council policy. It is only a technical evidence gathering exercise and does not prejudge the relative suitability of sites for development or rank them in any order of preference.

In this instance, the SHLAA indicates that it would be technically feasible to develop the land for housing within a recognised time period. It does not indicate 'acceptability' of such development and as such it is right that such proposals are considered in more detail either through the plan making process or, as in this case, an application for planning permission.

It is not considered therefore in the light of this that the listing in the SHLAA gives any weight to this proposal.

Emerging Policy

In addition, Strategy 27 in the emerging New Local Plan has been raised in support of the proposal. This strategy originally sought to allocate numbers of new homes to each village over the plan period. In the case of Awliscombe, it identified that 20 new dwellings might be appropriate. However, following the Local Plan examination in early 2014 this strategy was the subject of particular criticism by the examining Inspector who raised concern that the figures were not based on an assessment of

the ability of each of the settlements concerned to accommodate growth and that an application of the 5% minimum growth to each settlement set out in the strategy was too crude a tool in assigning future housing numbers to villages.

In the light of this, and as the Strategy is currently being reconsidered to address the Inspector's comments, it can be given no weight in the overall planning balance in this case.

Existing Policy and the 5 Year Housing Land Supply

As alluded to already, paragraph 49 of the NPPF states that if a local planning authority cannot demonstrate a five year supply of available and deliverable housing sites, relevant policies for the supply of housing should not be considered up-to date. In this instance, this affects the built up area boundaries hitherto contained within the local plan to which little weight can be given.

In the context of paragraphs 47 and 49 of the Framework therefore, it must be recognised that any permission granted would assist in the Council's supply of housing within the District. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs in favour of permitting the current proposal for additional housing.

Delivery of affordable housing

Local Authorities are facing many challenges to deliver the numbers of homes that are required, especially in rural areas. The challenge in particular is to deliver the right amount of rural housing, of the right type and in the right place.

Specifically on rural housing, the NPPF states that local plans need to:

- o Plan to meet local needs for both market and (particularly) affordable housing
- o Consider allowing market housing where it will significantly increase affordable housing to meet local need
- o Locate development where it will enhance the vitality of a community - using hubs and clusters
- o Avoid isolated dwellings in the countryside

The application site is located outside of the defined settlement boundary set out in the adopted local plan. Policy H4 (Affordable Housing) of the plan states that where an up to date housing needs survey demonstrates a need for affordable housing, the District Council will seek the provision of affordable dwellings as part of proposals for new housing development in the following circumstances:

- o Area and Local Centres (where population level exceeds 3000 persons) where proposals are on sites of 0.5 ha or larger, or where a site is capable of accommodating 15 dwellings or more
- o Settlements with a population falling below 3000 persons where proposals are on sites of 5 dwellings or more.

In this instance there is a reasonably up to date affordable housing needs survey. The survey was completed in June 2010 and identified a need for 8 affordable

homes. It suggested that the need is for 6 two bed homes for rent and 2 three bedroom homes for shared ownership. The Housing Strategy Officer has advised that we would expect a minimum of 40% of the proposed development to be affordable homes.

However, while the application states that in this instance 7 units would be affordable providing a total of 47% (and therefore exceeding the minimum quantum of 40% sought by the Housing Strategy Officer), as stated the site is outside of the defined village boundary. Notwithstanding the offer of 47% affordable housing, and based on the location of the site it remains technically contrary to policy and fails to accord with the Council's Interim Mixed Affordable and Market Housing Position Statement which for such sites requires the provision of 66% affordable housing on what is regarded as a 'departure' site.

On balance however, while there is a technical conflict with adopted policy and the Interim Statement, the current scheme would contribute significantly towards meeting the locally identified need for affordable housing for the village. As such, this should weigh as a 'positive' in terms of the overall assessment of the planning balance.

Accessibility

Awliscombe is a relatively small village that straddles the main A373 that connects Honiton and Cullompton. It has limited public transport availability arising from the operation of the nos. 368 and 694 bus services. An analysis of the timetables shows that there are typically three/four services per day to Honiton (albeit not at times to serve the commuter/working community) and a single daily service to Cullompton.

In addition the village has a church, primary school (with pupil capacity), public house and village hall. However, and significantly in terms of the broader self sufficiency of the settlement, it lacks most of the basic services necessary for day-to-day living. Access to shops, post offices and doctors/health care facilities for prospective occupiers of the proposed housing would therefore take place outside the settlement and most likely in Honiton, the nearest larger service centre to Awliscombe. In the absence of a regular public transport service (the level of which is not considered to be sufficiently frequent or convenient for most users), future occupiers would be reliant on the private car for access to these core services and facilities. It is thought that such reliance on the private car demonstrates that the village is poorly served by appropriate key services and of limited public transport accessibility. It does not therefore represent a sustainable location for growth in the form of the level of additional housing that is being proposed.

In terms of the site itself, this is located in reasonable proximity of the primary school and public house in the village. While the distances between these services/facilities are eminently walkable and well within national guidelines they do require a walk in part along the side of the busy A373. While the route along this highway has a footway, and is not a distance which in this instance is considered so long as to prevent safe walking, it is narrower in places than others and is not an especially attractive pedestrian route. As such, it is thought to limit the weight that can be

ascribed in terms of a benefit to the proximity of the site to the few services that the village enjoys.

On balance, and while the proximity to the limited range of services within the village is noted as a positive it is considered that there remains harm in terms of the environmental and social dimensions referred to above resulting from locating more people in an inherently unsustainable location with few key services and a largely car dependent community.

Design and Impact on the Character and Appearance of the Area

Whilst Policy S5 (Countryside Protection) of the adopted Local Plan is in part concerned with the supply of housing, it does also seek to ensure that development does not harm the distinctive landscape, amenity and environmental qualities of the area including patterns of settlement. Given that these provisions reflect some of the core planning principles set out at paragraph 17 of the NPPF and are therefore consistent with national guidance, it should not be regarded as being out-of-date and afforded weight to the extent that it is material to consideration of the merits of the scheme.

The site occupies an elevated and open position within the landscape to the north east of Greenways and the broader concentration of built development that forms the village. There are close range views of the site from Greenway Lane immediately adjacent to the site as well as medium distance views from its junction with the A373 to the south west.

In addition, and more significantly, there are longer distance views of the site, as well as wider ranging views of the village and its landscape setting, available from public footpath no. 1 that ascends the hillside of Bushy Knap to south and west.

The site occupies elevated and sloping land that rises to the north east towards St. Cyres' Hill and, as stated previously, encroaches into the designated AONB. The landscape character of the AONB and its immediate setting that the site occupies is open and generally pastoral with fields interspersed by a network of mature hedgerows. It is considered that the development would extend the built form of existing development in a manner that would result in a significant physical and visual incursion into green fields which are clearly distinguishable as part of the attractive surrounding countryside that encircles the village with consequential significant harm to the rural landscape character and natural beauty of a part of the designated landscape itself along with its immediate setting.

In particular, it is considered that the opening up of the existing frontage of the site onto Greenway Lane through the removal of a length of hedge to facilitate the formation of the proposed vehicular access would be particularly harmful to the localised rural character of Greenway Lane at a point where the change in character between the built-up area of the village and the adjacent open countryside is particularly pronounced. The sensitivity of the site in landscape terms is emphasised by its location both alongside and within the AONB as well as the sharply defined change in character at this point.

Paragraph 115 of the NPPF places great weight upon the conservation of landscape and scenic beauty in AONBs (as well as other designated landscapes) in respect of which it confers upon them the highest status of protection. In the circumstances therefore, and given the level of harm identified above, it is considered that the proposed development would detract from the rural landscape character and natural beauty of the AONB and, as such, be contrary to the NPPF guidance and local plan policies that seek to protect such areas.

Moreover, in the broader context of the NPPF's presumption in favour of sustainable development, the development would fail to satisfy the environmental dimension of sustainability insofar as it would not contribute towards the protection or enhancement of the landscape. The proposal would not therefore constitute sustainable development in this regard.

Analysis

The NPPF identifies three dimensions of sustainable development which are defined as:

An economic role - contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the need of present and future generation, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

An environmental role - contributing to protecting and enhancing or natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF goes on to state that 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

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

It then states a need to take local circumstances into account and states a presumption in favour of sustainable development.

In practice when assessing applications the Council and planning inspectors in determining appeal cases have tended to look at whether developments would have access to key services and facilities that are required to facilitate everyday life and enable social integration within a community. These core services and facilities generally include:

- Post office
- General convenience store
- Primary school
- Doctors surgery
- Public transport

Awliscombe faces a number of challenges due to the size of the settlement, its location, accessibility and limited available infrastructure of core facilities to support the community.

From the assessment of the material planning considerations above, clearly the proposal would have a number of benefits as follows:

1. Economic benefits in the form of additional housing, local spend and temporary employment during construction work
2. Provision of affordable housing where there is an identified need from a reasonably up to date affordable housing needs survey
3. The likely introduction of new families within the community to support the school
4. Provision of additional housing towards the shortfall in the Council's 5 year housing land supply.

However, it has also been recognised that there are harms arising from such development which also need to be weighed in the overall balance. These relate to:

1. Lack of public transport to access a wider range of shops services and employment
2. Lack of core services that underpin the sustainability of the settlement
3. Landscape harm arising from development of an attractive area of countryside adjacent to and within the designated AONB which affects the setting of the village.

Based on the above and in recognising both the positive and negative elements of the proposal, it is considered that the balance of considerations falls significantly towards objection to the development.

From the perspective of the social dimension to sustainable development, the provision of affordable housing to fulfill identified local needs represents a limited positive benefit of the scheme, albeit that it is argued that this need should be accommodated elsewhere within a settlement within the relevant parish group with stronger sustainability credentials.

Economically, there is also support for the proposal arising from the construction jobs that would be created, the level of New Homes Bonus that would be generated and the subsequent furnishing etc. of the properties.

However the location of the site and the village, lack of core services and alternative means of public transport to private car use and the unacceptable impact of the development upon the AONB weigh heavily against the proposal having regard to the environmental dimension. Fundamentally, it is considered that Awliscombe does not represent a sustainable rural location for the accommodation of further growth given its shortcomings in terms of its limited services and facilities, including public transport accessibility. Moreover expansion of the village towards, and into, the

AONB would be at odds with the strong level of protection that it carries in national policy terms.

The Framework requires all three elements to be held in tension and a serious shortcoming in a particular area makes it much harder to demonstrate that a particular proposal represents sustainable development.

Building further on the concept of sustainability, paragraph 17 of the NPPF sets out a series of core planning principles that underpin the decision-taking process. Among these is the principle that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. It is considered that the proposal would not be successful in this regard, creating a need for further vehicle movements.

On balance, and in light of the issues as discussed above, it is not considered that identified benefits of the scheme are sufficient to warrant the proposed development in and adjacent to open countryside that carries the highest level of protection in relation to landscape and scenic beauty or to override the adverse impact of the development given the general policies of restraint which apply and the lack of services and facilities that would be available to the occupiers of the proposed dwellings.

Highways/Access

The proposal has generated considerable objection based upon the levels of visibility available for drivers of vehicles emerging from Greenway Lane on to the A373, including concern from the County Highway Authority (CHA), and the increased risk of accidents that might arise from the prospective additional housing that is served by it.

However, following extensive negotiations with the CHA, including the provision of both a safety audit and the results of a speed survey, amended junction layout details have been agreed and supplied. These envisage the movement of the existing lines at the junction further out into the carriageway of the A373 to enable improved visibility in the south easterly direction for, and of, vehicles approaching it. Carriageway widths on the A373 of 3.3 metres would be maintained. A 1.5 metre width footway would also be laid out alongside the A373 from the Greenway Lane junction in a north westerly direction alongside the existing village hall car park to connect with an existing footway that extends past the public house towards Chinston Close and the primary school beyond.

Although these arrangements have also prompted a number of objections centred upon concerns at the dangers arising from the decrease in the operational width of the road carriageway of the A373, crucially no objection is raised to the proposed junction layout by the CHA. An objection to these arrangements on highway safety grounds could not therefore reasonably form the basis for a ground upon which to resist the proposal.

There are no other highway, access or parking-related concerns raised to the application by the Highway Authority subject to the imposition of appropriate

conditions and the applicants entering into a Highway Agreement in respect of the works to the public highway.

Other Matters

There are no particular technical concerns arising from the proposed development in terms of drainage. Moreover, having regard to matters relating to ecological impacts, effects upon neighbours, trees and agricultural land, the proposed development is considered to be largely acceptable.

No educational infrastructure contribution is sought by the County Education Authority in view of the capacity that is available at the local primary (Awliscombe) and secondary (Honiton) schools. In addition, there is no requirement in this case for the payment of a financial contribution towards habitat mitigation as the site is more than 10km radius distance from the designated Pebblebed Heaths and Exe Estuary Special Protection Areas within which mitigation is required.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, by reason of its isolated location in the open countryside on the edge of a village which has limited services to support the proposed development, fails to accord with the definition of sustainable development set out in the National Planning Policy Framework.
In this case it is considered that the adverse impacts of this development in terms of its positioning within an unsustainable location, with the occupiers of the dwellings having limited access to essential services, infrastructure and public transport, together with harm to the landscape of the designated Blackdown Hills Area of Outstanding Natural Beauty and its immediate setting, significantly and demonstrably outweigh the benefits of providing these dwellings to meet a local need and the shortfall of housing within the district (5 year land supply) when assessed against the policies within the Framework as a whole. As such, the proposed development is considered to be contrary to the provisions of Policies S5 (Countryside Protection), D1 (Design and local Distinctiveness), EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan, Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and TC2 (Accessibility of New Development) of the emerging New East Devon Local Plan and guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the

application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

SK112		Other Plans	12.09.14
SK111		Other Plans	12.09.14
SK110		Other Plans	12.09.14
A3		Proposed Site Plan	12.09.14
AWL 09/08/2014	0-3	Landscaping	22.08.14
A1 A		Other Plans	26.08.14
A2 A		Other Plans	26.08.14
A4 A		Proposed Combined Plans	26.08.14
A5 A		Proposed Floor Plans	26.08.14
A6 A		Proposed Elevation	26.08.14
A7 A		Proposed Floor Plans	26.08.14
A8 A		Proposed Elevation	26.08.14
A9 A		Proposed Floor Plans	26.08.14
A10 A		Proposed Elevation	26.08.14
PW03		Other Plans	06.02.15
PW02		Other Plans	06.02.15
AWL02 05/02/2015	REV	Landscaping	06.02.15
AWL03 05/02/2015	REV	Sections	06.02.15
P10 REV C		Sections	07.05.14
P102 REV B		Other Plans	07.05.14

P100 REV B	Proposed Site Plan	07.05.14
T2	Location Plan	07.05.14

List of Background Papers

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

Ward Tale Vale

Reference 14/2771/MOUT

Applicant Mr J Persey

Location Land South Of Pencepool House
Plymtree

Proposal Outline application for the construction of up to 15 dwellings, seeking approval of access details (matters of appearance, landscaping, layout and scale reserved), including proposed detached attenuation pond.



RECOMMENDATION: Refusal

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		Committee Date: 31.03.2015
Tale Vale (PLYMTREE)	14/2771/MOUT	Target Date: 04.03.2015
Applicant:	Mr J Persey	
Location:	Land South Of Pencepool House Plymtree	
Proposal:	Outline application for the construction of up to 15 dwellings, seeking approval of access details (matters of appearance, landscaping, layout and scale reserved), including proposed detached attenuation pond.	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application seeks outline planning permission (seeking approval for access only) for the construction of up to 15 dwellings on a site on the north eastern edge of the village of Plymtree, on agricultural land between Norman's Green and the village itself. The application raises issues regarding rural sustainability and accessibility of the village to core services and facilities and public transport links.

Part of the assessment as to whether Plymtree and this particular site is sustainable, is whether the proposed development would have access to key services and facilities that are required to enable everyday life and to enable social integration within a community.

Officers are of the view that whilst Plymtree has a limited range of services and facilities which includes a community run shop and post office, a primary school, a church, a village hall, a pub and recreational facilities, it is not one of the district's most sustainable villages as it does not offer the core services and facilities that would substantially negate the need to travel from the village or reduce reliance on the car.

The impact of this in terms of accessibility and modes of travel is further compounded by the fact that Plymtree has limited access to public transport links. Plymtree does not have access to a train service and there are only two bus services that operate providing journeys between the village and larger settlements of Exeter and Honiton on a very infrequent basis. Given the identified absence of core services and facilities required to meet everyday needs of residents, it can therefore be concluded that people would have to travel outside of the settlement for health and leisure facilities and would

therefore need to heavily rely on private transport. Furthermore the distance of the village from larger settlements which would offer a comprehensive range of services and facilities and provide an opportunity for linked trips, are located too far away to access on foot or by cycling.

The application is supported by the Parish Council and Ward Member and this report draws out and carefully balances the benefits to be derived from the provision of additional housing within the village which would help meet the social and economic roles of sustainability as set out within the NPPF in so far as it would help to sustain and support existing local services and would provide 40% affordable housing to help meet local housing needs, against environmental concerns in terms of accessibility to services and facilities and the site's poor links to public transport.

It is acknowledged that at present the Local Authority cannot demonstrate a 5 year housing supply and as such the built up area boundaries carry little or no weight. However, sustainability is the 'golden thread' running through the National Planning Policy Framework. Spatially, the application site is located some distance from and is therefore poorly related to everyday facilities. The location of the site is not therefore considered to be a sustainable option for additional residential development. On balance, it is considered that the adverse impacts from the development significantly and demonstrably outweigh the benefits when considered against local plan policies and the NPPF. The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Tale Vale - Cllr P Skinner

I can confirm that since reading the report and speaking to the parish council members to confirm their position of support, that as ward member I would also like to SUPPORT the application on the grounds of local support and it being seen by many in the village as a possible scheme that would bring some benefits to the village.

I would ask therefore for the scheme to be placed before the Develop Management Committee where it can be fully aired and the people of the village given the opportunity to speak.

Parish/Town Council

The Parish Council supports the application with the following observations.

1. The Parish Council would ask that the gap between Pencepool and the new development be retained as a green area, so as not to lead to future development, as a condition of any planning consent.

2. There is some concern that the access point is very close to the last available passing place where the road narrows towards Normans Green.

3. It would be beneficial if the applicant would provide a new footpath from the development site through to the new proposed development to the side of the Blacksmiths Arms; this would make a continuous footpath to the school avoiding the Public highway.

4. We accept that the surface water will not discharge into the existing, combined foul and surface water sewer, but we believe the foul sewer is close to its capacity at the bottom end of Greenend Lane, where problems have already started to occur.

5. We recommend that the new development should be without street lighting in keeping with the rest of the area.

Technical Consultations

DCC Strategic Planning Children's Services

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards secondary school provision and school transport via a Section 106 agreement is sought.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £41,042 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Cullompton Community College. The costs required are as follows:

3.00 secondary pupils

£78.00 per day x 190 academic days x 5 years = £74,100

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Devon County Archaeologist

Land South Of Pencepool House Plymtree - Outline application for the construction of up to 15 dwellings, seeking approval of access details (matters of appearance, landscaping, layout and scale reserved), including proposed detached attenuation pond: Archaeology

My ref: Arch/DM/ED/22737a

I refer to the above application. The proposed development lies in an area where little in the way of formal archaeological work has been undertaken, but where prehistoric activity is recorded in the County Historic Environment Record in the wider landscape. The topography of the site is likely to have been attractive to early settlement and there is potential for groundworks associated with the development to expose archaeological and artefactual deposits that may be present across the site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged scheme of investigation commencing with the excavation of a series of evaluative trenches to determine the requirement and scope of any archaeological mitigation that would need to be implemented either in advance of or during construction works for the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Conservation

The application includes a thorough assessment and identification of heritage assets within a wide study area surrounding the application site. I concur with the methodology of this document and its conclusion relating to the potential impact upon heritage assets. Most notable within the immediate area is Pencepool Farm, grade II*. This listed building together with its associated grade II listed barn is separated from the site by the modern suburban development of Pencepool Orchard. There is some limited visual relationship between these heritage assets and the application site.

The site is also situated to the south of Forge Cottage, grade II listed. This is some distance from the site with no visual relationship.

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

I do not consider that the principle of development on this site would have an adverse impact on the setting of Forge Cottage as there is no visual relationship. The impact of existing modern development to the north of Pencepool Farm is quite evident. The principle of development of the application site would increase the amount of suburban streetscene by approximately 100%, although it is conceded that the north end of the site would retain a 'softer' boundary with the lane. While it would be regrettable to lose a further area of countryside which contributes to the character of the area and ultimately the setting of listed buildings, the degree of harm would not be considered substantial in my view. The impact upon the setting of heritage assets would not be sufficient enough to resist the application solely on conservation grounds.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Environment Agency

This proposal is under 1 hectare and in flood zone 1, as such our Standing Advice should be applied

Environmental Health

Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15."

Natural England

Natural England has no comments to make regarding this application. Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

Impact Risk Zones

You can search the 'Magic' mapping website to see if the development is in or near a protected site, including SSSIs, SPAs and SACs and if you need to consult Natural England.

1. Within the mapping tool, select 'sites of special scientific interest' and 'impact risk zones for SSSIs'.
2. Use the 'identify' button to select a location and see the types of development Natural England need to be consulted about.

You can also download the risk zone data for your own mapping software. If the proposal affects a European site (SPA or SAC), check if the proposal will pass the 3 tests in this guidance:

Assess planning proposals for protected sites: alternative solutions, imperative reasons of overriding public interest and compensatory measures

Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:

- o The Proposals effects a protected species not covered by the Standing Advice (further details available here)
- o The proposal requires an environmental impact assessment
- o The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI)
- o The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites)
- o The proposal could lead to the loss of more than 20 ha of the best and most versatile agricultural land
- o Any minerals and waste development where the land will be restored for agriculture

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns. However if contamination is encountered the applicant must consult environmental health in order to agree an appropriate way to proceed. This is important to protect future purchasers and occupiers of these properties. I therefore recommend that the following condition is applied to any approval:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Housing Strategy Officer Paul Lowe

If this proposal meets the various planning tests it should also reflect locally generated affordable housing need, both in the Parish in the first instance and then the surrounding areas. This need should ideally be evidenced via a robust rural housing needs survey and supported by the Parish Council. A rural housing needs survey has not been undertaken for the parish of Plymtree or the surrounding parishes and we would recommend that the applicant commissions a survey. This will not only inform the applicant of the need but also the type of dwellings and tenure required.

Assuming the proposal satisfies planning requirements we expect that a minimum of 40% (6) to be made available on site as affordable homes. We would expect to see a tenure split of 70 / 30% in favour of rented accommodation the remainder as intermediate housing. All nominations are to come from the Common Housing Registers and be available as affordable housing in perpetuity, with a nomination cascade in place giving preference to people who have a local connection to the parish, then cascading to named adjoining parishes and finally the district. Staircasing to be restricted to 80%.

All affordable housing will be transferred to and managed by a Registered Provider, they should be constructed to both the Registered Providers own design standards and to the Homes and Communities Agency Design and Quality Standards.

All affordable housing should be tenure blind, meet the relevant Code level for Sustainable Homes and be dispersed throughout the proposed development site in small clusters.

Further comments 26.02.15:

My comments dated 5 December 2014 for application 14/2771/MOUT still apply.

English Heritage

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Further comments 09.02.15

Thank you for your letter of 9 February 2015 notifying English Heritage of the amendments to the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

County Highway Authority

Observations:

This application is in outline with matters of access to be considered with all other matters reserved. The proposed access to the development site is from the County Highway (C 212), which is the main road through the village of Plymtree, between the current built up areas of the village centre and land known as Norman's Green, which is centred approximately half a kilometre to the north. There is not any connecting footway between these locations.

The proposed access appears to be in the form of a build-out on the (C 212) and I have concerns that the build-out may reduce the available width of the highway to an unacceptable standard. The CHA will require further information of the proposed width of the existing highway and also suitable vehicle turning swept path analysis for large vehicles including refuse vehicles entering and leaving the proposed access in order to fully evaluate this application. It is also noted that the C212 at this point has a steep incline, south to north, and vehicle speeds observed at my site visit lead me to the conclusion that the 30 mph may not be adhered to by vehicles travelling in a southerly direction past the proposed site access.

There is a recognised formulae for the calculation of suitable visibility splays in this situation that should be applied for this application. Also at the point of the proposed access the existing level of the application site is between 1.5 and 2.0 metres above the height of the highway, I would need to be sure that the proposed access road is not steeper than 1 in 10 prior to the junction, so that exiting vehicles can easily stop at the junction. Also that there is adequate highway surface drainage proposed so that surface water does not enter the existing highway.

Because of the above concerns, unfortunately I must recommend that the application is refused at this time because of a lack of detailed information in regard of the proposed access arrangements.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road gradients and on site turning facilities contrary to paragraph 32 of the National Planning Policy Framework.

Further comments 23.02.15:

The CHA has received further details of the proposed access which shows there is not any road narrowing proposed. The CHA has also received information in the form of recent traffic speed data taken at the proposed access point that confirms that the proposed visibility splays in both directions are adequate for the speed of traffic.

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The proposed access to be hard surfaced for the first 20 metres from the carriageway
2. The access visibility splays to accord with Drg.4067 rev A where the visibilities are 0.6 above carriageway, 2.4m set back and 43m in both directions.
3. The proposed access shall not be steeper than 1 in 10 for the first 20 metres from the carriageway

Other Representations

8 letters of representation, 6 objections and 2 neutral letters have been received raising concerns which can be summarised as:

- The number of dwellings exceeds the number desired by the community as there have been 5 additional dwellings approved in the village.
- The number exceeds the 5% allocation.
- Highway safety concerns as the road is narrow and busy with pedestrians, horses and farm traffic.
- There are sewerage capacity issues.
- Increased surface flooding from the development.
- Loss of privacy from the public footpath.
- Poor infrastructure in the village.
- The development should have no street lighting.
- The hedge on the southern boundary should be retained.
- There would be no footpath into the village centre.
- Loss of view from properties.

Site Location and Description:

Plymtree is a small village with a resident population of approximately 624. It is located approximately 4 miles (by road) south east of Cullompton and 2.8 miles (by road) north east of Clyst Hydon. It is a rural settlement with a limited range of services and facilities which include a community run village store and Post Office, Plymtree C of E Primary School, a church, a pub and a village hall.

The site refers to part of an agricultural field on the north eastern edge of the village outside but in close proximity to the built-up area boundary as defined within the Adopted East Devon Local Plan. It is an agricultural field which occupies an elevated position above the village and the highway with a slight gradient going from north to south and west to east. The site sits in between the edge of the village of Plymtree and a small detached area of housing known as Normans Green. There are no trees within the site itself but there are a number of mature trees along the field boundaries. Along the western boundary the site has a Devon hedges which adjoins a sunken rural lane which leads into the village centre. There is an existing agricultural access on the south western corner of the site.

The rear gardens of residential properties on Pencepool Orchard are located to the south of the site and there are detached properties on the opposite side of the road. Pencepool Farm is a grade II* listed property which is located to the south. The site is in open countryside and is not constrained by any national or local landscape designations.

Planning History:

There is no planning history for the site however it is pertinent to note that this site was put forward as part of the SHLAA and was considered to be the preferred site for housing. Whilst the policy position has changed, and is addressed later within the report, the site was previously considered to be suitable to accommodate Plymtree's previous allocation of 15 houses under Strategy 27 of the Emerging New Local Plan. Strategy 27 is now the subject of further review, following the concerns raised by the examining Inspector in a letter received at the end of March 2014 which questioned the Strategy and numbers for the settlements.

Proposed Development:

This application seeks outline planning permission for the construction of up to 15 dwellings on the site. Approval is sought for the means of access with details relating to layout, appearance, scale and landscaping to be determined at reserved matters stage. The application is however accompanied by an indicative site plan which illustrates how the site could be laid out although no weight is being given to this at this stage. The proposal includes the creation of a new vehicular access to the public highway with an estate road leading to a mixture of detached, semi-detached and terraced housing proposed as 2, 3, 4 and 5 bedroom houses generally being no greater than two storeys. The application includes the provision of 40% affordable housing (6 dwellings based on a 15 unit scheme).

The proposal also includes the provision of an off-site attenuation basin located in an adjacent field as part of the drainage strategy for the development.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the principle of residential development in this location in the context of the Council's current inability to demonstrate a five year supply of land for housing and an assessment as to whether the proposal amounts to sustainable development as

defined by the NPPF, having regard to the site's location in relation to services and facilities and public transport and giving consideration to how the development would perform in terms of a social, economic and environmental role.

The application will also be assessed in terms of the visual impact of the development on the rural landscape character of the area and its relationship to the village of Plymtree, the impact upon the residential amenities of surrounding neighbouring properties, the suitability of the access and the impact it would have on highway safety and technical issues such as the ecological and arboricultural impact, the archaeological impact and impact upon the setting of heritage assets, as well as implications for surface water flooding and drainage.

ANALYSIS

Principle and Policy Context:

The National Planning Policy Framework (the Framework) recognises that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However paragraph 14 sets out that at the heart of the Framework there is a presumption in favour of sustainable development. This states that in decision-taking where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework.

In this case, it is acknowledged that the Council does not have a 5 year supply of housing land, as required by the Framework, and therefore its housing supply policies in the East Devon Local Plan, Adopted 2006, (LP) are out of date. The emerging local plan identified (Strategy 27) those settlements within the district where new development would be proposed within the plan period. Within this Strategy 15 new homes were proposed for Plymtree. However the housing figures proposed under Strategy 27 are now the subject of further review following the concerns raised by the examining Inspector in a letter received at the end of March 2014 which questioned the proposed housing numbers suggested by the Council in the emerging plan and their locations within the district. In effect, the Inspector found Strategy 27 to be unsound as previously drafted.

Previously the sustainability of sites located within areas where a built-up area boundary had been identified was not scrutinised, however in light of the examining Inspector's letter on the draft local plan the BUAB is no longer the criteria against which the suitability of a site to accommodate new development should be assessed. In essence, the Inspector expressed concern that the figures in the draft plan were not based on an assessment of the ability of individual settlements to accommodate growth, and that the application of a 5% minimum growth across all of the villages was too general to be applied on a blanket basis across the district.

On this basis this application is a proposal that no longer falls to be assessed in relation to the BUAB but should be considered using the Framework's presumption in favour of sustainable development which is further addressed below.

The weight to be attributed to Strategy 27 was further very recently addressed in an appeal decision relating to a proposed development of 4 houses in the village of Offwell is of particular relevance. (East Devon District Council reference: 14/0225/FUL) Inspectorate reference: APP/U1105/A/14/222273). The Inspector in this appeal found that whilst the site was located adjacent to that settlements' BUAB he attributed very little weight to draft Strategy 27 having regard to the examining Inspectors' letter. Additionally whilst Offwell contains a church, primary school, community shop/post office and recreational facilities the Inspector still found the location to be unsustainable.

Accessibility and Modes of Travel:

Part of the assessment as to whether Plymtree and this particular site is sustainable, is whether the proposed development would have access to key services and facilities that are required to enable everyday life and enable social integration within a community. These core services and facilities generally include a post office, general convenience store, primary school, doctor's surgery and public transport.

Members will recall the contents of a briefing report on rural sustainability which was presented by the Service Lead for Planning on the 3rd March 2015 in which the current issues and guidance relating to sustainable development issues in rural areas were presented. Whilst each application is required to be determined on its own merits, there are some direct parallels that can be drawn between this application and the Offwell appeal decision. Indeed the assessment of sustainability against a criteria of core services and facilities was most notably adopted by the inspector in the appeal decision for 4 houses at Offwell where he stated:

'The Council contends that Offwell is one of East Devon's least sustainable settlements with a built-up area boundary, as it has a very limited range of services and facilities. The appellant disagrees and I was shown the facilities that the village has to offer, including the church, primary school, voluntary-run community shop/post office and recreational/ community facilities.

Whilst these facilities assist in reducing to a limited extent the need to travel outside the village to services and facilities, they do not substantially negate the need for such travel, which would inevitably need to take place by car given the village's poor public transport accessibility. I do not therefore consider the site to be as sustainably located as the appellant suggests'.

Members will be aware that the inspector proceeded to dismiss the appeal on the basis of its being unsustainable due to this and the visual impact on the AONB.

There are direct comparisons that can be drawn between the sustainability considerations the Inspector applied to his assessment of Offwell and to that of Plymtree. Officers are also of the view that whilst Plymtree does have a limited range of services and facilities which include a community run shop and post office (approximately 300 metres from the site), a primary school (approx 680 metres), a church (approx 430 metres), a pub (approx 500 metres), a village hall (approx 970 metres) and recreational facilities, it does not rank highly in terms of other villages

within the district as it does not offer the core services and facilities that would substantially negate the need to travel from the village. Plymtree does not for example have a doctor's surgery, employment opportunities or leisure facilities and other services that would be reasonably required to meet the everyday needs for occupiers of the new development.

The impact of this in terms of accessibility and modes of travel is further compounded by the fact that Plymtree has very limited access to public transport links. Plymtree does not have access to a train service and there are only two bus services (863 and 694) that operate providing journeys between the village and larger settlements of Exeter and Honiton. It is understood that the 694 service provides one journey to Honiton on Tuesdays, Thursdays and Fridays. The bus stops in Plymtree at 9:30 am and doesn't arrive in Honiton until after 10 am each day. The 863 service provides one journey into Exeter on a Friday and leaves Plymtree at 09:27 and arrives in Exeter at 10:30. The times of operation are clearly not conducive to everyday use by residents of the new development for people wanting to get to work or to access wider facilities in larger settlements, made worse by the fact that there is only one service back from Honiton at 12:15 (for the 694 service) which would allow approximately 2 hours within the town. Likewise, the 863 service to Exeter returns at 13:15 allowing just 2 ¾ hours within the city.

Given the identified absence of core services and facilities required to meet everyday needs of residents and the low frequency of the bus service and unsuitable journey times it can therefore reasonably be concluded that people would have to travel outside of the settlement to access work, health and leisure and wider facilities and would therefore need to heavily rely on private transport. Furthermore the distance of the village from larger settlements which would offer a comprehensive range of services and facilities and provide an opportunity for linked trips, are located too far away to access on foot or by cycling.

This is reflected in the method of travel to work 2011 Neighbourhood Statistics for Plymtree Parish in which of the 297 residents who work 0.3% of people use the bus service. The same data set reveals that 85% of residents travel to work via private car. In terms of bus travel this is especially low when compared to the district (2.64%) and for the South West (4.68%). In terms of car travel, this is particularly high when compared to the district (62.48%) and the South West (62.34%).

The site itself is located on the northern edge of the village where the limited range of services that are available to occupiers could in theory be accessed on foot although the desirability of doing so is questionable as there are no pavements or street lighting leading from the site into the village centre. This is considered to weigh against the proposal although it is accepted that Plymtree is a relatively quiet village where the roads are generally lightly trafficked with vehicles travelling at low speeds. In this rural environment, despite the lack of pavements and street lighting in the village, it is accepted that people would access the community shop, primary school, church, pub and village hall on foot or by cycling and on this basis, it is not considered that an objection could necessarily be sustained on the site's location in relation to the services in the village on its own.

Section 4 of the NPPF is clear in its intention to promote sustainable modes of travel. However it is acknowledged that this guidance and the associated Practice Guidance are equally clear that transport solutions will vary between urban and rural situations. In that sense, the Framework does not seek to prevent car use but requires a balanced approach, depending on the context and scale of development proposed.

Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the Framework and the objectives of the Local Plan in this regard. Policy TA1 of the Local Plan is a relevant policy stating 'New development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.' The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

It is acknowledged that at present the Local Authority cannot demonstrate a 5 year supply of housing and as such the built up area boundaries carry little or no weight. However, sustainability is the 'golden thread' running through the National Planning Policy Framework. Spatially, the application site is located some distance from and is therefore poorly related to everyday facilities such as a doctor, food shopping, education, employment and leisure facilities. The location of the site is not therefore considered to be a sustainable option for additional residential development. Future occupiers of the development are therefore likely to be heavily dependent on the use of the car to access the aforementioned facilities such that it is not considered to be a sufficiently sustainable location for new residential development. It is therefore considered that new dwellings in this location would be harmful to the objectives of national and local planning policy which promote sustainable patterns of development

Within the NPPF there are three dimensions to sustainable development and it is accepted that this proposal would contribute to some extent to the economic role and social role as the construction of a further fifteen dwellings would make a contribution towards housing numbers within the district and employ builders and others in its construction and sale, meaning some economic and social benefits would be realised. Members of the Committee will note that the application is supported by the Parish Council and strongly supported by the Ward Councillor on the grounds of local support and that it would provide some benefits to the village. It is acknowledged that additional growth within the village would to a degree help to sustain the limited services and facilities within the village including the primary school and village shop whilst helping to meet local housing needs for the village.

This application clearly raises some key issues in relation to rural sustainability. However given the limited weight that can now be given to Strategy 27 and Plymtree's relatively poor access to core facilities and services without recourse to a car for every day needs, and poor public transport links to wider services and facilities, it is considered that the environmental role of sustainable development

would not be met in this case and that this would outweigh any limited gains in terms of the social and economic roles of the NPPF. Officers do not consider Plymtree to be a sustainable settlement for new residential development and therefore the proposal fails to accord with the 'golden thread' running through the NPPF of promoting sustainable development through reducing the need to travel by private vehicle.

Visual Impact/ Character and Appearance:

The East Devon District Landscape Character Assessment identifies Plymtree as falling within landscape character type 3B 'Lower rolling farmed and settled slopes and 4D 'Lowland Plains'. The application site refers to the southern part of a large agricultural field in an attractive area of countryside, an open landform which reflects one of the characteristics of the 'Lowland Plain' character type. The land does occupy an elevated position in relation to the village and in relation to the public highway. The site does have a sense of openness due to its size and elevated position above Plymtree and because it currently provides relief and a visual break between the village and the small hamlet of Norman's Green to the north.

It is pertinent to note that the Council's Planning Policy Team have already undertaken an individual site assessment of those sites within Plymtree that were put forward as part of the SHLAA, one of which includes this particular site. Whilst officers within the Western Team have raised concerns about the possible visual impact of any residential development on the site as a result of its elevated position above the village and because it would reduce the sense of separation between Norman's Green and the village, the applicant's agent refers to the fact that some of the principles in terms of the site by site assessment should not be considered to be unsound and that the landscape comments raised by officers over this application appear to be contrary to the judgement ultimately made which was that the site was suitable for allocation.

Whilst this point is understood, it is important to acknowledge that the site assessments that were being undertaken at the time for the village, were as a result of a policy position whereby the Council were planning to allocate additional housing for the village and therefore it is reasonable to suggest that the site was considered to be the most appropriate in terms of its sensitivity to change; a) in comparison to other sites that had been put forward and, b) because a site had to be chosen to accommodate the houses proposed within Strategy 27. However, in light of the examining Inspector's letter on the draft local plan and the concerns expressed that the figures in the draft plan were not based on an assessment of the ability of individual settlements to accommodate growth, and that the application of a 5% minimum growth across all of the villages was too general to be applied on a blanket basis across the district, it is considered that the policy position has changed once again. Therefore it is considered to be a reasonable approach to re-appraise the site in terms of its sensitivity to landscape change and the impact that residential development within it is likely to have on the character and appearance of the area.

One of the core planning principles of the NPPF is to 'recognise the intrinsic character and beauty of the countryside'. These principles generally accord with Policy S5 (Countryside Protection) of the Local Plan. Whilst the site is an reasonably

attractive area of countryside and currently provides a visual break between the village and Norman's Green, it is closely related to the edge of the settlement and in this respect the proposal would be reasonably well related to existing development and in particular Pencepool Orchard, an estate of houses to the south of the site. Additionally, a sense of separation between Normans Green would be maintained as there would be an open area of land kept between them.

Whilst development on this site would have a degree of impact on the landscape, it is considered that this would be very localised and really limited to views along the public highway in between Plymtree and Norman's Green. The development would not be seen as resulting in significant incursion into the open countryside because of its relationship to the village and the localised impact it would have on the landscape, particularly bearing in mind the Council's lack of a 5-year supply of housing.

Whilst the site layout plan that has been submitted is indicative, it does demonstrate that the site is of a size that could accommodate up to 15 dwellings without appearing unduly cramped or restricted. The creation of a new vehicular access, associated visibility splays and the provision of a pedestrian route between Plymtree and Normans Green would result in the removal of a section of hedgerow either side of the entrance and the provision of a shared surface road with verges would inevitably result in additional impact and urbanisation of the rural lane. The proposal does however propose the translocation of the hedgerow along the boundary and additional landscaping of the site which would soften the impact of the development to a degree.

It is important to note that the site is not subject to any national or local landscape designations and whilst development sites on land at the edge of villages are usually more sensitive in terms of their landscape impact, in this case, it is not considered that the visual impact would be significantly harmful to the rural landscape in terms of wider public views and in terms of the character and appearance of the area to sustain an objection at a time when the Council cannot demonstrate a 5-year supply of housing land.

The application is accompanied by a Design and Access statement which attempts to demonstrate that there is potential at detailed design stage to create a rural farm courtyard aesthetic to give the development local distinctiveness and to ensure that it is appropriate to its rural setting on the edge of the village. It is encouraging to note that the general design approach seeks to be sensitive to the outer edge of the settlement which would be required in this case to minimise its visual impact.

Residential Amenity:

The indicative layout clearly demonstrates that the site can accommodate up to 15 dwellings whilst forming an acceptable relationship in planning terms with existing properties. The development would be sufficiently distanced from the properties on Pencepool Orchard so as not to have a significant physical impact in terms of being overbearing or over dominant or through loss of light. Whilst the outlook from first floor windows of these properties would change, it is not considered that it would be to a degree that would result in significant harm to the amenities of the occupiers of these properties.

Likewise, development on the site would be sufficiently distanced from residential properties on the opposite side of the road as would the nearest properties in Norman's Green. Whilst the site layout is indicative, it is considered that the development could in principle meet one of the key planning principles within the NPPF by seeking a good standard of amenity for all existing and future occupiers of land and buildings. Further attention could be given to the position of dwellings on the site and position of windows at reserved matters stage.

The greatest impact on the occupiers of surrounding properties would arise from increased activity and during construction on site. If considered to be acceptable, it would be reasonable to impose a condition requiring the submission of a Construction Environmental Management Plan to ensure the impact of construction would be minimised through controlling working hours, delivery times, dust suppression etc.

Heritage Assets:

The application includes a thorough assessment and identification of heritage assets within a wide study area surrounding the application site. The Council's Conservation Officer concurs with the methodology of this document and its conclusion relating to the potential impact upon heritage assets. Most notable within the immediate area is Pencepool Farm, grade II*. This listed building together with its associated grade II listed barn is separated from the site by the modern suburban development of Pencepool Orchard. There is some limited visual relationship between these heritage assets and the application site. The site is also situated to the south of Forge Cottage, grade II listed. This is some distance from the site with no visual relationship.

It is not considered that the principle of development on this site would have an adverse impact on the setting of Forge Cottage as there is no visual relationship. The impact of existing modern development to the north of Pencepool Farm is quite evident. The principle of development of the application site would increase the amount of suburban streetscene by approximately 100%, although it is conceded that the north end of the site would retain a 'softer' boundary with the lane. While it would be regrettable to lose a further area of countryside which contributes to the character of the area and ultimately the setting of listed buildings, the degree of harm would not be considered to be substantial. English Heritage were consulted on the application and did not wish to comment. The impact upon the setting of heritage assets would not therefore be sufficient enough to resist the application solely on conservation grounds.

Highway Safety:

A single point of access is proposed from the County Highway (C 212) which is the main road through the village of Plymtree, between the current built up areas of the village centre and area known as Norman's Green, which is centred approximately half a kilometre to the north.

Devon County Highway Authority have considered the application and originally raised concerns that the access appeared to be in the form of a build out on the County Highway (C 212) and that this may reduce the available width of the highway to an unacceptable standard. There were also concerns about likely speed limits along the road and that the 30 mph may not be adhered to by vehicles travelling in a southerly direction past the proposed site access.

The CHA received further details of the proposed access which shows there is not any road narrowing proposed. Information in the form of recent traffic speed data taken at the proposed access point that was submitted which confirms that the proposed visibility splays of 2.4m by 43m in both directions are adequate for the speed of traffic. No objections have been raised to the access by the CHA and therefore it is not considered that the development would give rise to highway safety concerns.

Ecological Impact:

The application is accompanied by a preliminary ecological appraisal prepared by Sunflower International which has assessed the site for the presence of birds, bats, dormice, badgers, and reptiles. The report concludes that the pastures within the site have a very limited ecological value and that no further survey work is therefore required. It is not considered that the development would have a significant impact on species protected by the Wildlife and Countryside Act. A series of recommendations are put forward in the report which would improve biodiversity and could be conditioned as part of any approval.

Arboricultural Impact:

There is one semi-mature Oak tree in the hedgerow that runs along the eastern side of the site. The application is not accompanied by an Arboricultural survey and therefore its condition and the extent of the root protection area of this tree is unknown. However, the tree is considered to be a constraint to development and at detailed design stage, it would be expected that the layout of the housing scheme would be designed so as to retain the Oak tree.

Archaeological Impact:

The application has been considered by the County Archaeologist who has advised that the proposed development lies in an area where little in the way of formal archaeological work has been undertaken, but where prehistoric activity is recorded in the County Historic Environment Record in the wider landscape. The topography of the site is likely to have been attractive to early settlement and there is potential for groundworks associated with the development to expose archaeological and artefactual deposits that may be present across the site. For this reason and in accordance with paragraph 141 of the National Planning Policy Framework a condition is recommended for the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved by the Planning Authority prior to commencement of development.

Flood Risk and Drainage:

Concerns regarding surface water run-off from the development and local flooding in the area have been raised by residents and the Parish Council. The site lies within an area designated as Flood Zone 1 - an area least at risk from flooding from fluvial or tidal sources. The applicant's drainage consultants have prepared a report which has concluded that the ground has low permeability and is not favourable for the adoption of on-site soakaway drainage. To resolve this issue surface water attenuation for a 1 in 100 year storm event is proposed in the form of an attenuation basin which would be located off-site in a field on the opposite side of the road.

The Environment Agency have informally considered the drainage strategy and whilst they have confirmed that they are unable to confirm that the drainage scheme is satisfactory because there is insufficient detail within the report in respect of background calculations about how the respective discharge rates from the site have been derived. The EA has however advised that the drainage scheme as shown on drawing no 4067/001 does appear to be acceptable in principle. It is considered that a condition could reasonably be imposed requiring the submission of a full flood risk assessment and the results of percolation tests along with a drainage strategy to reflect these results. This would reflect whether an on-site SUDs scheme is appropriate or whether mitigation should be provided off-site. It is considered that agreement of an appropriate drainage scheme would ensure that the development would not give rise to a significant increase in surface water flooding on the basis that Greenfield rates can be achieved.

Contributions and Obligations:

The Planning Statement supporting the application details the applicants' agreement to the provision of contributions towards Education, Open Space, 40% affordable Housing and to secure the provision of a pedestrian access to Normans Green (across the adjoining field to the north). These contributions/obligations are necessary to mitigate the impact from the development in accordance with the relevant local plan policies.

The contribution amounts would be as follows based on a development of 6 no 2 bed dwellings, 4 no 3 bed dwellings, 3 no 4/6 bed dwellings.

Devon County Council have advised that there is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. They are however seeking a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £41,042 (based on the current DfE extension rate for Devon) which would be used to provide education facilities for those living in the development.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Cullompton Community College. The costs required are as follows:

3.00 secondary pupils £78.00 per day x 190 academic days x 5 years = £74,100

Open Space (Allotments, Amenity Open Space, Parks and Recreation, Youth Play Space, and Natural and Semi-Green space): £19,692.60

In terms of affordable housing provision, 40% (6 of the 15 dwellings) would be affordable anticipated at a tenure split of %70 affordable rented and 30% intermediate dwellings.

As there is no Section 106 Agreement securing the necessary contributions to mitigate the impact from the development, this forms a reason for refusal of planning permission.

RECOMMENDATION

REFUSE:

1. The proposed development by reason of the location of the site, lack of services within Plymtree, and where access to wider services is likely to require travel by private vehicle, is considered to be in an unsustainable location and fails to accord with the definition of sustainable development found within the NPPF with the adverse impacts of this development significantly and demonstrably outweighing the benefits when assessed against the policies within the Framework as a whole. As such the proposed development would be contrary to Policy TA1 (Accessibility of New Development) of the East Devon Local Plan and TC2 (Accessibility of New Development) of the emerging East Devon Local Plan) and the guidance in the NPPF.
2. The application fails to mitigate its impact through the provision of contributions towards secondary school infrastructure and transport costs, Open Space and securing through legal agreement the provision of on-site Affordable Housing. As such the application is contrary to Policies RE3 (Open Space Provision in New Housing Developments), H4 (Affordable Housing); S7 (Infrastructure Related to New Development) of the Adopted East Devon Local Plan, Strategy 34 (District Wide Affordable Housing Provision Targets), Strategy 43 (Open Space Standards) and Strategy 50 (Infrastructure Delivery) of the Emerging New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant listed building concerns have been appropriately resolved.

Plans relating to this application:

140602 L01 01 B	Location Plan	24.11.14
140602 L 02 01	Other Plans	24.11.14
	Planning Support Statement	24.11.14
	Design and Access Statement	24.11.14
	Ecological Assessment	24.11.14
HIGHWAYS	Transport Statement	24.11.14
4067 REV A	Other Plans	24.11.14
GEOTECHNICAL + CONTAMINATION	General Correspondence	24.11.14
HISTORIC ENVIRONMENT	General Correspondence	24.11.14
STATEMENT	General Correspondence	24.11.14
SOAKAWAY TEST REPORT	General Correspondence	24.11.14
4067/001 REV C	Other Plans	24.11.14
SPEED SURVEY	Additional Information	03.02.15

List of Background Papers

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

Ward Woodbury And Lymstone

Reference 14/2517/FUL

Applicant Mr & Mrs J & S A Wood

Location Tadpoles Longmeadow Road
Lymstone Exmouth EX8 5LF

Proposal Construction of 2 storey dwelling,
carport and creation of new access
(Revised Scheme to 14/1131/OUT)



RECOMMENDATION: Approval with conditions



		Committee Date: 31 March 2015
Woodbury And Lympstone (LYMPSTONE)	14/2517/FUL	Target Date: 23.12.2014
Applicant:	Mr & Mrs J & S A Wood	
Location:	Tadpoles Longmeadow Road	
Proposal:	Construction of 2 storey dwelling, carport and creation of new access (Revised Scheme to 14/1131/OUT)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the view of one of the Ward members is contrary to the Officers recommendation.

The site is currently a side garden to a semi-detached bungalow that lies within the eastern side of the village adjacent to, but outside of, the proposed extension to Lympstone Conservation Area. The site benefits from outline planning permission for the construction of a bungalow and the application seeks full planning permission for a contemporary styled two storey dwelling.

The site lies within the built-up area boundary for Lympstone close to a range of services and facilities and the Lympstone Neighbourhood Plan supports development within gardens as 'windfall' sites. The site is within Flood Zone 3 but benefits from consent for a bungalow. Given this, and subject to the development being carried out in accordance with the FRA that has been agreed with the Environment Agency, the principle of development is considered acceptable.

Access is proposed off Longmeadow Road from an almost full width entrance and subject to a condition to require the submission of landscaping and boundary treatment to ensure adequate visibility, the access is considered to be acceptable.

The application proposes a contemporary design of dwelling that is considered acceptable given the varied character and design of dwellings in the immediate area and the relationship to surrounding dwellings is considered to be acceptable subject to conditions and following the removal of a rear balcony from the proposal.

Finally, concerns have been raised regarding the suitability/capacity of the sewer network to serve an additional property but South West Water have been made aware of the concerns and have not raised an objection to the proposal in response.

CONSULTATIONS

Local Consultations

Parish/Town Council

20.11.15 - OBJECT on the grounds that:

The proposed dwelling is too large for the plot (overdevelopment)

The proposed design, including the car port and balcony, and materials are out of keeping with properties in the area and do not comply with the Lympstone Village Design Statement.

The location of the property within the plot and the balcony to the rear will cause loss of privacy to neighbouring properties.

22.01.15 Further comments - [OBJECT] We feel this new dwelling will be over development of this site and the original idea of a bungalow will be more in keeping with the street scene and will comply with the village design statement , we also feel that the car port at the front of the dwelling is detrimental to the street scene further more this new application seems to be squeezed into the available space. As a green space is being lost to what we consider an overly large dwelling will this effect rain water run off and flooding. We would also like the fact that the balcony having now been removed should remain so for the future should permission be granted .

Woodbury & Lympstone - B Ingham

02.01.15 and 09.01.15 Recommend approval.

Woodbury & Lympstone – D Atkins

12.02.15 – I am totally apposed to this development in its present form, I fully support the Parish Councils observations, furthermore, the SWW are in constant contact by a neighbour who continually has sewage coming into his property because the sewer cannot cope, in terms of excessive rainfall, as it is a combined sewer. I would wish the matter goes to the dmc for consideration. I therefore reserve my position.

Technical Consultations

County Highway Authority

Highways Standing Advice

Environment Agency

21.11.15 Environment Agency Position:

We object to this proposal on flood risk grounds.

Advice to LPA/Applicant

The site falls within flood zone 3. The Local Planning Authority would be expected to demonstrate that the Sequential Test is passed before any further consideration is given to progressing the development.

The submitted flood risk assessment (Paul Humphrey Architects, 15/10/14) does not provide sufficient detail to demonstrate that the development site falls within flood zone 3a and not 3b and, at this stage, the Environment Agency would recommend refusal owing to the 'more vulnerable' nature of the development.

Any revision to the flood risk assessment should include reference to specific levels, including 100-year flood levels influenced by the impacts of climate change, and how these relate to the finished floor level to make the development safe. The change in the development to a double storey house is supported, as the second storey can provide safe refuge in the event of a flood, although consideration needs to be given to safe access and egress routes in the event of a flood. The intention to dispose of surface water through the appropriate application of sustainable drainage systems is supported and we would promote the use of formpave for hard standing areas. The 'Main River' designation of the Wotton Brook adjoining the southern boundary of the site dictates that a 7m development free margin should be maintained along the watercourse and we recommend that permitted development rights for the landowner are removed from this area.

Some concern is raised that there does not appear to have been any Environment Agency input into the granting of outline planning permission for the site in April 2014 (EDDC ref. 14/ 1131/OUT).

Please note that notwithstanding our following comments on the applicant's flood risk assessment, we will expect to see that the Sequential Test (and Exception Test if required) has been applied in accordance with the National Planning Policy Framework paragraph 102 - 103.

28.01.15 Further comments

Providing development proceeds in accordance with the Clarkebond FRA (ref. WE0740/FRA, December 2010) we raise no objections to this proposal.

Advice to LPA

We remind you that, as our response of 21 November 2014 indicated that you would be expected to demonstrate that the Sequential Test as laid out in the NPPF, is passed before any further consideration is given to determining this proposal.

South West Water

The impact of a foul only discharge to the public sewer in Longmeadow Road would be negligible and would not be opposed as capacity under normal operating conditions is available.

Having investigated the concerns raised these relate to operational issues experienced in extreme weather events beyond those sewers are designed to normally operate under and which are currently being investigated with a view to resolving the problem which would not be exacerbated by the addition of this single dwelling.

Other Representations

3 letters of objection have been received raising concerns which can be summarised as follows:

A two storey building is too big for the plot, would be out of proportion, its appearance would be out of character, there are drainage problems in the area, and the proposal would lead to loss of amenity through loss of light to windows and doors, and overlooking from a proposed balcony.

4 letters of support have been received supporting the principle of the development and the modern design of the dwelling.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

EN10 (Preservation and Enhancement of Conservation Areas)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 8 (Development in Green Wedges)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

S6 (Development in Green Wedges)

EN11 (Preservation and Enhancement of Conservation Areas)

H3 (Range and Mix of New Housing Development)

RE3 (Open Space Provision in New Housing Developments)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

The site lies within the eastern side of the village, within the built-up area boundary and adjacent to, but outside of, the proposed extension to Lymphstone Conservation Area.

The area is characterised by residential properties facing onto the road with occasional properties further behind; properties being a mixture of bungalows - to the west and opposite - and two storey dwellings in semi-detached and terraced format to the east. Specifically to the site there is a bungalow to the west and a two storey semi-detached dwelling to the east. To the rear the Wotton Brook is located with the area further to the south included within the local green wedge designation.

The site currently forms the side garden of a semi-detached bungalow.

RELEVANT PLANNING HISTORY

Outline approval (14/1131/OUT) was granted in July 2014 for the construction of a new dwelling with access and layout being approved. This included indicative plans showing a 2 bedroom bungalow.

PROPOSED DEVELOPMENT

Notwithstanding the previous outline permission the application is submitted in full format for the construction of a contemporary styled two storey dwelling and provision of access from Longmeadow Road with parking and carport to the front.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle and policy context;
- Highway and access considerations;
- Design and materials;
- Amenity of neighbouring properties;

PRINCIPLE AND POLICY CONTEXT

The site lies within the built-up area boundary for Lymptstone and whilst the services Lymptstone retains are at some distance from the site to the west, these do include convenience shopping, public houses and a train station plus a number of other smaller premises such as hairdresser and post office. The village is also served by a regular bus service, and has a school and medical surgery. As such it is considered the site is in an accessible location for new development of this scale.

The Lymptstone Neighbourhood Plan (LNP) is now out for referendum with a vote due at the end of March 2015. Regard must be had to the LNP in considering this application and the LNP does not allocate the site for development.

Whilst the current application site is not identified for housing in the Lymptstone Neighbourhood Plan, the provision of a single dwelling within the BUAB will not undermine the approach to housing and the LNP confirms in its housing chapter that it only allocates sites for 5 or more dwellings and that development within existing gardens will still come forward as 'windfall' sites. Given this, it is considered that the proposal will be in general conformity with the housing strategy set out in the LNP.

Finally, with regard to the principle of development, the site lies within Flood Zone 3 where residential development is usually resisted unless the sequential test is passed. The circumstances here are that the principle of development has already been accepted by the Council approving the previous outline application in 2014 on which no objection was received from the Environment Agency.

The Environment Agency originally objected to the current application but on receipt of the enhanced Flood Risk Assessment and Drainage Strategy has advised that it has no objection provided the recommendations of the FRA are incorporated into any development. The Environment Agency has also confirmed their preference for a two-storey dwelling on the site rather than a bungalow as this provides areas of safety away from any rising water.

The Environment Agency has advised that the Local Planning Authority must satisfy itself that the Sequential Test is passed for this application. However, given that the site benefits from outline consent, and there are clear benefits from providing a two-storey dwelling over a bungalow, it is considered that a refusal of planning permission could not be justified on the grounds of flood risk.

In terms of increasing flood risk to neighbouring properties the FRA advises that given the small size of the site in relation to the overall extent of the flood zone that the proposal would not lead to a significant loss of flood storage.

Any approval should be conditional on development being carried out in full accordance with the submitted enhanced flood risk assessment and drainage strategy.

In light of the above, there are no objections to the principle of the development.

HIGHWAY AND ACCESS CONSIDERATIONS

Access is proposed off Longmeadow Road from an almost full width entrance. The County Highway Authority has advised that standing advice should be applied to this application, the proposal falling below 3 homes.

Whilst it will not be possible for a vehicle to enter and leave the site in a forward gear, subject to a condition to ensure any planting or boundary treatment to the road frontage is kept below 600mm above ground level, a reasonable level of visibility could be obtained in both directions. Vehicle speeds along this section of the lane are relatively low given the propensity for vehicles to be parked along one side, and therefore whilst vehicles will not be able to turn within the site, given that there are similar arrangements close by it is not thought this would make the scheme unacceptable in highways safety terms.

DESIGN AND MATERIALS / CHARACTER OF THE AREA

This part of Longmeadow Road is dominated by more recent post-war development including several bungalows adjacent to the site. Rogues Roost which is Listed Grade II sits to the north west of the site on the opposite side of the road. The proposed extension to Lymptone Conservation Area runs along the south side of Longmeadow Road, but does not include the site or any other property between Longbrook and Two Trees.

The impact on the proposed Conservation Area and the listed building will be minimal in this already developed and built up area.

The proposal has been changed from the originally submitted format of two gables facing onto the road to a single gable orientated north / south. The footprint of the proposal is not dissimilar to the approved indicative scheme in outline format and the proposal is not considered to appear cramped on the site.

Whilst the proposal is two storeys, given the shallow pitched roofs to either side of the gable it is considered this would be appropriate and would not lead to over development of the site as there would be sufficient space maintained at roof height to both neighbouring buildings on either side. The roof height is considered to make a suitable transition between the adjoining bungalows and two storey dwellings.

It is acknowledged that the appearance of the proposal is different to other homes in this part of the village with the use of timber cladding above white render and gable facing the road. However the proposal is considered to be interesting, and taking into account the position between the two existing buildings on either side it is not considered that it would be overtly harmful to the character of the street.

In terms of the car port, whilst this would be visible proud of the existing buildings, the wall at the front is reduced in height for the first part and little would be highly obvious in the street.

The amount of cladding has been reduced from the original plans with render now proposed to ground floor ceiling height, and this together with the simple single gable

arrangement has reduced the impact of the new building when compared to the existing properties alongside. Whilst the contrast in styles is apparent it is not considered the proposal is so out of character to be unacceptable or harmful to the character of the area such that permission could be withheld on this ground. It is considered that any approval should be conditional on materials to ensure an appropriate finish.

Whilst acknowledging that the Neighbourhood Plan is now out at referendum stage and includes Objectives and Policies related to design, it is not considered the proposal would be significantly at odds with the objectives of this plan or Local Plan Policy D1.

LNP states that 'New Buildings should be of an individual design that respects the local character. There is room for imaginative new design sympathetic to the traditional buildings of Lympstone'. The application is considered to comply with this and given that the immediate area surrounding the site is characterised by a range of property styles and designs, on balance it is considered that the design of the proposal is acceptable in this part of Lympstone.

AMENITY OF NEIGHBOURING PROPERTIES

There have been some changes to the proposal since the first set of plans, not least changes to the format including the removal of a proposed first floor balcony at the rear.

Addressing each of the neighbouring properties in turn, the site for the new dwelling lies to the immediate west of Penlee which has a garage at the front adjacent to the boundary, but no windows within the main gable end. There is a window at ground floor level facing towards the site further towards the rear within an extension and Penlee also has a rear (south facing) door adjacent to the boundary alongside the rear extension and a rear facing window at first floor level. Whilst the proposal would overlap the original rear building line of Penlee, the southernmost section of the new dwelling is single storey, and this in addition to the roof format of the nearest first floor part whereby the gables are proposed in a north / south alignment, would result in an acceptable relationship in terms of outlook from the first floor window.

There would be some impact to the obscure glazed window and rear ground floor entrance to Penlee but the affect is considered to be acceptable given the window serves a utility room as opposed to main living accommodation.

In terms of other aspects of the relationship between the proposal and Penlee a window and door are shown at ground floor level with the proposal facing to the east. It is considered that whilst the corresponding window on Penlee is obscure glazed, the window and door serving the proposal should also be obscure glazed. This could be conditional on any approval. Whilst the car port to the front of the proposal also falls proud of the front building line of Penlee, the closest part of Penlee is a garage. Therefore whilst acknowledging this relationship it is not considered that this part of the proposal would be significantly harmful to the amenity of the occupants of the neighbouring property.

Turning to the bungalow to the west - Tadpoles - this has a window and door on the side facing the site. Whilst the outlook from these openings would be altered, a gap would remain between the proposal and this bungalow, and the main windows to the living accommodation face to the front and rear. As such it is not considered that the proposal would be harmful in terms of amenity to this dwelling.

In regard to the homes opposite, the nearest is slightly offset to the north east. Whilst windows of the proposal would face towards this home, there is a road in between and this would be a not dissimilar arrangement with existing homes facing each other across the road. There are no immediate dwellings to the south that the proposal would affect.

In summary, subject to conditions and following removal of the balcony, the proposal would not be significantly harmful to the amenity of neighbouring properties.

OTHER MATTERS

Concerns have been raised regarding the suitability/capacity of the sewer network to serve an additional property. These concerns have been raised with South West Water (SWW) who has advised that the impact from an additional property would be negligible. SWW are aware of historic problems in extreme weather but this would not be worsened by the addition of a single dwelling. Given the response from SWW, a refusal of permission on the grounds of any impact upon the existing sewer could not be justified.

The Environment Agency has requested that Permitted Development Rights be removed to prevent further extensions near the watercourse. Given the location of the site within a flood zone, it is considered reasonable to remove all permitted development rights for extension to enable any impact upon the flood zone to be fully assessed.

The site falls within 10km of both the Exe Estuary and Pebblebed Heaths. Natural England guidance is that an impact can be avoided if a contribution is made. To this effect the applicant has provided a Unilateral Undertaking which includes a contribution of £749.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. Development shall be carried out in full accordance with the Flood Risk Assessment and Drainage Strategy by Clarkbond received on the 6 January 2015.
(Reason - In the interests of reducing flood risk in accordance with guidance within the NPPF.)
4. The roof above the kitchen / diner / living room shall not be used as a balcony or terrace except in emergencies.
(Reason - To protect the amenity of neighbouring properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
5. Before the dwelling hereby permitted is occupied the window and door serving the kitchen on the east elevation on the ground floor shall have been glazed with obscure glass and the obscure glazing of these openings shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
6. The parking area and access shown on drawing no PO2 shall have been constructed and made available prior to the first use of the dwelling hereby approved and thereafter maintained for that purpose.
(Reason - To reflect the proposal applied for and in the interests of parking provision in accordance with Policy TA9 (Parking Provision in New Development) of the East Devon Local Plan.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme].
(Reason - The site is located within a Flood Zone and the impact from any further extensions needs careful assessment and consideration in accordance with the NPPF.)
8. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

9. 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 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 otherwise agreed in writing by the Local Planning Authority and 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 Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Your attention is drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance which is available on the EDDC website. The Code of Practice details the measures that the Council expects all works on construction sites to comply with to avoid excessive nuisance to residents. You should therefore ensure that all contractors on site are provided with a copy of this document and told to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

Development shall be carried out in accordance with the terms of the legal agreement submitted with the application.

Plans relating to this application:

T1	Location Plan	16.10.14
P01	Proposed Site Plan	06.01.15
P02	Proposed Combined Plans	06.01.15
P04	Proposed Elevation	06.01.15
P05	Proposed Elevation	06.01.15
P06	Proposed Elevation	06.01.15

P07	Proposed Elevation	06.01.15
P08	Sections	06.01.15
P03	Proposed Floor Plans	09.02.15

List of Background Papers

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

Report to: Development Management Committee



Date of Meeting: 31 March 2015

Public Document: Choose an item.

Exemption: None

Review date for release None

Agenda item: Chairman's urgent item

Subject: **Policy Update and addendum report on 5 year housing land supply and affordable housing requirements**

Purpose of report: This report is designed to update Members on some key changes in the Council's position which means that we can now demonstrate a 5 year housing land supply and that the affordable housing percentages incorporated in the emerging Local Plan should carry greater weight than those contained within the adopted Local Plan. These changes have arisen as a result of events since the original agenda for the meeting was published and therefore this report will also act as an addendum to the agenda updating the relevant sections of reports in the agenda.

Recommendation: **That Members consider the report and agree with the policy position set out in the report.**

Reason for recommendation: To ensure that Members make informed decision based on current information.

Officer: Ed Freeman – Service Lead Planning Strategy and Development Management

Financial implications: To follow

Legal implications: The fact that the Council can now demonstrate a 5 year land supply is significant in that policies which seek to restrict the supply of housing are no longer to be considered 'out of date' and therefore are a material consideration to be taken into account when determining applications. Of course without the SHMA figures being tested as part of the Local Plan process or ultimately accepted by the Local Plan Inspector, there remains the risk that they could be challenged on appeal with knock on effects in the event they are found to be flawed. However at this moment in time and having received the SHMA it is appropriate to rely on the figures as they represent the most up to date information on housing numbers that the Council has. The report gives more detail on the application of the relevant policies in light of now having a 5 year land supply. In respect of the Pinn Court appeal decision and affordable housing provision, clearly both the Inspector and the Secretary of State have concluded that Policy H4 is out of date and that Strategy 34 should be afforded considerable weight in the determination of planning applications. Whilst weight is ultimately a matter for the decision maker, it would be unwise for

Members to take a view contrary to that of the Secretary of State (and his Inspector) on the weight to be attached to Policy H4 and Strategy 34 in the absence of compelling reasoning.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

Link to Council Plan: [Living in/Working in/ Enjoying/Funding this Outstanding Place.](#)

Report in full

Introduction

Since the agenda for this Development Management Committee was drafted and published there have been a number of key changes in relation to the Council's policy position which need to be considered and impact on Members consideration of several of these applications. These changes arise primarily from updated information with regard to the Council's 5 year housing land supply position and also an appeal decision which has significant implications for the provision of affordable housing.

5 year housing land supply

Following publication of the new Strategic Housing Market Assessment on the 9th March 2015 the Council's housing monitoring figures have been updated to take account of the new needs assessment. This work has been summarised in the Housing Monitoring Update which is a background paper to the new Local Plan. The report indicates that the Council can now demonstrate a 5.45 land supply for housing including the required 20% buffer due to previous under supply. Clearly this is a significant step forward from the previous reported position of between 3.51 and 3.83 years. This change arises from the permissions that have been granted since March 2014 when this was the recorded position and also having the up to date SHMA as an accurate base line. Previous data had sought to include past under provision against our previous annual requirement, however these needs have now been reassessed and where they still exist they have been incorporated into the new SHMA needs.

It is worth noting that the figures do not include the proposed allocations in the new Local Plan since there is not sufficient certainty over their deliverability until the plan is adopted. Upon adoption of the plan the position will be in the region of 6 year supply thereby demonstrating a robust supply position moving forward.

The result of this change in position is that housing restraint policies that previously could not be afforded significant weight in the absence of a 5 year housing land supply can now be given full weight. As a result policies such as those in relation to Built up area boundaries (BUAB's) can now be given greater weight and developments that do not accord with these restraint policies can be resisted where other material considerations do not justify a departure from adopted policy.

Built-up Area Boundaries

Built-up area boundaries (BUAB) can now in-principle be given significant weight, however the extent of weight that can be given to any saved policy, in this case S3 depends on its compliance with the NPPF. Clearly the boundaries identified in the adopted Local Plan were identified prior to the NPPF and in the absence of a detailed assessment of the sustainability of individual settlements we had taken the view that they complied with the NPPF and attached full weight to them when we did have a 5 year land supply. Since that time additional work has been done in support of the new Local Plan that suggests that not all such settlements are sustainable for meeting wider development needs. In light of this work it is considered that the adopted BUAB's are only in accordance with the NPPF where they relate to the settlements identified in Strategy 27 of the emerging new Local Plan as these have been identified as sustainable settlements in accordance with the NPPF. Members have added Dunkeswell and Chardstock to the list of settlements in Strategy 27 recommended by officers and so for consistency these should also be considered as having a BUAB, although Members should note that there is a potential risk of challenge involved in taking this stance since the available evidence does not support retention of a BUAB at these settlements. The remaining settlements which are proposed to have the BUAB's removed should be considered as not having a BUAB because the boundary as defined in the adopted Local Plan is not in accordance with the NPPF.

It is however important that reference is made to Policy S3 (Built-up Area Boundaries for villages) of the adopted Local Plan rather than Strategy 27 of the new Local Plan. This is because Strategy 27 has been re-written in response to the local plan inspectors concerns and has not been out to consultation as yet. Therefore while the plan itself is at an advanced stage of preparation Strategy 27 itself is not and cannot be given significant weight at this time.

Affordable Housing

We have consistently applied Policy H4 of the adopted Local Plan and sought 40% affordable housing on schemes across the district since its adoption. We had previously taken the view that Strategy 34 within the new Local Plan could not be given significant weight until the plan was further advanced through the examination and adoption process. We have however received in the last few days a decision on appeal at Pinn Court Farm, Pinn Hill, Exeter which had been recovered by the Secretary of State which suggests that a different stance should now be taken.

The decision which was on a scheme for 430 dwellings, a local centre and care home, indicates that Policy H4 of the adopted Local Plan is out of date and can no longer carry significant weight. The inspector and the Secretary of State have both advised that Strategy 34 should be applied instead. The Secretary of State letter indicating that he is minded to approve the application subject to a revised section 106 agreement states that:

“the Secretary of State agrees with the Inspector's conclusions that Draft Strategy 34 of the ELP which proposes a 25% provision can be given a considerable degree of weight (IR148) and is to be preferred to LP Policy H4 which is out-of-date (IR150).”

The Inspectors report gives a more detailed reasoning:

“Policy H4 is out of date for the following reasons:

- It was not subject to any strategic viability testing;
- It was adopted prior to the Framework and consequently does not address the requirement in Paragraph 173 for competitive returns to a willing landowner.
- It is in any event aged, even when measured against the date of the saving letter issued in June 2009;
- The Council has failed to adopt any affordable housing supplementary planning document as Paragraph 5.36 of the supporting text to the policy indicates it would do;
- The weight to be given to Policy H4 must be extremely limited by reason of Strategy 34 in the ELP, which is acknowledged to be at an advanced stage and which is supported by detailed and un-criticised evidence. “

On the basis of these comments and the subsequent resolution of the Secretary of State that he is minded to allow the appeal on the basis of a 25% affordable housing provision target under Strategy 34 it is considered that Policy H4 should no longer be applied and that Strategy 34 should be used. This will mean that in future affordable housing requirements will be 25% in Axminster, Exmouth, Honiton, Ottery St Mary, Seaton and major strategic developments within the growth point. Elsewhere a 50% target requirement should be applied within built-up area boundaries. Outside of built-up area boundaries developments would need to be treated as exception sites where the interim affordable housing statement would apply a requirement for 66% affordable housing. This is on the basis that the Interim statement is in accordance with the NPPF which supports rural exception sites and even some market housing where this would facilitate the provision of significant affordable housing to meet local needs.

It should be noted that affordable housing provision remains subject to the thresholds recently set down in government guidance that means that affordable housing can only be sought on schemes above the following thresholds:

Location	Number of dwellings 1 - 5	Number of dwellings 6 - 10	Number of dwellings 11+
Exmouth, Honiton, Seaton and Sidmouth	No affordable housing	No affordable housing	Affordable housing (on site provision)
Rest of Devon ie Rural Area	No affordable housing	Affordable Housing (contribution only)	Affordable Housing (on site provision)



ADDENDUM REPORT
Updates on Agenda Items

Recent changes in the Council's policy position have altered some of the considerations in relation to applications on the agenda. The affected applications are listed below along with a brief commentary on the impact of the above mentioned changes on these proposals. A more detailed verbal update on each case will be provided to Members at the meeting.

14/2751/MOUT – Mosshayne – Land north of Tithebarn Lane, Clyst Honiton

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue.
- The presence of a 5 year housing land supply does not directly impact on this development with regard to the application of built-up area boundaries as this development was always outside of such boundaries. While the absence of a 5 year housing land supply was considered to weigh in the developments favour the site has been agreed for allocation as a housing site within revisions to the emerging new Local Plan. The Council has therefore accepted it as an appropriate and sustainable housing site.
- The applicants had agreed to a 40% level of affordable housing provision subject to the outcome of the Pinn Court Farm appeal decision and viability testing. The appropriate level of affordable housing provision based on the Pinn Court Farm decision would now be 25% for this development, however this will still be subject to viability testing.

14/2591/FUL – Three Horse Shoes Inn, Branscombe

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue. The previous absence of a 5 year housing land supply had weighed in favour of this development and clearly this would no longer be the case. Reason for refusal 1 in the recommendation is therefore amended to read:

The proposed development of two additional dwellings over and above those which would occupy the existing footprint of the public house (which on balance are considered acceptable providing benefits that would outweigh the unsustainable location) within a location that has limited facilities and services to support growth, limited access to public transport and fails to accord with the definition of sustainable development, specifically the environmental role, found within the National Planning Policy Framework. As such, the proposed development is considered contrary to the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan, Policies STGY7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the emerging new East Devon Local Plan and the guidance in the National Planning Policy Framework.

15/0131/MOUT – Land adjacent Peace Memorial Playing Fields, Colyton

- This item has been withdrawn from the agenda to allow officers to reconsider the application in light of the changes outlined in this report.

14/1901/MFUL – Branscombe Farm, Ebford Lane, Ebford

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue.
- It is not proposed to retain a built up area boundary around Ebford in the new Local Plan because the evidence suggests that it is not a sufficiently sustainable location to meet wider housing needs and the emphasis is placed on meeting local affordable housing needs within the settlement. It is therefore considered that while the site lies within the built-up area boundary defined by Policy S3 of the adopted Local Plan this particular boundary is not in accordance with the guidance of the NPPF and as such cannot carry significant weight.
- In the absence of a built-up area boundary or a primary school the site could not come forward in accordance with the Interim Mixed Affordable and Market Housing Statement and therefore the only applicable affordable housing level would be 50% under Strategy 34 of the new Local Plan albeit that this should only apply to development within BUAB's and as a result the scheme cannot comply with this policy.
- Reasons for refusal to be amended to make reference to the proposal being contrary to Policy S5 (Countryside Protection) by virtue of being outside of a Built-up area boundary.

13/1091/MOUT – Land North of Rowan Drive, Seaton

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue.
- The applicants had previously agreed to provide 40% affordable housing on this site should permission be granted, however the relevant level would now be only 25% under Strategy 34 of the new Local Plan. It is therefore considered that we are unable to secure a higher level of provision than 25% for this site. It should be noted that this level has been set based on viability testing carried out in support of the Local Plan which suggests that a higher level of affordable housing provision would not be viable.

14/2633/MOUT – Land to west of Marles Close, Awliscombe

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue.
- It is not proposed to retain a built up area boundary around Awliscombe in the new Local Plan because the evidence suggests that it is not a sufficiently sustainable location to meet wider housing needs and the emphasis is placed on meeting local affordable housing needs within the settlement. The site does not lie within the former built-up area boundary, however the changing status of the village is material to the sustainability credentials of the proposed development.
- The applicants have offered 50% affordable housing however the scheme could only now come forward in accordance with policy as a mixed market and affordable housing scheme under the interim position statement on the basis that while there is no BUAB the statement does allow for schemes to come forward in settlements with a primary school. As a result in order to be policy compliant the scheme would need to provide 66% of the units as affordable housing. This is the stance already taken in the report and as a result officers remain of the view that the affordable housing benefits of the scheme would not outweigh the harm of such an unsustainable development in this location.

14/1157/MFUL – Land north of Greenways, Greenway Lane, Awliscombe

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue.
- It is not proposed to retain a built up area boundary around Awliscombe in the new Local Plan because the evidence suggests that it is not a sufficiently sustainable location to meet wider housing needs and the emphasis is placed on meeting local affordable housing needs within the settlement. The site does not lie within the former built-up area boundary, however the changing status of the village is material to the sustainability credentials of the proposed development.
- The applicants have offered 47% affordable housing however the scheme could only now come forward in accordance with policy as a mixed market and affordable housing scheme under the interim position statement on the basis that while there is no BUAB the statement does allow for schemes to come forward in settlements with a primary school. As a result in order to be policy compliant the scheme would need to provide 66% of the units as affordable housing. This is the stance already taken in the report and as a result officers remain of the view that the affordable housing benefits of the scheme would not outweigh the harm of such an unsustainable development in this location and the harm to the Blackdown Hills AONB.

14/2771/MOUT – Land south of Pencepool House, Plymtree

- The comments within the report in relation to 5 year housing land supply are now out of date and are superseded by the comments earlier in this report on this issue.
- It is not proposed to retain a built up area boundary around Plymtree in the new Local Plan because the evidence suggests that it is not a sufficiently sustainable location to meet wider housing needs and the emphasis is placed on meeting local affordable housing needs within the settlement. The site does not lie within the former built-up area boundary, however the changing status of the village is material to the sustainability credentials of the proposed development.
- The applicants have offered 40% affordable housing however the scheme could only now come forward in accordance with policy as a mixed market and affordable housing scheme under the interim position statement on the basis that while there is no BUAB the statement does allow for schemes to come forward in settlements with a primary school. As a result in order to be policy compliant the scheme would need to provide 66% of the units as affordable housing. Officers remain of the view that the affordable housing benefits of the scheme would not outweigh the harm of such an unsustainable development in this location.
- Reasons for refusal to be amended to make reference to the proposal being contrary to Policy S5 (Countryside Protection) by virtue of being outside of a Built-up area boundary.