

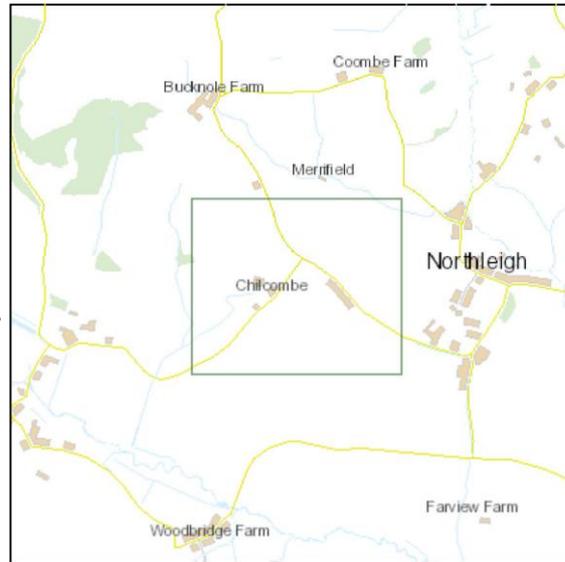
Ward Coly Valley

Reference 20/1234/FUL

Applicant Mr W Rich

Location Land South Of Chilcombe Cross
Northleigh

Proposal Proposed residential
development comprising 6 no.
affordable dwellings and
associated works.



RECOMMENDATION: APPROVE subject to conditions and completion of a S.106 legal agreement



		Committee Date: 2nd December 2020
Coly Valley (Northleigh)	20/1234/FUL	Target Date: 01.09.2020
Applicant:	Mr W Rich	
Location:	Land South Of Chilcombe Cross Northleigh	
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EXECUTIVE SUMMARY

The application is before committee as the proposed development represents a departure from the policies of the Local Plan. There is no Neighbourhood Plan covering the area.

The site is located in open countryside and whilst there is some existing residential development just to the south east of the site, the site is separated from the main built form of Northleigh. Neither Northleigh nor either of the other settlements within the parish group (Southleigh or Farway) have a defined built-up area boundary, nor do they have the level of services necessary for them to meet the requirements of Strategy 35 of the Local Plan. This being the case the proposal is not supported by any explicit policies of the Local Plan, as required by Strategy 7. However, Strategy 27 of the Local Plan does make reference to other means of promoting community led development, including through establishing Community Land Trusts.

The application is promoted by the Upper Coly Valley Community Land Trust and follows a site search selection process to identify a suitable site to deliver against an established affordable housing need within the parish group and which the Local Plan otherwise makes no provision for meeting. The application would provide 6 no. affordable housing units to meet this need and this is considered to weigh strongly in favour of the scheme.

On the other hand the site's location within the East Devon AONB and in a location where future residents are likely to be heavily reliant on private transport to meet most of their everyday needs weighs strongly against the proposal in terms of accessibility.

In landscape terms, given the open nature of the site, the proposal is likely to result in some landscape and visual harm even though the proposal includes extensive landscaping proposals such that this harm would reduce over time as planting establishes.

In other respects the development would require contaminated land on the site, resulting from its former landfill use, to be appropriately dealt with and for drainage to be appropriately managed. These matters could be dealt with by condition, as could details relating to the landscaping and ecological management of the site and design details/materials. In the event of an approval the affordable housing and management of onsite open space could be secured by a s.106 agreement.

This is an unusual situation as in most circumstances at least one of the settlements with a group of parishes would have the necessary services for consideration under Strategy 35 of the Local Plan but that this is not the case here. It is therefore with this in mind and very much on balance that the benefits of the proposal in delivering the affordable housing needs of the grouped parishes, that would otherwise go unmet, are considered to outweigh the identified environmental impacts of the scheme.

CONSULTATIONS

Local Consultations

Clerk To Northleigh Parish Council

The Northleigh Parish council have discussed the application and councillors have no objections to the proposal.

(Chairman Willy Rich refrained from comments after declaring an interest.)

Cllr P Arnott – Coly Valley Ward – Ward Member

I wish to support this necessary and well-considered scheme for much-needed affordable homes. The Coly Valley has some villages which - although remote from larger settlements and lacking some infrastructure available in these places - do need such housing as desperately as elsewhere. Northleigh and the Upper Coly Valley are just such locations, and I applaud the work of the community land trust in bringing this plan forward.

Cllr H Parr - Coly Valley Ward – Ward Member

Thank you for this draft report- I support this application and agree with the recommendation.

The scheme is put forward by the CLT and is for affordable housing to rent. It has the support of the Housing Strategy Officer.

There are no objections to the scheme from the Parish Council, County Highways, or Environmental Health, subject to a Condition being applied, and the proposed replacement tree planting will in time mitigate landscape impacts.

The scheme will deliver much needed affordable housing to meet the established local housing need of the parishes of Farway, Northleigh and Southleigh, and could support Farway Primary School.

Technical Consultations

Devon County Highway Authority

Observations:

The application involves the creation of a secondary access, in addition to the existing access being moved slightly north-west.

Bucknole Road will remain a 30mph speed limit and though the visibility distance will be slightly short of our standard of 43m, however due to the geometry of the lane, I do not believe traffic speeds will reach 30mph.

The layout includes dedicated off-carriageway parking spaces, in addition for room to turn and re-enter the carriageway in a forward facing motion. This being the case for both the proposed dwellings and existing informal parking area.

The creation of these 6 dwellings will cause a slight increase in trip generation of traffic on the local highway network however I do not believe this will be detrimental to the local highway network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

Landscape Officer

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information. The application is similar to a previous recent application, reference 19/2391/FUL, which was withdrawn following consultee comments.

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals

The site is situated in open country at Chilcombe Cross to the northwest of Northleigh village. The proposals comprise the construction of six affordable dwellings, arranged as three semi-detached units, two double storey and one single storey, together with the creation of a new site access off the adjacent county road to the north and associated car parking and open space.

2.2 Site description and context

The site is a roughly triangular parcel of land extending to 0.57Ha bounded by Chilcombe Lane and Bucknole Hill Road, both of which are minor, narrow county roads to the northwestern and northeastern boundaries respectively.

To the east of the site is an informal car park beyond which is a line of prominently set former council homes known as Hillrise fronting Bucknole Hill Road. The site is currently used as rough grazing accessed via a bridle gate from the adjacent car park and is understood to previously have been used as a waste tip and more recently as a play area. Surrounding land-use is predominantly agricultural pasture land. The main village of Northleigh lies 420m to the east.

Boundaries comprise Devon hedgerows with a short section of post and rail fencing to the car park boundary. The site is situated on a low ridgeline at an altitude of approximately 112m AOD within surrounding undulating landform rising to high scarp ridges to the north, west and south. The site itself slopes moderately steeply to its southwest corner.

There are a number of trees on the site boundaries and a small tree group within the south west corner.

The site lies within the East Devon AONB. Warren Copse and Warren Hill County Wildlife Site is situated to the northwest of the site and Summerdown County Wildlife Site lies 900m to the north. There are no other conservation designations within or in close proximity to the site.

There is presently no formal public access within the site. A public footpath, Northleigh footpath 6, which forms part of the East Devon Way long distance footpath, lies 70m to the south. Northleigh footpath 5 is situated some 325m to the northeast.

Notwithstanding the existing buildings to the east of the site there are fine, medium/ long distance views from and over the site towards surrounding ridges.

Hedgerow along the road boundaries presently limits views into the site from adjoining roads but there are direct views into it from Northleigh footpath 6 to the south, from the road junction to the northwest, and from the parish council car park to the east. There are mid-distance views towards or over the site at a number of locations from the surrounding road and public rights of way network. There are also views over the site from the end house at Hillrise and from a number of outlying residential properties.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and visual impact assessment (LVIA) 3.1.1 Landscape impacts

Para. 16.3 states that there will be 25m of hedgerow loss to Bucknole Hill Road, however, allowing for the proposed enlargement of the existing car park entrance and associated visibility splay requirements for both entrances it is likely that a 70m stretch of hedgerow will need to be removed together with 6 hedgerow trees. This together with the creation of the new access will open up the site and views of the new dwellings and will have a high adverse impact on the character of this section of Bucknole Hill

Road initially, reducing to some degree in the medium/ long term as proposed replacement hedgerow planting and trees mature.

The landscape impact of the construction works and subsequent use of the site on surrounding tranquillity and landscape quality has not been considered in the assessment. This should have included assessment of the direct increase in vehicle noise and movements on surrounding narrow quiet lanes and the indirect effect of damage to verges and hedgerow from construction traffic.

3.1.2 Visual impacts

I accept the findings of the LVIA that generally in medium and long distance views to the site the visual impact of the proposed development is likely to be low or negligible. However in close range views around the site the visual impacts are likely to be higher than indicated particular for the following view points: VP1 east of the existing carpark entrance – The proposed loss of existing foreground trees and hedgerow coupled with a widening of the car park entrance will open up views to the site and the visual impact is therefore likely to be Medium to High rather than Medium. VP4 and VP5 from Footpath 6 (East Devon Way) in field to south of application site – In these views it will be possible to see all or most of plots 1-2 and most of plots 3-4 as well. The visual impact should be considered moderate/ high rather than low.

VP6 from Northleigh Footpath 6 – It is likely that the upper parts of plots 1-2 and possibly 3-4 will be visible and the visual impact should be considered low rather than negligible.

Additionally in views from Bucknole Hill Road the potential loss of Tree 3 to ash dieback should be anticipated in the short term and will further open up views of the development.

3.2 Layout 3.2.1 Changes from previous application

The proposed layout is largely unchanged from the previous application, the main changes being revised planting proposals, the relocation of the proposed sewage treatment plant and the inclusion of alterations to the access to the existing carpark on the eastern side of the site.

Amendments to the planting proposals are more appropriate to the rural setting of the site and therefore an improvement on the previous scheme.

There is a discrepancy between the Site Plan and Tree Plan which show three small trees close to the western site boundary to be removed and the Landscape Plan which shows them retained. As there seems to be no justification for their removal the Site Plan and Tree plan should be amended accordingly.

It is disappointing that there does not appear to have been a reconsideration of the proposed site entrance as suggested in my previous response. This is one of the largest landscape and visual impacts of the proposal entailing the loss of three trees and approximately 50m of hedgebank which, together with the widening of the existing car park entrance with additional tree loss, will result in a notable change in character

of Bucknole Hill Road adjacent to the site. The submitted highway visibility splay drawing indicates that a 2.4 x 38m visibility splay is attainable at each entrance and therefore the use of the improved existing car park entrance to serve the proposed development also should be acceptable to the highway authority. A possible alternative site layout showing how this could work in principle is indicated in figure 1 below. This is intended for illustrative purposes and there is scope to refine this to achieve a less formal layout than indicated.

The only constraint to the alternative layout is the proposed sewage treatment plant which may need to be relocated to the northwest of the parking bays to plot 1 or into the field to the south.

3.2.2 Garden boundaries

Boundaries dividing rear garden plots are proposed to be 1.8m high close board fence. As rear gardens will be clearly visible from Northleigh Public Footpath 6 (East Devon Way) to the south, high close board fences should be limited to privacy screens the length of proposed patio areas with remainder of the boundaries replaced with post and wire mesh and hedgerow.

3.2.3 Sheds and cycle storage Provision should be made for well designed, discretely positioned and secure sheds for storage of garden equipment and cycles for each plot which should be indicated on the layout drawings or alternatively a communal cycle store could be considered.

3.3 Drainage

3.3.1 Storm drainage

It is disappointing that given the available space on site a surface storage solution for storm water cannot be provided in the form a pond or swale which would provide biodiversity and amenity benefit rather than the proposed underground storage tank.

The proposed outflow from the storm water attenuation tank is run through fields to the south of the site and then to a road gully to the south west which then discharges to a watercourse to the west side of Chilcombe Road. This entails new pipework crossing three hedgelines and possibly the RPA of a mature tree (refer figure 2 below). The impacts of the drainage run on the tree and hedgerow does not appear to have been considered in the arboricultural report and further consideration of the drainage alignment is required to demonstrate that the tree and hedgerows will not be adversely affected. Any unavoidable intrusions into their RPAs would require production of a satisfactory arboricultural method statement.

In order to reduce mains water demand and help attenuate storm flows all dwellings should be provided with a water-butt in their rear gardens to collect roof run-off for garden watering.

4 CONCLUSIONS & RECOMMENDATIONS

4.1 Acceptability of proposals

It is accepted that impacts on the wider landscape and medium to long distance views from publicly accessible land are generally limited. However the proposed scheme is considered likely to give rise to localised moderate - high adverse landscape and visual effects.

The necessity of creating a new access on to the highway is questioned and the modification of the existing car park entrance appears to provide an alternative access that would significantly reduce the impacts of the development on the frontage of the site with Bucknole Hill Road.

In other respects the site layout and landscape design proposals are considered appropriate and subject to the LPA satisfying itself as to the genuine need for the development and receipt of satisfactory amendments and clarifications as noted at section 3 above the scheme could be considered acceptable in terms of landscape and visual impact and design.

4.2 Landscape conditions

In the event that amended information as noted above is secured and approval is recommended, the following conditions should be imposed:

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

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

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

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

d) Details of proposed external building and landscape materials and colour finishes.

e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009.

f) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed and means of protection/support together with a plant schedule indicating the form, size, numbers and density of proposed planting.

g) Soft landscape specification/ notes covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period.

h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures

shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2 The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

3 No development shall take place until a landscape management for a minimum period of 10 years has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of open space will be funded for the life of the development.
- Inspection and management arrangements for existing and proposed trees and hedgerows.
- Management and maintenance of grass areas.
- Management and enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas. Maintenance shall be carried out in accordance with the approved plan.

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

EDDC Trees

Although I have no objection in principle to the development I do have concerns on arboricultural grounds on the drainage and tree loss.

- there appears to be no arboricultural survey/TPP/AMS to justify healthy tree loss yet te retention of poorer trees
- the landscaping plan is not acceptabel on the replanting and proximity of the trees or the location of specific species.
- The trees on site are now protected by means of Tree Protection Order 20/0043/TPO.

Further comments:

I have read the tree report the tree report which only seems to identify the trees to be retained and not the whole site, which are again the poorer short lived trees, the proposal has not taken into account my previous comments, the landscaping scheme does not tally with the tree survey and even if the scheme was acceptable has planted trees too close and even within groups of retained trees, There is no TPP or AMS.

Environmental Health

There are no concerns with the development, in principle, from an Environmental Health perspective. However, steps should be taken to prevent adverse impacts during construction:-

Condition

A Construction and Environment Management Plan (CEMP) 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: Dust, 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.

Contaminated Land Officer

I have considered the following documents in relation to this application:

Bucknole Hill Road, Northleigh, Preliminary Geoenvironmental and Geotechnical Assessment, TEC, March 2018.

Annex B: 20 April 2020 - TEC summary of contamination proposals, Design and Access Statement, Proposed Affordable Housing Development, LAND OFF BUCKNOLE HILL LANE, NORTHLEIGH - PROPOSED AFFORDABLE HOUSING

We acknowledge from the design and access statement that a remedial solution could likely be developed to mitigate the contamination issues at this site. However, our concerns remain regarding the viability of the project given the extent of characterisation and remediation that is likely required to ensure it is acceptable for the proposed end use.

The intrusive investigation to date has demonstrated that a significant area of infill is present in the vicinity of the proposed properties, which is yet to be comprehensively assessed. Chemical testing has thus far been limited to 1 sample point site within the footprint of the houses and at this locality the excavation was terminated within the made ground. More extensive investigation (including gas monitoring), to further develop the risk assessment, should be carried out prior to remedial measures being proposed.

In the event that permission is granted, we recommend that the following condition (CT3) be applied to any consent:

CT3 Phased Condition:

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 to 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,
Archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

Where identified as necessary as a result of the findings of the investigation above, 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 submitted for 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 any part of the development 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 will be 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 during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 above and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 2. This must be 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

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the longterm effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be 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, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Housing Strategy Officer Melissa Wall

This application for 6 affordable dwellings has been submitted by the Upper Coly Valley Community Land Trust. EDDC have been supporting the community land trust (CLT) through the provision of grant funding from the monies we received in 2016 from DCLG to support community led housing. The grant funding has enabled feasibility work and consultants fees in order to progress to application stage.

In 2014 a housing needs survey was carried out for the parishes of Southleigh, Farway, Widworthy and Northleigh. This identified a need for 6 homes. After the survey the parish of Widworthy decided to pursue its own CLT and provision of affordable homes in Wilmington. The remaining parishes also formed a CLT known as the Upper Coly Valley CLT. The rural housing enablers at Devon Communities Together have been working with the CLT to determine housing need in the parishes. A fresher survey was undertaken which revealed a need for 5 units. Further engagement resulted in a further need for 2 making the total need for 7 properties for rent. All those that responded have been fully assessed for eligibility and meet the local connection criteria.

The need identified is for 5 x 1 bedroom houses and 2 x 2 bedroom houses all for rent. The application is proposing to provide 2 x 1 bedroom single storey units, 3 x 2

bedroom houses and 1 x 3 bedroom house. Whilst the need was predominately for 1 bedroom units, in a rural location too many 1 bedroom units is not sustainable and does not create a balanced scheme. The proposed mix is more balanced and allows for families to grow and stay in the village. It is proposed in the Local Lettings Plan that this scheme will allow under-occupation meaning that the occupiers can have a spare bedroom subject to affordability.

The proposed site whilst located slightly out of the village is next to 7 EDDC owned properties. There will be a reliance on cars as public transport in rural areas is in decline but the use of cars is the case for most of rural East Devon and those with a local connection will be fully aware of that. Affordable housing in rural locations will have a positive impact and help support local businesses and demand for local services.

The CLT has partnered with Teign Housing who will develop the properties and lease them from the CLT. Teign will be responsible for managing and maintaining the units and allocating them to local people through Devon Home Choice. A local lettings plan will be put in place to ensure transparency on how the properties will be allocated and this forms part of the application.

Other Representations

5 no. representations have been received in relation to the application, of these 4 no. raise objections to the scheme and 1 no. is in support.

Summary of objections:

- Additional traffic using narrow lanes in states of poor repair.
- Development of greenfield site within an Area of Outstanding Natural Beauty.
- There are other more suitable sites within other parishes in the parish group
- The site is not sustainable for access to local services i.e. primary school
- The site lacks provision for visitor parking
- Safety concerns relating to vehicles accessing and turning within the site.
- Lack of employment opportunities in the area to meet the needs of future residents
- The suitability of the site in terms of accessibility to services and likely reliance on private transport is questioned.
- Lack of surface water run-off options
- Issues with existing septic tank serving neighboring properties.

Summary of reasons for support:

- There is a lack of affordable housing in the area (Coly Valley)
- Provision of affordable housing outweighs traffic concerns

PLANNING HISTORY

Reference	Description	Decision	Date
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84/P0608	Filling of land and use as recreation area	Approval with conditions	28.08.1984
91/P1763	Renewal of permission to tip roadside waste	County Matter	31.12.1991
19/2391/FUL	Proposed residential development comprising 6 no. affordable dwellings	Withdrawn	15.01.2020

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 4 (Balanced Communities)

Strategy 7 (Development in the Countryside)

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

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

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

EN18 (Maintenance of Water Quality and Quantity)

EN22 (Surface Run-Off Implications of New Development)

RC1 (Retention of Land for Sport and Recreation)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The application site is broadly rectangular in area and is located at the northern end of a wider triangular parcel of land of which it forms part. The land on site is laid to grass with a small copse of trees to the southwest and outside of the site area. The land on site is somewhat uneven but generally falls from northeast to southwest. The site boundaries are formed by: native hedgerow where they bound local roads to the northeast and northwest; by a mix of post and rail and electric fencing to the southeast, where it adjoins a small public car park, and to the south is undefined. There are a number of trees within the boundary hedgerows and to the east of the site.

There is a small development of (ex) local authority housing beyond the car park to the southeast, however the site is located in open countryside. The site respectively lies approximately 370 metres to the northwest and 600 metres to the northeast from the built edge of the settlements of Northleigh and Farway, neither village has a built-up area boundary defined by the East Devon Villages Plan. The nearest settlement with a defined built up area boundary being Honiton, approximately 3 miles away.

The site lies on a raised saddle of land within a wider undulating landscape forming part of the designated East Devon Area of Outstanding Natural Beauty.

Background

The application is promoted by the Upper Coly Valley Community Land Trust as a means of securing the future of Northleigh as a balanced, sustainable community by allowing, '...young people and families to contribute towards the viability and vitality of the services in the local community.'

The submitted Design and Access Statement advises that the application follows a search for sites aimed to meet the housing needs identified in Housing Needs surveys carried out firstly in 2014 and updated in 2017 and 2019.

The initial survey identified a need for 6 no. affordable dwellings to meet the combined housing needs of the parishes of Farway, Northleigh, Southleigh and Widworthy. With the exception of Widworthy the other parishes are grouped in the East Devon Local Plan for the purposes of assessing housing need.

It is advised that Farway parish determined that they did not wish to have affordable housing in the village and therefore site searches excluded that parish. A total of 16 no. sites were identified across the remaining three parishes and assessed against a number of criteria (including: proximity to existing development, highway safety; landscape and amenity impacts, and; other relevant environmental, economic and social impacts). A number of sites were dismissed as a result of that process but others were considered to be appropriate, including the application site. In 2016 Widworthy Parish Council decided to form their own CLT, around the same time, it is suggested, updated housing need figures showed an increase in need. The housing need figures from 2017 referred to indicated 12 households in housing need across the 3 parishes (5 of which were resident in Northleigh). The most recent figures from Devon Communities Together, dating from August 2019, indicate a need for 7 affordable homes in the three parishes of Northleigh, Farway and Southleigh.

Following on from the 2017 housing needs data CLT applied for funding, purchased the site from Northleigh Parish Council and have agreed a partnership with an affordable housing provider.

An application was submitted for a similar scheme to that now proposed in 2019 (19/2391/FUL). That scheme was withdrawn prior to determination in an attempt to address issues that arose through the consultation process.

Proposed development

The application seeks to provide a total of 6 no. affordable dwellings for rent comprising of 2 no. 1 bed bungalows, 3 no. 2 bed dwellings and 1 no. 3 bed dwelling. The dwellings would be arranged in an L shape served by a single access road and with an area of open space in the northwest corner of the site. Each property would be served by 2 no. parking spaces and a new communal sewage treatment plant and surface water drainage system is proposed.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development (including provision of affordable housing)
- Effect on the character and appearance of the area, the wider landscape and AONB
- Contaminated Land Issues
- Arboricultural Impacts
- Ecological/Biodiversity impacts
- Highways Issues
- Surface Water/Foul Drainage
- S.106 Requirements and other issues
- Planning balance and consideration of whether the proposal would constitute sustainable development

The principle of the proposed development (including provision of affordable housing)

The site lies outside of the principal built form of development that comprises the settlement of Northleigh, although there is a small development of local authority housing just to the southeast. Northleigh does not have a defined settlement boundary in the East Devon Villages Plan (EDVP). The application therefore falls to be considered as development in the open countryside under Strategy 7 of the East Devon Local Plan (EDLP).

Strategy 7 states development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. There is no Neighbourhood Plan in force that cover the area nor is one currently being produced.

Strategy 27 of the EDLP does offer some potential high level and qualified support for community led development stating that,

'If communities wish to promote development other than that which is supported through this strategy and other strategies in the Plan (at the settlements listed above or any other settlement) they will need to produce a Neighbourhood Plan or promote community led development (for example Community Land Trusts (CLTs)) justifying how and why, in a local context, the development will promote the objectives of sustainable development.'

This recognition of the potential for community led development to be brought forward is acknowledged by Strategy 27 but falls short of the explicit policy support required by Strategy 7.

Strategy 35 of the Local Plan potentially offers policy support for schemes proposing affordable housing led development. However that policy is not considered to offer any support for the current proposal as it requires development, proposed in villages without a built up area boundary, to be 'physically very well related to the built form of the village'. In addition, there is a requirement for the village to have a range of community services and facilities (including four or more of a school, pub, village hall, shop/post office, doctor's surgery, place of worship or public transport service). The application site is not considered to be well related to the built form of the village and Northleigh does not have the number of services required by this policy.

In terms of potential policy support in the NPPF, para. 77 states that planning policies and decisions should, "... be responsive to local circumstances and support housing development that reflect local needs" and that LPA's should, "support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs...". Para. 78 in relation to supporting sustainable development in rural areas, states that housing should be, "...located where it will enhance or maintain the vitality of rural communities" and that where there are groups of smaller settlements, "development in one village may support services in a village nearby." This could be applied to the application scheme where development at the site could seek to support services in nearby settlements i.e. the primary school in Farway.

There is therefore recognition in both Local and National Planning policies that there will be circumstances where it will not be possible to deliver affordable housing to meet local needs within existing settlements that are considered to be sustainable i.e. they

have had a built-up area boundary defined. Strategy 35 of the EDLP looks to make provision for such housing and groups parishes for the purposes of assessing housing need, Farway, Northleigh and Southleigh are so grouped.

Within the submitted D&A Statement the applicant has set out how the current site was selected from other potential sites within the grouped parishes. Farway parish appears to have excluded itself from this site search and therefore it is not clear whether or not there might be alternative sites within that parish that may be preferable to that under consideration. In relation to Southleigh parish a number of alternative sites were considered with some determined to have less landscape impact than others. Following the site search the current application site was selected. Whilst the reasoning for the application site being preferred or other potential sites not pursued is not entirely clear it is recognized that the current application site is the only option that has come forward that seeks to meet the identified need.

However, in terms of facilities, none of the settlements within the grouped parishes have the required 4 no. named services/facilities required by Strategy 35 – indeed as a group they only have 3 of the listed community facilities - and therefore neither the application site nor any of the alternative sites, considered as part of the site selection process, would meet the requirements of Strategy 35. There are therefore no policies of the plan that would specifically support the provision of affordable housing on the application site or elsewhere in any of the grouped parishes. This appears to be acknowledged by the applicant, however they refer to an unnamed scheme elsewhere in the district where the LPA are considered to have taken a different view. Without further details it is not possible to comment on this but it may be that support was found through policies of a made Neighbourhood Plan.

In the absence of any other specific policy compliance the application is considered to represent a departure from the Development Plan.

Provision of Affordable Housing

A 2014 housing needs survey was carried out for the parishes of Southleigh, Farway, Widworthy and Northleigh. This identified a need for 6 homes. Following the survey the parish of Widworthy decided to pursue its own CLT with a view to securing the provision of affordable homes in Wilmington, subsequently two applications were made that together would have met the identified affordable housing need for that parish but to date neither have been brought forward. The remaining parishes in the group, formed a separate CLT known as the Upper Coly Valley CLT.

The original housing needs survey was updated in 2017 with the findings identifying a need for 5 no. households in need of housing and eligible for housing at the proposed site in terms of being in need and meeting the local connection. Of those identified as being eligible 4 expressed interest in the application site, all 5 households has a need for 1 bedroom properties.

A further refresher survey was carried out in 2020 which identified a need from a further 2 no. households both requiring 2 bedroom properties. It is understood that all of the need was for rented properties. The combined need for the grouped parishes is therefore for 7 no. affordable units. The need identified is for 5 x 1 bedroom houses

and 2 x 2 bedroom houses. Against this need the application seeks to provide for 2 x 1 bed properties, 3 x 2 bed properties and 1 x 3 bed property. It is therefore clear that the proposed provision does not directly align with the identified need. The Council's Housing Strategy Officer has however suggested that in rural locations too many 1 bedroom units would not be sustainable and would not create a balanced scheme. They have suggested that the proposed mix would result in a more balanced scheme which would allow for families to grow and stay in the village whilst still meeting the current need. It is proposed in the Local Lettings Plan that this scheme will allow under-occupation meaning that the occupiers can have a spare bedroom subject to affordability.

In the absence of any alternative scheme that is likely to meet this identified need (at least within the combined parishes) the provision of affordable housing against this need weighs strongly in favour of the scheme. The support in this regard though needs to be balanced against other aspects of sustainable development.

Effect on the character and appearance of the area, the wider landscape and Area of Outstanding Natural Beauty

Strategy 7 of the EDLP seeks to ensure that development in the open countryside does not harm distinctive landscape, amenity or environmental qualities within which it is located, including adverse disruption of a public view. Strategy 46 requires development to be undertaken in a sympathetic manner which helps to conserve and enhance the quality and local distinctiveness of the natural and historic landscape character and within Areas of Outstanding Natural Beauty reflects the requirement of the NPPF in that great weight must be given to conserving and enhancing their natural beauty.

The application site is currently undeveloped and occupies an elevated site where public views of it are afforded from a number of mid-range viewpoints and where the site's development is likely, at least until landscape planting establishes, to increase its prominence.

At the time of the previous application, several shortcomings in the submitted Landscape and Visual Impact Assessment (LVIA) and plans were identified in terms of the scope of the LVIA and proposed means of mitigation. The site was identified as having a high sensitivity to change and the scheme, at the time, was considered to fail to properly address the landscape or visual effects of the development. The findings (of the submitted LVIA at that time) that the scheme would have a negligible visual impact was not accepted and instead it was considered that the scheme would result in a high/moderate adverse impact in the immediate vicinity of the site and a moderate adverse impact in views from the north/northwest. In particular that the scheme was found to have skyline impacts, from some viewpoints; to visually extend the linear form of development when viewed in association with the Hillside properties to the southeast, and to result in the loss of existing landscape features. The proposed form and layout of the development was considered to be overly urban and it was suggested that other sites, identified as part of the site selection process, were considered to have less landscape impact.

The submitted D&A Statement sets out how the current proposal has sought to address the aforementioned issues through updating of the LVIA and the provision of additional landscape planting, the layout of the development itself is unchanged. Following proposed mitigatory planting the LVIA continues to conclude that the impacts of the development can be made acceptable in landscape terms. Whilst the proposed landscaping proposals would, once established, help to mitigate the landscape and visual impacts of the development these would take time to become effective and would not entirely offset the harmful impacts. Although the landscape impacts of the development could therefore be reduced to an extent and are likely to decrease further over time, harm would still arise. This is reflected in the latest comments from the Landscape Officer, who again acknowledges the visual impact from the proposals, but also confirms that the planting scheme now proposed is more appropriate and that, subject to a justification for the need for the proposal, and subject to conditions, the proposal will minimize its visual impact as much as is possible.

In addition to the wider landscape impacts it is important to consider how the design and appearance of the development would impact on its immediate surroundings. Clearly the residential development of the site would have an impact on its current undeveloped character and the opening up of the site frontage to provide access would increase views into the site of the proposed development and where existing boundary hedgerow currently prevents this. Whilst the proposals for native planting are noted these would take time to establish and would not fully screen the development in close-range views. The proposed layout has not, in terms of the footprint of the building and access, evolved from the previous scheme and there remain concerns that the layout is more suburban than rural in character. In terms of the form and external appearance of the buildings the standardised appearance of the units is somewhat disappointing. The proposed single storey units are in particular not reflective of traditional local design although it is noted that these are informed, at least in part, by seeking to meet the identified need for smaller units.

Policy D1 of the EDLP requires development to, amongst other things, respect the key characteristics and special qualities of the area and to ensure that matters including scale, massing, density, height and materials relate well to their context. In these respects there remains some concern with the layout of the development on site and in terms of materials proposed. Whilst the use of natural slate to the roofs of the houses is considered appropriate and light coloured render, in principle, to relate well to the site's context its use performs less well in achieving a visually recessive wall finish which is one of the identified mitigation measures of the LVIA.

Overall, there remain some concerns with the appropriateness of the layout and form of the development and its wider landscape impact. It is accepted that over time the impact of the development would be likely to reduce, as landscape planting becomes fully established but nevertheless some harm would remain (as is inevitable from building houses in the AONB) and this would need to be balanced against the benefits of the scheme.

Contaminated land issues

The application is accompanied by a Preliminary Geoenvironmental and Geotechnical Assessment Report carried out by Tweedie Evans Consulting (March 2018). The

report identifies the potential for the site to have formerly be uses as a landfill site and as such to comprise potentially contaminated land and areas of made ground. The development is likely to disturb the site and increase the potential for pollutants to be released with potentially hazardous impacts to human health and controlled waters. Trial pit investigations on site have led to the conclusion that the main potential Significant Pollutant Linkages identified are considered to be: "...Human health (including construction workers and future site end users) – localised exposure to potential contaminants (PAHs and asbestos fibres) within made ground at the site through the ingestion, inhalations and dermal contact pathways" (para,11.1.7 of Tweedie Evans Report). In addition, the potential for ground gas to exist is noted.

The report sets out some preliminary recommendations to deal with the contamination risks which include removal of contaminated soil and importation of clean top soil, as well as a suitable cover system to prevent leakage of contaminants, specialist foundation design and suspended floor design is also referenced as being required, although a detailed remediation strategy is acknowledged to be required. A detailed drainage design is also identified as being necessary as soakage test data indicates that soakaway is unlikely to be appropriate.

The development of the site therefore has the potential to result in polluting effects that could be harmful to human health. Policies EN14 and EN16 of the EDLP respectively cover the control of pollution and land contamination. Policy EN14 states that permission will not be granted for permission that would result in unacceptable levels of various named pollutant impacts to local resident of the wider environment. Such impacts include, gas or particulates, underground waters and or noise/vibration. The development and method of construction has the potential to cause such pollutant impacts, however it has been suggested that such impacts could suitably controlled by a combination of a full contaminated site characterisation and remediation strategy as well as control over construction techniques/operations and site drainage. In terms of Contaminated Land the policy requires that an assessment is required that identifies and characterises the contamination, any risks associated with this and appropriate remediation measures. In relation to former landfill sites it must be demonstrated that there will be no harm to future occupiers from leachate or landfill gas.

The Council's contaminated land officer has considered the submitted information and has acknowledged that a remedial solution could be developed to mitigate the contamination issues at this site. However, they have expressed concerns regarding the potential impact on the viability of the site given the extent of characterisation and remediation that is likely to be required to ensure it is acceptable for the proposed end use. Whilst this concern is acknowledged and has previously been expressed to the applicant, it is accepted that the cost of such provision is not, of itself, a reason to object to the proposal, albeit this could ultimately impact on the ability to deliver the site. It is acknowledged that a technical solution could be found to address the contamination issues and that these matters could be subject of a pre-commencement condition requiring further site characterisation to be carried out followed by the implementation of a full remediation strategy and ongoing monitoring of the site.

Arboricultural impacts

There are a number of trees on/adjoining the site and these are of varying quality, species and size, there are also sections of native hedgerow forming the site boundaries to the northwest and northeast adjacent to the local roads. An area Tree Preservation Order covers the entire site.

Policy D3 of the Local Plan seeks to ensure that there is no net loss in the quality of trees or hedgerows resulting from an approved development. In this instance the arboricultural survey submitted with the application identifies a number of trees/sections of hedgerow that would be affected by the development. Such works would include the felling of a young ash tree, the removal of an approximate 15 metre section of hedgerow on the site frontage to form access and visibility and removal of part of a group of young trees to the southwest side of the site to enable drainage works. The Council's arboricultural officer has advised that there is no objection in principle to the development but has raised concerns on the lack of supporting information to justify the loss of healthy trees and with regard to the replacement tree planting and landscaping proposals. An arboricultural report, impact assessment and revised landscaping proposals have subsequently been submitted. The application is also accompanied by a Tree Protection Plan and Arboricultural method Statement.

The amended landscaping scheme for the site proposes the planting of significant numbers of new trees as follows: on the site frontage, forward of the proposed houses; to the south east and southwest within a proposed native hedgerow forming the boundary of the housing site, and; further to the south with the area of land in the same ownership but outside of the housing site. This proposed replacement tree planting would clearly take some time to establish and in the meantime the proposed loss of tree cover would result in some harm, however in the longer term the proposed replacement planting is considered to provide more than adequate compensation for the tree cover that would be lost. The Tree Preservation Order in place is an area order and therefore would continue to provide protection for both retained and new trees on site.

Ecological/biodiversity impacts

The application site comprises mainly of grassland, described as species-poor in the Ecological assessment accompanying the application. However, the report identifies some areas with a more species diverse sward. The boundary hedges are found to be of varying ecological value, with the boundary hedge to the north providing the most diverse habitat but with limited connectivity to other habitats of similar value. In terms of habitat loss the development of the site would result in the loss of the grass sward and removal of a section of the boundary hedge, additionally a number of trees are indicated for removal to the southeast side of the site, at the existing car park access and southwest of the site where the drainage field is proposed. In order to avoid harmful impacts of the aforementioned habitat loss, or to provide acceptable mitigation a number of measures are proposed these include: avoiding hedgerow removal in bird nesting season; providing bird nesting and bat roosting opportunities within the new development and maintaining as much of the tree coverage as possible, together with new tree planting. Subject to conditions requiring the provision of the suggested mitigation measures it is considered that the biodiversity value of the site can be maintained and enhanced and that the requirements of policy EN5 of the Local Plan can be met.

Highways issues

The site is proposed to be accessed, by a new vehicular access, from the local lane to the northeast of the site. This lane forms part of the network of local lanes that connect the village and surrounding areas with the wider strategic road network. It is also proposed to improve the visibility from the existing access that serves the car park area to the southeast of the site to ensure that inter-visibility between both access points is acceptable.

Internally the new access would provide a turning head to allow vehicles to access and egress the site in forward gear. The access would be tarmac surfaced with the turning head, courtyard and parking areas indicated to be block paving. Provision is made for the parking of 2 no. vehicles per property, with space for additional visitor parking.

Devon County Council as the Local Highways Authority (LHA) has advised that whilst the visibility distance would be slightly short of the standard 43m requirement (for 30 mph zones) that due to the geometry of the lane it is considered unlikely that traffic speeds would reach 30mph and as such have raised no objections to the proposed development. They have also commented that whilst they consider the proposal would result in a slight increase in trip generation on the local highway network this would not be detrimental to said network. On this basis it is considered that the proposal would accord with the requirements of policies TC7 and TC9 of the EDLP.

Surface water/foul drainage

The application is accompanied by a Drainage Strategy and Flood Risk Statement prepared by Craddys. The report confirms that there are no existing private surface or foul water drains within the site or any such public infrastructure in close proximity to the site, evidence is produced to support this position.

In terms of surface water drainage percolation tests have demonstrated that soakaway is not an appropriate method for the site, as such an alternative means of dealing with surface water drainage is proposed involving the storage of surface water in below ground cellular storage crates located to the southwest of the site. It is proposed that the storage crates would outfall, via below ground pipework, to an existing off-site stream located 112m to the south west of the site and would be attenuated to be no greater than the existing greenfield run-off rate. The surface water drainage system would be designed to have enough capacity for all storm durations including an appropriate allowance for climate change. The submitted details do not specifically address why above ground surface water storage i.e. in swales would not be suitable for this site and as such there may be other methods of managing surface water that would provide greater benefits, particularly in terms of biodiversity or environmental enhancements. It is recognised however that although there may be a preference for alternative means of surface water storage that the requirement to incorporate SUDs schemes applies only to major development schemes and it is only on such schemes that Devon County Council (in their capacity and the Local Lead Flood Authority) are consultees. Policy EN22 of the EDLP requires new development to fully consider the surface water implications of development, provide appropriate remedial measures

and ongoing management of any proposed infrastructure. The submitted scheme has demonstrated how surface water would be appropriately managed and set out the ongoing management responsibilities for the infrastructure, which would remain with the CLT, it is considered that the requirement of the policy is met in this respect.

In relation to foul drainage, again there is no public infrastructure nearby to serve the site and as such a private system is proposed. A Package Sewage Treatment Plant (STP) is proposed to be located just south of the development site serving the proposed units and with outfall to the stream southwest of the site. A permit to facilitate the outfall to this stream would be a separate requirement to planning permission. The proposed means of dealing with foul drainage is considered to be appropriate in accordance with policy EN19 of the EDLP.

In terms of flood risk the site is in Flood Zone 1 and falls below the site area threshold for requiring a flood risk assessment (FRA), nevertheless the submitted report has considered potential flood risks and concludes the development is appropriate in this regard.

Other issues

It is understood that part of the site has previously provided a play area and there is evidence in the form of aerial photographs, dating from May 2010, of an area toward the east side of the site, adjacent to the car park, where play equipment is evident. In later photographs from 2015 this area is back to grass and undemarcated from the rest of the site. This matter was raised with the applicant in relation to the previous application (19/2391/FUL). The application now provides some further detail with regards to this issue. It is stated that 'The Nothleigh playground' was erected in the early 1990s using Rural Aid Grant funding and was inspected annually for insurance purposes. It is advised that the playground failed an annual inspection in 2013 and the equipment was subsequently dismantled and removed, due to a lack of funding it has not been replaced. It is further suggested that the (remainder of the) field is and would remain available for public use/recreational purposes and would retain sufficient space for future play equipment provision should grant funding be available in the future.

Policy RC1 of the EDLP states that proposals that would result in the loss of open space currently, or previously, used for a number of purposes, including play areas, won't be permitted unless alternative provision of equivalent community benefit is made available or unless there is an excess of public open space in the area. It is understood that there is currently an under provision of open space in the parish.

The applicant has indicated their willingness to accommodate play equipment on the adjoining retained community land to the south of the housing site should funding for this become available in the future. This land within the field, to the south of the application site is within the same ownership as the application site i.e. Coly Valley CLT and therefore the applicant has control over this land. In addition, another area of land is identified as public open space in the northwest corner of the site even though the development itself is not of a scale that would require such on-site provision under Strategy 43 of the EDLP. This area is considered to be of equivalent size to the former play area and as such and given that there is no current provision of play equipment on site and has not been since 2013, such provision (without the

requirement for play equipment) is considered to make suitable alternative provision sufficient to satisfy the requirements of policy RC1. It should be noted that the former play area on the site does not appear to have been recorded in either the 2012 East Devon Open Space Study or the subsequent 2014 Review and as such its status is questionable.

S.106 requirements

The application is accompanied by a draft terms for a legal agreement relating to the securing of all of the units as affordable rented properties for either social or affordable rent (dependent on the level of grant subsidy that can be secured) and setting out the allocation and eligibility criteria, these matters are considered to be acceptable in principle but would need to be secured by means of a s.106 agreement.

In addition the onsite open space and the ongoing management of these elements would also need to be secured by the legal agreement.

PLANNING BALANCE AND CONCLUSION

The application proposes development within the designated AONB and outside of a recognised settlement boundary. The development would clearly alter the character of the site and would result in some harmful landscape/visual impact, albeit such impact could be mitigated to an extent and would reduce over time. In addition, the proposal would result in development which, in terms of the environmental dimension of sustainable development would be unsustainable, with residents of the development likely to rely heavily on private transport to meet the majority of their needs. These impacts therefore weight against the proposal.

In terms of ecological impact the proposal would result in the loss of some habitat but the application proposes significant areas of new planting and hedgerow creation and as such overall biodiversity enhancement could be secured.

Balanced against the environmental impact are the social and economic benefits that might accrue from the development. In this case the proposal would bring forward affordable housing development to meet an identified need within the parish group in which the application site lies and where there are currently no alternative schemes by which this need might otherwise be met. The scheme is being promoted by a CLT that has been established to secure affordable housing to meet the needs of the parish group and in this way is considered to be a community led scheme. The provision of affordable housing, to meet an identified need that would otherwise appear to go unmet, weighs heavily in the applications favour. Further social benefits may arise through the support by future residents of existing community facilities in the parish group, including potentially the primary school in the adjoining parish.

In economic terms the proposal would provide some benefits both directly through the construction and associated jobs that would be supported and to a lesser extent through the support of local businesses, although in this regard the limited service provision in the parishes is noted.

In this case the benefits and harm that would result from the development are considered to be finely balanced and in similar situations the location of the site and lack of service provision within the nearby village would be sufficient to tip the balance in favour of refusal. However, in this instance it is recognised that the Local Plan has grouped the parishes of Farway, Southleigh and Northleigh together for the purpose of assessing housing need and that in order to meet that need locally development would need to be delivered in one of those parishes none of which meet the level of named service provision required under Strategy 35 of the Local Plan.

In circumstances where development is proposed outside the larger villages and towns of the district and where there is no built-up area boundary in place, Strategy 27 refers to the establishment of CLTs as a means of promoting community led development. In this case the Coly Valley CLT has been established to deliver affordable housing to meet an identified need and has demonstrated through a site selection process how this site has been arrived at. Whilst development of the site would result in some landscape impact and residents are likely to be largely reliant on private transport the same would be true of any other site within the grouped parishes. This being the case it is not considered there are any other sites which could deliver against the identified need and which are considered to be more sustainably located. It is therefore considered, very much on balance, that the exceptional circumstances of this case and the delivery of a 100% affordable housing scheme to meet an identified need are sufficient to outweigh the identified harm and the application can be supported subject to the completion of a legal agreement to secure the affordable housing provision and the conditions below.

RECOMMENDATION

APPROVE subject to the following conditions and completion of a s.106 legal agreement to secure on-site affordable housing and the management of the on-site open space.

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. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and 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 (including where relevant details of quiet piling techniques to be employed), Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no

working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. (Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. 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 (as 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared,

and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

5. Notwithstanding the submitted details, no development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and been approved in writing by the Local Planning Authority. Such a scheme shall include:
 - an ecological management plan;
 - a timetable for the delivery of the landscape and ecological mitigation measures indicated in the Ecological Appraisal Report, prepared by Sunflower International Ecological Consultancy and dated September 2019 and Detailed Planting Plan drawing no. 792_002B
 - details of the medium term monitoring and management of the site (in this respect the LEMP shall provide for certification, by the appointed landscape architects and ecological consultant, to be submitted to the LPA within one month of completion of planting, confirming that the works have been carried out in accordance with the approved drawings and details. Thereafter annual hedgerow monitoring reports by the landscape or ecological consultant shall be submitted to the LPA for the first five years, confirming that management is being carried out in accordance with the LEMP and that any replacements of dead planting and other defects that may arise have been made good.), and;
 - details of the long term monitoring and management of the site (year 5 onwards) to ensure mitigation measures are retained and appropriately managed in perpetuity

Development shall proceed in accordance with details as agreed.

(Reason- In the interests of mitigating the landscape impacts of the proposal, the conservation and enhancement of the landscape and to protect existing habitats and enhance the biodiversity value of the site in accordance with Strategies 5 (Environment), 7 (Development in the Countryside), 46 (Landscape Conservation and Enhancement and AONBs), Strategy 47 (Nature Conservation and Geology) and Policies D2 (Landscape Requirements) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033; policy NE1 - Development and the Natural Environment of the Beer Neighbourhood Plan 2014-2031, and; paragraphs 172 and 175 of the National Planning Policy Framework. This is a pre-commencement condition as it seeks to ensure the measures are appropriately planned for and considered from the outset of the development.)

6. Notwithstanding the requirements of condition 5 above, and unless otherwise previously agreed in writing by the Local Planning Authority, the landscaping scheme hereby approved (as set out on drawing no. 792_002B) shall be carried out in the first planting season after commencement of the development 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 Strategies 7 (Development in the countryside), 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

7. Before development above foundation level 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 and hard landscaping 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 Adopted East Devon Local Plan 2013-2031.)

8. Prior to their installation further details of the items specified below shall be submitted to and approved in writing by the Local Planning Authority:

- Any external flues and meter boxes.
- Any external lighting
- Solar PV panel specification/appearance

Development shall be carried out in accordance with the approved details and specification.

(Reason - To ensure that the details are sympathetic to the character and appearance of the area and to control light pollution in accordance with Strategies 7 (Development in the Countryside) 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, C, D or E for the enlargement, improvement or other alterations to the dwellings hereby permitted or for provision of buildings, enclosure or other specified works within the curtilage of any dwellinghouse, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - To enable the Local Planning Authority to retain control over future development in the interests of the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

10. Development shall proceed in accordance with the Tree Report (incorporating Tree Protection Measures and Arboricultural Method Statement) prepared by Hellis Solutions Limited and dated August 2020 with all tree protection measures to be installed prior to commencement of any works on site (including

demolition) and thereafter retained until development has been completed. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant. The development shall be carried out strictly in accordance with the agreed details unless alternative details have previously been agreed in writing by the Local Planning Authority.

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 - In 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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

11. Prior to the initial occupation of any of the dwellings hereby approved and unless any alternative timetable, or details, have previously been submitted to and agreed in writing by the Local Planning Authority, the site drainage ((foul and surface water) infrastructure as specified in the submitted Drainage Strategy prepared by Craddys and dated 5th June 2020, shall have been completed and shall thereafter be maintained.

(Reason - To avoid pollution of the environment and/or flooding in accordance with the requirements of Policies EN14 - Control of Pollution and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

792_002 B

Landscaping

06.10.20

50111-0030 rev B : Visibility splay plan	Other Plans	16.10.20
7560 01-001 F	Location Plan	26.06.20
7560-01-005D	Proposed Combined Plans	26.06.20
7560 01-006 REV: B	Sections	17.06.20
7560 01-002 REV: J	Proposed Site Plan	17.06.20
7560 01-003 REV: D	Proposed Combined Plans	17.06.20
7560 01-004 REV: D	Proposed Combined Plans	17.06.20
792_003 A	Landscaping	17.06.20
792_004 A	Landscaping	17.06.20
Plant Schedule	Landscaping	17.06.20
Drainage Strategy	General Correspondence	17.06.20
Tree Survey (October 2019)	Arboriculturist Report	17.06.20

List of Background Papers

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