

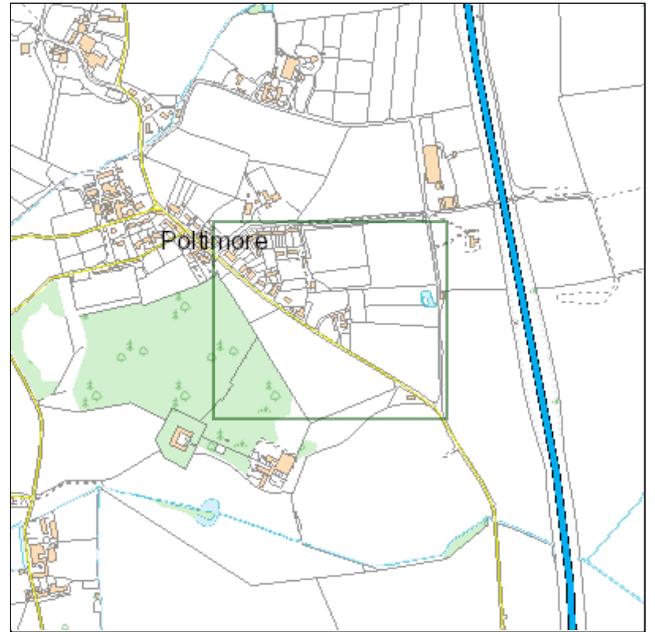
**Ward** Exe Valley

**Reference** 19/1161/OUT

**Applicant** Mr & Mrs Reeves

**Location** Land West Of Kilmore House Poltimore Exeter  
EX4 0AT

**Proposal** Outline application with all matters reserved for  
the erection of five affordable dwellings and  
three open market dwellings



**RECOMMENDATION: Refusal**



# UPDATE REPORT

		<b>Committee Date: 15<sup>th</sup> February 2021</b>
<b>Exe Valley (Poltimore)</b>	<b>19/1161/OUT</b>	<b>Target Date: 11.11.2019</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Reeves</b>	
<b>Location:</b>	<b>Land West Of Kilmore House Poltimore</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the erection of six affordable dwellings and three open market dwellings</b>	

**RECOMMENDATION: REFUSE**

## **EXECUTIVE SUMMARY**

**This application was originally presented to Members in February 2020 where it was deferred to allow further information to be submitted to address the concerns raised regarding the need for affordable housing and suitability of the site as an exceptions site; and assessment of the impact of the proposal on the adjacent Heritage Asset (Poltimore House) and its setting.**

**Additional information was submitted, including the suggestion that one of the affordable houses could be divided into 2 one bedroom dwellings, resulting in 6 affordable units, and three open market dwellings. The submitted indicative layout would not be altered from that previously considered.**

**The further submissions have been considered and whilst the proposal would address the housing need numbers for affordable housing in this immediate locality which weighs in favour of the proposal, it remains the case that insufficient justification has been provided to satisfy the policy requirements of Strategy 35 in terms of unit types and location. The site lies in an unsustainable location with insufficient services and facilities to meet the needs of potential occupiers resulting in an unsustainable form of development reliant on private modes of transport contrary to Strategy 35.**

**The heritage impact of the proposed development is not considered to be acceptable and it is not considered that any benefits of the proposed development would be sufficient to outweigh this harm.**

**In addition to the above there are significant concerns regarding the impact of the proposed development on the County Wildlife Site and the proposed Clyst Valley Regional Park within which the site lies and which have not been addressed.**

**Overall it is not considered that the additional information adequately addresses or overcomes the significant shortcomings of the proposal and the application is therefore recommended for refusal as per the attached original report.**

## **ADDENDUM REPORT**

### **Background**

This application was referred to the Development Management Committee (DMC) meeting on 4 February 2020 where it was deferred to enable the applicant to provide an assessment of the impact of the proposal on the setting of Poltimore House and to address non-compliance with Strategy 35.

The original Committee report is appended at the end of this addendum.

Following the submission of the additional supporting information a further consultation exercise was undertaken with the responses below being received.

### **FURTHER CONSULTATIONS SINCE LAST COMMITTEE**

#### **Local Consultations**

##### **Exe Valley - Cllr Fabian King**

My apologies for the delay in providing this comment, I have been deprived of reliable communications for the past few days.

Having seen the revisions since the original proposals were submitted, I am pleased with the changes and support this application and the benefit it offers for increasing the affordable housing supply.

Further comment:

I have read the report in detail and conclude that I should withdraw my support, having appreciated the reasons stated in justifying the Refusal.

I have a few points to make to clarify my reasoning:

- In response to the closing sentences of Melissa Wall's (Housing Strategy Officer) comments, she states "Providing rural affordable housing is all about housing people in the community in which they have a connection to and ensuring that those communities remain vibrant, diverse and can thrive". At the first hearing, I met two families who were keen to retain their existing connections with the Poltimore community by living in the proposed affordable housing. However, there are 6 affordable homes which could be an oversupply for applicants associated with Poltimore. The lesson seems to be that applications such as this should be supported by a proven need.

- I had hoped that the Applicants had settled the problems raised by Historic England over the matter of Poltimore House, but they have not accomplished this in time for the making of the Recommended Decision.
- Both the Parish Council and the Planning Authority have made compatible and sometime similar comments and I do not have a sufficient case to gainsay them and so I withdraw my support for this application.

The other matters of proven local need, the scale of the development and the problems generated by the increase in traffic were not prominent in the conclusion of the first Planning Committee meeting when they deferred consideration of the application, because the proportion of Affordable Homes was insufficient to meet that of the Council's policies. I believe the Applicants have made every effort to fulfil what they, and I, believed were the Committee's points requiring attention, but sadly there was more to come because the Planning Authority and Statutory Consultees had yet to deliver their valid, conclusive contributions.

### Parish/Town Council

Poltimore Parish Council do not support this amended outline planning application. As stated in the recent application the Council would support a dramatic reduction in development down towards one house or bungalow.

The council have noted that the application is now for an extra one affordable dwelling making a total of 9 dwellings. The Council's comments on the last application were that 8 dwellings would be an over development of the site, therefore an increase would only increase our apprehension on this application.

The local shop shown in the supporting documents has only increased its holding due to the Covid pandemic and will return to the basics of a farm shop once the pandemic is over. Thus, the photos shown are misleading and not a long-term representation of the local shop.

Poltimore as a village could not safely support a local development of this scale and the increase in traffic, local foot traffic and extra loading on supplies such as water, waste pipes, waste collection and internet connection would be over stretched.

Therefore the Council's concerns remain the same with the increase of traffic these properties would generate, and reiterate the need for safety with regard to pedestrians, cyclists and horse riders along this busy rat run road with no pavements, and street lighting.

### **Technical Consultations**

#### Devon County Archaeologist

I refer to the above application and your recent re-consultation. The Historic Environment Team have no additional comments to make to those already made, namely:

The proposed development lies on the edge of the historic parkland associated with Poltimore House and in a landscape containing evidence of prehistoric or Romano-British activity. An archaeological geophysical survey in the field to the south of the application area revealed the presence of undated linear features that may be associated with early land divisions and these features may extend into the proposed development site. As such, groundworks for the construction of the proposed

development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, 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 developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated

report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

#### Housing Strategy Officer Melissa Wall

This application has been amended to provide 6 affordable homes instead of 5 which then makes it policy compliant with 66% being affordable housing. This additional unit has been created by dividing one of the houses into 2 x 1 bedroom flats. Each flat would have its own entrance and private garden area. The housing need survey identified a need for 5 affordable units however there is also a section on housing for older persons housing and this did reveal a need for 2 units. This ground floor unit should be completed to meet Part M4(2) category 2 - accessible and adaptable dwellings, at a minimum. This will then ensure it is suitable for the changing needs of the occupant.

There has been some debate regarding whether the affordable housing need could and should be met in the growth areas on the edge of Exeter which are close to Poltimore. Providing rural affordable housing is all about housing people in the community in which they have a connection to and ensuring that those communities remain vibrant, diverse and can thrive.

#### Historic England

Dear Sir/Madam East Devon Planning Team

T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990

LAND WEST OF KILMORE HOUSE, POLTIMORE, EXETER, EX4 0AT  
Application No. 19/1161/OUT

Thank you for your letter of 26 October 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The proposed 8 units will result in harm to the grade II\* listed Poltimore House. The site would benefit from less harmful scheme that better revealed its role as part of the landscape setting of this former country house.

Historic England provided advice on this application in 3 October 2019. This letter should be read in conjunction with our previous response as many of the issues remain outstanding.

Located on the outskirts of Poltimore village, the site is located in close proximity to the current boundary of Poltimore House (grade II\* listed). Poltimore is a former country house with a designed landscape setting. The application site and the intervening fields formed part of the late 19th century parkland. Although development has occurred long the boundary, these are single dwelling within large plots that for some appreciation of the former parkland to be retained. The newly submitted Heritage and Landscape Impact Assessment (HLIA) has identified that there will be inter-visibility between the application site and Poltimore and its setting, including along the principal drive to the main house and the tree line avenue that links the house to the church.

The application is for the development of the site into 8 units. Much reliance has been placed on the existing intervening trees to mitigate the impact. However, the heritage statement has identified that this will not obscure the site entirely and that the encroachment of development into the setting of Poltimore would result in harm. As previously highlighted we would also be cautious about placing too much dependency on trees that are not in the ownership of the applicant.

Although it might be difficult for the council to resist any development on the site, the reasons for the increased number of units has not been clearly articulated (NPPF, Para 194). 8 units would form a significant intensification of urban activity within the parkland setting. As the scheme would result in harm the council need to consider if there are opportunities to avoid and minimise that impact. The HLIA has identified that the impact of the development could be soften through amendments to the layout, form, materials and landscaping. However, in our view the intense nature of the scheme would make it difficult for any meaningful steps to be taken to address the identified harm (NPPF, Para 190). Therefore the scheme fails to enhance or better reveal the significance of those affected assets or preserve those elements that make a positive contribution (Para 200).

## Recommendation

Historic England has concerns regarding the application on heritage grounds.

Your Authority should consider carefully whether the proposed scheme has conformed to paragraphs 190 and 194 of the NPPF, and whether a significantly reduced scheme could overcome the identified concerns (NPPF, Para 200).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Simon Bates - Green Infrastructure Project Manager

Please see full comments under documents tab

<p><b>Overview</b></p>	<p>I recommend that the application is refused as it is <b><u>contrary to Strategies 5, 10, 47 and policy EN4.</u></b></p> <p>The site falls within the Clyst Valley Regional Park and Strategy 10 applies. The site also forms part of the Poltimore Parkland County Wildlife Site and development would be contrary to policy EN4 &amp; Strategy 5 &amp; 47.</p>
<p><b>Relevant Local Policies</b></p> <p><b>EDDC Plan</b></p>	<p><b>EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites:</b></p> <p>“Development or land-use changes likely to have an adverse effect, either directly or indirectly, on....County Wildlife Sites....either as identified on the Proposals Map in the Local Plan or otherwise existing in the plan area will only be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site.”</p> <p>The development would result in the loss of 0.9 ha of County Wildlife Site which the ecological survey has confirmed qualifies as parkland habitat. This loss would have to be compensated by the creation or restoration of parkland on land in the control of the applicant.</p> <p><b>Strategy 5 – Environment:</b></p> <p>“All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage...”</p> <p><b>Strategy 10 - Green Infrastructure in East Devon's West End:</b></p> <p><b>Clyst Valley Regional Park</b></p> <p>“The park will be designed and managed to highest natural green design standards and it will be subject to parkland, open and recreation space and countryside and green infrastructure policies. Development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife.”</p> <p>The development as proposed makes no contribution to the objectives of the Clyst Valley Regional Park.</p> <p><b>Strategy 47 – Nature conservation and geology</b></p>

	<p>“Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.”</p> <p>An active badger sett will be severely negatively impacted by the development and no modifications have been offered.</p>
<b>Additional information required:</b>	<ul style="list-style-type: none"> <li>• The design &amp; access statement provides no information about which areas of the development, if any, would be accessible to the general public.</li> <li>• The ecological survey was conducted in January 2018, which is not acceptable for a full appraisal. Further surveys on great crested newt, bats, and badgers in particular would need to be conducted at optimal times to ascertain the full ecological impact of the development. The ecological report identified an active badger sett but classified it as an ‘outlier sett’ without justifying this statement.</li> </ul>
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
<b>S106 Heads of Terms</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>

### Other Representations

None received

### **FURTHER CONSIDERATION OF THE ADDITIONAL INFORMATION**

The additional information essentially relates to the proposed sub-division of one of the affordable housing units to create 2 one bedroom units, additional information relating to the sustainability of the site and an assessment of the Heritage Setting of the site and a Landscape Appraisal.

### Strategy 35

The proposed subdivision of one of the units would provide 6 affordable homes instead of 5 which would make the proposal compliant in terms of providing 66% affordable units – although providing 1 more affordable unit than the Housing Needs Survey identified which is of concern as it may not become occupied which undermines its benefit. It is argued by the applicant that it would comply with a need for more accommodation for the elderly.

Whilst numerically the numbers of units meet/exceed those identified in the Housing Needs Survey, there also remains the issue of the need identified, with the proposal now proposing 2 one bedroom units and 4 two bedroom units, again failing to comply with identified need for 4 one bedroom and 1 two bedroom units. This weighs against the proposal and remains contrary to Strategy 35.

Regardless of this, the situation in terms of sustainability remains unaltered from the attached report. It has been argued that due to the current pandemic situation the shop has grown in popularity and now stocks a wider range of goods to meet every day needs. However the location and presence of the shop was considered previously, and whilst its popularity may have increased at the present time, it remains the case that the village is lacking in essential services such that the site does not represent a sustainable location for new development. This issue was fully explored in the previous report, appended below, and is not further rehearsed here.

Overall it is not considered that the subdivision of one of the units, and some increase in stock at the farm shop is sufficient to overcome the identified conflict with Strategy 35, and as such the proposal fails to meet the requirements for the following reasons:

- It has not been demonstrated that the affordable housing needs for the parish are not being met by other development within the grouped parishes (including Broadclyst);
- Poltimore does not have the necessary range of services and facilities needed to comply with Strategy 35 for the location of affordable housing;
- The proposed size of affordable units does not meet the identified need.

### Heritage Impact and Setting

A Heritage Impact Assessment (HIA) has been undertaken following the deferral of the application, which has identified that Poltimore House is historically and architecturally significant, and that its setting makes a very important contribution to the significance of the listed building. The HIA found that there would be views of the new houses from the drive leading to Poltimore House, from the drive leading to it, from the road to the village and from the Lime Tree Avenue. It found that the site is not visible from the ground floor level of Poltimore House and unlikely to be visible from the upper floor windows due to mature tree screening.

The report has been further assessed by Historic England who remain very concerned that much reliance has been placed on the existing trees, which will not obscure the site entirely and which are out of the control of the applicant. Historic England consider that as the scheme would result in harm an assessment needs to be made about the level of the harm and whether there are opportunities to avoid and minimise the impact, e.g. through a smaller scheme. It is considered that the intense nature of the proposed development would make it difficult for any meaningful steps to be taken to address the identified harm.

Paragraph 193 of the National Planning Policy Framework (NPPF) requires local planning authorities when considering the impact of proposed development on the significance of a designated heritage asset to give great weight to the assets conservation (and the more important the asset, the greater the weight should be).

Poltimore House is a Grade II\* Listed Mansion dating from the late 16<sup>th</sup> Century and whilst it is in relatively poor condition, as a former country house with a designated landscape setting it is considered to be of the highest significance and as such great weight needs to be given to its protection.

Whilst the importance of the building and its setting has been recognised in the HIA, it is not considered that any clear or convincing justification/public benefit has been provided for the proposed development, or the arising harm to the heritage assets as required by paragraph 194, and the proposal is therefore considered to be contrary to Policy EN9 of the East Devon Local Plan 2013-2031 and the provisions of the National Planning Policy Framework.

As such the proposal would result in significant harm to the setting of a Grade II\* listed building with any public benefits not outweighing this harm. This weighs heavily against the proposal as described in the original committee report attached.

### Landscape Impact

As stated above the site would result in the loss of 0.9ha of land within the County Wildlife Site, and the Clyst Valley Regional Park where new development will only be allowed where it will clearly achieve valley park specific objectives for people and wildlife. No such provision or mitigation has been made that would overcome the loss of the area, and in the absence of any measures or compensation to address this shortfall the proposed development is considered to be detrimental to the Regional Park objectives as described in the original report attached.

### CONCLUSIONS

It is not considered that the additional information has addressed the concerns expressed in the previous report and the application remains unacceptable and is consequently recommended for refusal for the same reasons as repeated below and outlined in the original report attached.

### RECOMMENDATION

REFUSE for the following reasons:

1. In the absence of a proven local need for the provision of additional affordable housing in Poltimore, and its grouped villages, the Local Planning Authority is not satisfied that there is adequate justification for the proposed development of a mixed affordable and open market housing scheme on the application site, which is located outside of the defined built-up area of the village within the countryside, as an exception to the normal policies of restraint of development of such areas. As a consequence, and in the absence of any other Local or Neighbourhood Plan policy that explicitly permits such development in the countryside, the proposal is contrary to the provisions of Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031.

2. The proposed development by reason of its location, remote from adequate services and facilities, education, and public transport, would result in a reliance upon the use of the motor vehicle and would therefore be contrary to the provisions of Strategy 5B (Sustainable Transport), and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework on sustainable development.
3. Insufficient information has been submitted to demonstrate that the number of dwellings proposed and associated development and infrastructure would not have a detrimental impact on the setting of the adjacent Grade II\* Listed Building, Poltimore House. As such the proposal would be contrary to Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013-2031, and the guidance contained within the National Planning Policy Framework.
4. The proposed development, by virtue of the number and scale dwellings, ancillary structures, and associated works would introduce a form of development which would present a harsh urban form within the open countryside resulting in an incongruous and discordant development which would fail to respect the open character of the landscape. As such the proposal would be contrary to Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and the guidance contained within the National Planning Policy Framework.
5. Notwithstanding the submitted information it has not been demonstrated how the development would achieve the valley park specific objectives for people and wildlife for the Clyst Valley Regional Park, or that there would be no adverse effect on the County Wildlife Site within which the site is located. As such the proposal is considered to be contrary to guidance in the National Planning Policy Framework and to Strategy 10 (Green Infrastructure in East Devon's West End) and Policy EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the East Devon Local Plan 2013-2031.

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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:

461.1.103	Proposed Floor Plans	23.10.20
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461.1.101B	Proposed Site Plan	23.10.20
LP461_3	Location Plan	26.06.19

List of Background Papers

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

# **ORIGINAL REPORT**

		<b>Committee Date: 4<sup>th</sup> February 2020</b>
<b>Exe Valley (Poltimore)</b>	<b>19/1161/OUT</b>	<b>Target Date: 11.11.2019</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Reeves</b>	
<b>Location:</b>	<b>Land West Of Kilmore House Poltimore</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the erection of five affordable dwellings and three open market dwellings</b>	

**RECOMMENDATION: REFUSE**

## **EXECUTIVE SUMMARY**

**This application is before Members as the Officer recommendation differs from the view of the Ward Member.**

**Outline planning permission is sought for the construction of eight dwellings, five of which would be affordable and three open market. Whilst submitted in outline form an indicative plan has been submitted which indicates a terrace of three affordable dwellings to the road frontage, with two further affordable houses behind this, and three detached open market houses to the north and east of the site. Submitted information suggests that the affordable houses will be 2 bedroom properties, and the open market dwellings 4+ bedroom.**

**The application has been submitted under the provisions of Strategy 35 (Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries) of the Local Plan, and is accompanied by a Housing Needs Survey undertaken in respect of the parish of Poltimore.**

**Whilst the conclusions of the Housing Needs Survey are noted, it is not considered that sufficient justification has been provided to satisfy the policy requirements of Strategy 35 of the local plan and to demonstrate a specific need for affordable housing within the parish grouping that is not being met by the provision of existing and proposed dwellings. In addition, it has not been demonstrated that Poltimore has a range of services and facilities to meet the needs of potential occupiers resulting in an unsustainable form of development reliant on private modes of transport, the required percentage of affordable**

**housing is not being provided and the proposed dwelling types do not meet the needs identified in the Survey.**

**With regard to the site itself, it lies within a County Wildlife Site, an area designated in the Local Plan as forming part of the Clyst Valley Regional Park and within the setting of Poltimore House with the development causing harm to these designations.**

**In light of the above it is not considered that there is any policy justification for the proposal that would also result in harm to the landscape and setting of Poltimore House, the County Wildlife Site and Clyst Valley Regional Park.**

**As such the proposal is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Exe Valley - Cllr Fabian King

I support this application on the principle of the Ward needing more affordable housing, and in the knowledge that how this is achieved sympathetically to the existing community will be negotiated by the owners agents and designers seeking approval for their detailed applications in due course.

#### Parish/Town Council

#### **COMMENTS**

Re: Planning Application

19/1161/OUT Land West of Kilmore House Poltimore Exeter EX4 0AT

Proposal: Outline application with all matters reserved for the erection of five affordable dwellings and three open market dwellings.

Poltimore Parish Council wish to point out that they did not support the application of 16/0702/OUT for two three bedroom and three four-bedroom dwellings at the site at Kilmore.

They would only support one bungalow which would be in keeping with the other two dwellings.

The information in the Design and Access Statement is inaccurate and misleading.

The new proposal for 8 dwellings would be an over development of Poltimore village which is already an "unsustainable village"

The increase in traffic which these properties would generate would exasperate what is currently a rat run through the village. The road to the bus route on the B3181 has no street lighting, or pavement therefore parents would feel they have to escort their children to the local schools. Children who go to Stoke Canon have a more difficult road to access.

Although highways have stated there have been no accidents along this road, there have been several unreported near misses.

## **Technical Consultations**

### Devon County Archaeologist

I refer to the above application. The proposed development lies on the edge of the historic parkland associated with Poltimore House and in a landscape containing evidence of prehistoric or Romano-British activity. An archaeological geophysical survey in the field to the south of the application area revealed the presence of undated linear features that may be associated with early land divisions and these features may extend into the proposed development site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, 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 developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

#### County Highway Authority

The site is located on the C169.

Our recorded collision data shows that from January 2014 to December 2018 no recorded collisions are founded in this vicinity.

The access to be utilised is existing with the existing visibility provision.

The site leans itself towards the nearby facilities of Poltimore village together with the services available at Westclyst.

As the application is outline only, I shall not comment upon the internal site layout, but at this stage of the application, the County Highway Authority has no objection.

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

#### Housing Strategy Officer Melissa Wall

Poltimore does not have a built up area boundary and therefore is considered open countryside. This site is reasonably well located to the built form of the village. We understand that there is concerns about the sustainability of the village.

The applicant is proposing to provide 5 units of affordable housing together with 3 market houses. Under strategy 35, where an affordable housing need is being met, at least 66% should be for affordable housing. This proposal provides 62.5% and the shortfall can be made up by a commuted sum. This will amount to £16,398.

A housing needs survey for the parish was carried out in February 2019 which identified a need for 5 affordable homes over the next 5 years. The survey identified a need for 4 x 1 bedroom properties for singles or couples and 1 x 2 bedroom property for a family. Of those that were found to be in need all 5 required affordable rented accommodation, although one did have aspirations to own their own home but couldn't afford it straight away. As this application is outline there isn't any detail on the sizes of the dwellings or tenure. The proposal should reflect the need for smaller properties for 1 or 2 bedrooms and should be for rented accommodation.

The units should also be tenure blind and dispersed throughout the development. The initial sketch plans show two terraces for the affordable accommodation and detached houses for the market units. With small sites this is not always possible to disperse the units however effort has been made here to disperse the affordable units with the market and we are satisfied with the indicative layout.

Once completed the affordable homes should be transferred and managed by a preferred Registered Provider. To ensure that the affordable units can be delivered a registered provider should be sought at an early stage and we can provide advice to the applicant of our preferred registered providers. The affordable homes could also be delivered via a Community Land Trust (CLT) and the applicant has expressed interest in forming a CLT within the community to bring forward these units. We can provide advice and support on forming a CLT and there is funding available to assist CLTs.

Future occupants of the affordable units will need to be in need of affordable housing and have a local connection to the Parish, cascading to adjoining parishes and finally the district as per strategy 35. Housing need will be determined by Devon Home Choice (or any subsequent choice based lettings system), the Council's waiting list for rented accommodation.

### Historic England

#### Historic England Advice

Historic England commented on a previous application for the site, which proposed 5 units (Our ref P00521767/ EDDC ref 16/0702/OUT). We had concerns regarding the impact on the development on the significance of the grade II\* listed Poltimore House as derived from its setting. This application was refused in 2016.

This outline planning application looks to raise the number of units from five to eight new dwellings. Consequently, the comments raised in our previous letter are still extant.

The site is on the outskirts of Poltimore village on the edge of the settlement which is in relatively close proximity to Poltimore House, an important grade II\* listed building and a long-standing Heritage at Risk case for Historic England. As a former country house with a designed landscape setting, development within the surroundings of

Poltimore House needs careful scrutiny to ensure that it would not have a harmful impact on its significance.

Historic ordnance survey maps show that both the application site and the field intervening between it and Poltimore House were formerly part of its parkland setting in the late nineteenth century. Aerial photography demonstrates that the current grounds to Kilmore House retain an informal parkland character. Given those facts, it is not unreasonable to consider that the application site forms part of the historic setting of Poltimore House and contributing to its significance.

The applicant's supporting statement has not considered the impact of the development on Poltimore House, even though it was raised in the pre-application advice provided by East Devon through their pre-application response. It is understood that the inter-visibility between the heritage asset and the proposed development site is limited due to an existing shelter belt of tree planting to the north of Poltimore House. In our experience, it is always risky for applicants (and therefore planning authorities) to rely on tree planting, particularly if it is deciduous or short-lived conifers, which is in the control of third parties, to screen their development from other vantage points. This is because they have no control themselves over the maintenance of that planting.

Whilst the existence of dwellings to either side of this site might make it difficult to resist the principle of a single dwelling, it is difficult to envisage how eight dwellings, increased from the previous 5, could be constructed on site without resulting in a suburban estate-type development focused around a cul-de-sac, as indicated by the supporting plans. Notwithstanding that tree screening, we still consider that this site is sensitive enough in heritage terms for a relatively intensive development of eight dwellings to be out of keeping with its location on the village edge and within the historic setting of Poltimore House.

We would advise your Authority to consider carefully whether, for the reasons set out above, approval of this application would conform with paragraphs 190 and 194 of the NPPF, and whether a significantly reduced scheme could overcome the concerns we have identified.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

#### Simon Bates - Green Infrastructure Project Manager

I recommend that the application is refused as it is contrary to Strategies 5, 10 and policy EN4.

The site falls within the Clyst Valley Regional Park and Strategy 10 applies. The site also forms part of the Poltimore Parkland County Wildlife Site and development would be contrary to policy EN4 & Strategy 5.

#### EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites:

"Development or land-use changes likely to have an adverse effect, either directly or indirectly, on....County Wildlife Sites....either as identified on the Proposals Map in the Local Plan or otherwise existing in the plan area will only be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site."

#### Strategy 5 - Environment:

"All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage..."

#### Strategy 10 - Green Infrastructure in East Devon's West End:

##### Clyst Valley Regional Park

"The park will be designed and managed to highest natural green design standards and it will be subject to parkland, open and recreation space and countryside and green infrastructure policies. Development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife."

#### EDDC Landscape Architect - Chris Hariades

### LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

#### 2.1 Location and brief description of proposals

The site is situated to the southeast of the village of Poltimore adjacent to minor country lane. The proposals comprise the construction of 8 dwellings and associated landscape and infrastructure works with all matters reserved.

#### 2.2 Site description and context

The site is presently grassland forming part of the garden to the adjacent property, Kilimore House with access from the existing drive. A post and wire fence forms the boundary with the adjacent highway. The western boundary which abuts adjoining gardens comprises close board fencing. The northern boundary is traditional hedgerow with trees.

The site is level and open with mature trees. Surrounding land is predominantly agricultural with a mix of pasture and arable. Land to the west is housing and Kilimore House lies to the east. Poltimore House (listed grade II\*) is situated 330m to the south. The site itself was formerly part of the Poltimore estate parkland as can be seen in the 1880-90 OS map extract below.

The parkland character is reflected in extant mature specimen trees within the site which are notable landscape features clearly visible from the road and which provide a visual and historic link with the main parkland to the opposite side of the road as can be seen in the photograph below.

There is no public access within the site and no public rights of way in the vicinity.

There are views into the site from the adjacent highway. Views from the site are screened to the north by mature boundary hedgerow and to the west and east by the adjoining residential properties. There are attractive views to the south across Poltimore estate parkland.

### 2.3 Landscape character

The site lies within the Clyst Lowland Farmlands Devon Landscape Character Area a management guideline of which is to '*protect the character and setting of the parkland landscapes, ensuring any new development does not encroach upon the historic landscape or views to it.*'

Although the site retains an open parkland character modern development to the east and west detracts somewhat from this.

### 2.4 Relevant planning policy

The site falls within land allocated to accommodate the Clyst Valley Regional Park where there is a presumption against any development which does not clearly contribute to achieving the Valley Park objectives and is also part of a designated County Wildlife Site.

## 3 REVIEW OF SUBMITTED INFORMATION

### 3.1 Layout and landscape details

The proposal would create two storey dwellings fronting the road and extending further back in to the site. This would result in the loss of parkland character of the site, loss of views of the site from the adjacent public road and loss of inter-visibility between the site and main parkland to the opposite side of the road and would therefore have an adverse impact on the setting of Poltimore House.

Although there are two existing detached bungalow plots adjacent to the western boundary being single storey and part obscured by trees the impact of these on the site is limited.

## 4 CONCLUSION & RECOMMENDATIONS

### 4.1 Acceptability of proposals

On the basis of the details submitted the scheme should be considered in conflict with Local Plan strategies 7 and 46 and policy D1 as well as with Clyst Lowland Farmlands landscape character area guidelines and is consequently unacceptable in terms of landscape/ visual impact.

Additionally the site does not meet the Clyst Valley Regional Park objectives and as such is contrary to Strategy 10.

For the above reasons the application should be rejected.

### Other Representations

Five representations have been received, all raising objections to the proposal, summarised below

- Unsustainable location
- Detrimental to the character of the historic village
- Will set precedent for further development

- Need to protect existing green space
- New dwellings too small and over priced
- New affordable housing is available in the locality
- lack of facilities in the village
- Additional traffic on already over-congested roads
- Lack of public transport
- No pavements or lighting to roads
- No mains gas and poor infrastructure in village

## **POLICIES**

### **Adopted East Devon Local Plan 2013-2031 Policies**

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 7 (Development in the Countryside)

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

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

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

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

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

EN8 (Significance of Heritage Assets and their setting)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### **Government Planning Documents**

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **Site Location and Description**

The application site comprises part of a field located to the north and west of Kilmore House. The site is irregularly shaped, generally level and has a frontage onto one of the roads leading into the village of Poltimore. The western boundary of the site is formed by existing residential boundaries, with Kilmore House to the east. To the north and south and beyond the existing dwellings are fields.

There are a number of large trees within the site, some of which are protected by a tree preservation order.

### **Proposed Development**

Outline planning permission, with all matters reserved, is sought for the construction of 8 dwellings. Supporting information states that the application is submitted as an 'exception' site, comprising five affordable 2 bedroom houses and three 4 bedroom open market properties.

The indicative layout suggests that three affordable units would be sited fronting the road, with two behind this; two open market properties to the north of the site, with the third on the eastern side of the site, adjacent to outbuildings associated with Kilmore House.

No design details have been suggested, although supporting information states that the dwellings would be two storey and have a ridge height no higher than Kilmore House.

### **Planning History**

In 2016 (reference 16/0702/OUT) an outline application, with all matters reserved, for two three bedroom and three four bedroom dwellings was refused for the following reasons:

1. The application site falls outside of the Built up Area Boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted. As no other policy of the Local Plan facilitates the proposal this would result in sporadic development outside of the built up area boundary in conflict with the spatial approach to accommodate residential development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts of a residential use within this location. Therefore the proposal is contrary to Strategy 6 (Development within Built up Area Boundaries) and Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 and the guidance in the National Planning Policy Framework.
2. The proposed development by reason of its location, remote from adequate services and facilities, education, and public transport, would result in a reliance upon the use of the motor vehicle and would therefore be contrary to the provisions of Strategy 5B (Sustainable Transport), and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework on sustainable development.
3. The application fails to demonstrate how the development would achieve the valley park specific objectives for people and wildlife for the Clyst Valley Regional Park, or that there would be no adverse effect on the County Wildlife

Site within which the site is located. As such the proposal is considered to be contrary to guidance in the National Planning Policy Framework and to Strategy 10 (Green Infrastructure in East Devon's West End) and Policy EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the East Devon Local Plan 2013-2031.

## **ANALYSIS**

The main issues to be considered in the determination of this application relate to:-

- Policy context and principle of the proposed development
- Location of the site and sustainability credentials
- Access, parking and highway safety
- Proposed layout and scale of the development
- Impact on the amenity of the occupiers of neighbouring properties
- Drainage and flood risk
- Impact of the development on the character and appearance of the area
- Landscape and impact on Clyst Valley Park
- Heritage impact (Poltimore Estate)
- Impact on trees
- Impact on protected habitats and species
- Other matters arising.

### **Principle and Policy Context**

The application site lies outside of any built-up area boundary identified in the East Devon Local Plan, and therefore, in planning terms, it is located in the countryside where new development is strictly controlled. Strategy 7 of the East Devon Local Plan states that development in the countryside will only be permitted where it would accord with a specific Local or Neighbourhood Plan Policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Poltimore does not have a built-up area boundary and is not identified within the East Devon Local Plan as having the level of services or facilities to accommodate future growth. It is therefore not recognised as a sustainable village or town under Strategy 27 where limited new development will be permitted. There is no Neighbourhood Plan covering the area.

The Local Plan recognises that there is a need for affordable housing throughout the District, and to assist with securing appropriate provision it is recognised that there may be locations where development will be permitted in areas which would not otherwise be considered to be suitable.

Strategy 35 (Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries) of the Local Plan recognises that mixed affordable and open market housing schemes may be acceptable in certain circumstances outside of built up area boundaries. This is to allow balance between the lack of affordable housing in the District and the low levels of affordable housing constructed in recent years. This Strategy facilitates securing affordable provision by

permitting development in locations where ordinarily residential development would not be acceptable. The plan points out that development of such sites will not be regarded as creating a precedent for future expansion to meet other housing needs. All sites will need to be within close to a range of facilities and meet a proven local need and be at least 66% of all houses built being affordable.

The new development should integrate the open market and affordable housing, making the best use of land and the development should be well related to and compliment and be compatible with the built form of a settlement. Rural departure sites (beyond Local Plan Built-up Area Boundaries) should be physically very well related to the built form of the village.

Paragraph 77 of the National Planning Policy Framework (NPPF) states that in rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

Within the local plan affordable housing search areas are identified, with some of the larger towns comprising a single parish search area, and the grouping of geographic parishes used to assess housing needs of the rest of the District.

Under these search areas, the parishes of Broadclyst, Clyst Honiton, Clyst Hydon, Clyst St. Lawrence, Rockbeare and Poltimore are grouped together for the purposes of establishing the affordable housing requirements. Of these villages it is considered that Broadclyst is the most sustainable with a range of services suitable to sustain new development and with a built-up area boundary.

It is noted that the application is accompanied by a Housing Needs Report dated February 2019 in respect of Poltimore Parish only which identifies a need for 5 affordable houses within the next 5 years. The survey identified the need for 4 one bedroom properties, and 1 two bedroom property. No information has been received in respect of any assessment of either the need or any provision of affordable housing for the remaining parishes within the identified grouping in the local plan.

The local plan states that account will be taken of the specific need within the Parish in which the application land is sited and in addition regard will also be paid to need in surrounding parishes. Strategy 35 (Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries) states that a number of criteria will need to be met and evidence provided to demonstrate the need. The evidence will need to show

- “1. The affordable housing need in any given locality would not otherwise be met, and*
- 2. The village or small town has a population that falls below 3,000 persons, the scheme is well designed using local materials, close to a range of community services and facilities (including for or more of a school, pub, village hall, shop/post office, doctors surgery, place of worship or public transport service) and sympathetic to the character of the settlement and has a satisfactory highway access.*

3. *Initial and subsequent occupancy of the affordable housing is restricted to a person(s) who:*
- a) *Does not have access to general market housing and is in housing need; and*
  - b) *Is a resident of that Parish group, or has a local connection with that parish group because of family ties or a need to be near their workplace.”*

In considering the proposal it should also be noted that there are significant numbers of affordable houses approved and currently being constructed within very close proximity of the application site, at Old Park Farm and West Clyst. A range of housing types and tenures are being provided within these developments, with these sites falling within Broadclyst parish which forms part of the parish grouping with Poltimore. As such, the needs of the parish are being met at nearby developments.

With the above in mind it is not considered that there is any justification in terms of housing need for an exception site in this location and as such it is unclear as to how this proposal would comply with the adopted local plan.

In terms of wider linkages the site is within commutable distance of Exeter and several other villages within the district. However there is only one weekly bus service and very limited services or employment within the village. As such it is likely that the intended occupants are likely to rely on private transport to reach these. Strategy 35 permits, in settlements with a population below 3,000 people, mixed market development where there are a range of community services and facilities - the threshold being four or more services/facilities. In this instance it is considered that even if the need for affordable housing is accepted, Poltimore only has three of the four facilities that are sustainable i.e. a Church, a farm shop and a Village Hall. Without any evidence submitted by the applicant to suggest otherwise, the level of facilities on offer results in the likely increase usage of private modes of transport, in conflict with the requirements of Strategy 35 which further weighs against the scheme.

It is also considered that even were the findings of the housing needs report and location of the site be accepted in terms of the very localised need, the suggested mix of 5 two bedroom properties would fail to address the suggested need for 4 one bedroom, and 1 two bedroom properties. In addition, the ratio of 5 affordable and 3 open market would also fall short (62.5%) of the minimum of 66% affordable housing required by the Strategy. Although as the Housing Enabling Officer suggests this shortfall could be 'made up' by a commuted sum of circa £16,400, this does not strictly meet the policy requirement for a minimum of 66% on-site provision and as such also weighs against the proposal.

For exceptional housing development, the fundamental justification for releasing land for residential development, which would otherwise be subject to restrictive rural policy, is to meet and reflect affordable need. In itself there is no harm in over-providing affordable housing which continues to remain a priority within the District, however this must be in suitable locations identified through a genuinely plan led system to accommodate the level of growth proposed.

The application therefore fails to meet the requirements of Strategy 35 for the following reasons:

- It has not been demonstrated that the affordable housing needs for the parish are not being met by other development within the grouped parishes;
- Poltmore does not have the necessary range of services and facilities needed;
- The proposal fails to provide the minimum 66% on-site affordable housing provision;
- The proposed size of affordable units does not meet the applicant's identified need.

### Location and Sustainability

Policy TC2 (Accessibility of New Development) states '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.' This is supported by Strategy 5B (Sustainable Transport) of the Local Plan that seeks to ensure that development proposals are well located to reduce reliance on the car.

The application site is located to the south of Poltmore a small settlement which has extremely limited services or facilities to provide even the most basic essentials for day to day living. The road leading to the site has no footways or lighting and there are no opportunities for pedestrian access to any reasonable services, with the nearest facilities being at Broadclyst, or Pinhoe both around 3km from the site.

Without direct access to a bus or rail service from the site, and poor pedestrian links, it is considered that this proposal would not support the environmental dimension as set out in the NPPF and the remote location of the site from public transport weighs heavily against the proposal. The application is therefore considered to be contrary to Strategy 5B and Policy TC2 of the Local Plan.

### Access, Parking and Highway Safety

Access to the site would be taken from an existing entrance which serves the paddock and lies to the north of The Bungalow and Kilmore House. The visibility from the entrance is considered to be acceptable and the site is large enough to accommodate appropriate parking provision for the number of dwellings proposed in order to accord with the requirements of Policy TC9 (Parking Provision in New Development) of the Local Plan.

As indicated above there is concern regarding the sustainability of the site and lack of suitable pavements or lighting on the road, leading to the village or to the B3181 where public transport is available, meaning that this would be an undesirable walking route. However from a vehicular perspective it is considered that the road is capable of accommodating any additional traffic arising from the proposed development and no highway safety concerns have been raised. In this respect the proposal is considered to comply with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

### Landscape and Heritage Impact

The site is presently grassland forming part of the garden to the adjacent property, Kilmore House with access from an existing drive. A post and wire fence forms the boundary with the adjacent highway and there are clear views into the site, which is also visible in some longer distance views due to the open nature of the site.

In terms of the wider landscape, the application site lies on the edge of the historic parkland associated with Poltimore House, a Grade II\* listed building. Historic England considers Poltimore House to be an important building which has been identified as a Heritage at Risk building and which is currently the subject of a significant restoration project.

The site, and the field on the opposite side of the lane were formerly part of the Poltimore estate parkland as can be seen in the 1880-90 OS map. The site has similar open character, with mature specimen trees within the site which are notable landscape features clearly visible from the road

As a former country house with a designated landscape setting, any development within the surroundings of Poltimore House needs careful scrutiny to ensure that will not have a harmful impact on its significance. Given its former association it is considered to be reasonable to consider the application site as forming part of the historic setting of Poltimore House and contributing to its significance. This has not been considered within the application submissions.

Poltimore House is screened from the application site by a bank of trees and vegetation which prevent direct views, and there is presently no inter-visibility between the listed building and the site, although over time this situation could change. The concerns raised by Historic England in respect of the number and form of the proposed dwellings are shared and it is considered that it has not been demonstrated that a development of eight dwellings could be accommodated on the site without detrimental impact on the historic setting of Poltimore House as required by Local Plan Policy EN9 and the NPPF.

### Character and Appearance of the Area

The impact of the introduction of large suburban houses, together with the proposed smaller terrace/semi-detached properties into this attractive open field in the approach to the village has the potential to be visually intrusive and inappropriate in this rural location.

Whilst scale, design and position of the proposed dwellings would form part of a reserved matters application, the ability of the site to accommodate the number of dwellings, with associated development, without having an adverse impact on the character of the area does fall to be considered.

In this respect the site is currently open, with mature specimen and boundary trees, and providing a visual and historic link between the agricultural land to the north and the main parkland associated with Poltimore Estate to the south. The impact of 8 new dwellings will fundamentally alter this character, with two storey dwellings fronting the highway and further development to the rear. In this respect the open nature of the site would be erased.

The number of dwellings, ancillary structures, and associated works would introduce a form of development which would present a harsh urban form to the lane on which it is proposed, resulting in an incongruous and discordant development which would fail to respect the open character of the landscape, loss of the parkland character of the site, and inter-visibility between the site and main parkland to the opposite side of the road. The proposal is therefore considered to be unacceptable in terms of landscape/visual impact and contrary to local and national planning policy.

### Layout and Scale

The application has been submitted in outline although an indicative layout submitted with the application suggests three detached dwellings, with two to the north of the site adjacent to the open countryside, and one to the east of the entrance. A further five dwellings are proposed, with a terrace of three fronting the road, and a two behind these, together with associated parking and turning area.

The supporting information suggests that the properties would be of two storey form. In addition a modest play area is indicated on the layout.

It is considered that in a more sustainable location the physical size of the site may be capable of accommodating the number of dwellings proposed, however in this edge of village location the suggested layout and number of dwellings is considered to be too suburban and intensive for this countryside situation, particularly given the significant heritage impact and landscape character concerns raised above.

### Residential Amenity

The existing property to the west of the site has a number of windows on its eastern elevation which are understood to serve living accommodation and which have an outlook across the application site. The erection of a two storey building around 10 metres from this building would result in a loss of outlook and consequent amenity for the occupiers of this property. There is also a very real prospect of an unacceptable loss of privacy resulting from any two storey development on the site.

Whilst it is appreciated that the application has been submitted in outline, the constraints of the site in terms of its shape and mature and protected trees contained within and on the boundaries need to be addressed at any reserved matter stage to ensure that there is no unacceptable impact on the residential amenities of the occupiers of the existing properties.

### Drainage and Flood Risk

The site lies outside any flood risk area with surface water proposed to be dealt with via a sustainable drainage system, the details of which would have to be considered as part of a reserved matters submission.

### Clyst Valley Regional Park

The application site falls within an area designated as the Clyst Valley Regional Park under Strategy 10 (Green Infrastructure in East Devon's West End) of the Local Plan. This policy seeks to ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. Strategy 10 states that development proposals will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife as listed in the Strategy.

This application fails to provide any justification or demonstrate how it would comply with the objectives of the Green Infrastructure programme and Regional Park for this part of the West End and in the absence of this is therefore considered to be contrary to Strategy 10 of the Local Plan.

### Trees

There is one significant tree, a Sweet Chestnut, contained within the site which the subject of a Tree Preservation Order (East Devon District Council ref: 95/0012/TPO). This tree has been identified within the report as being retained and appropriate protection measures have been suggested to ensure that any development of the rest of the site would not have an impact on this tree. Other significant trees are proposed to be protected from development. Whilst the application is submitted in outline with all matters reserved, it is considered that some development could be undertaken on the site without significant impact on existing trees in accordance with Policy D3 (Trees and Development Sites) of the Local Plan.

### Protected Habitats and Species

The application is located within a County Wildlife Site where development likely to have an adverse effect will only be permitted if the justification for the proposal clearly outweighs any harm to the intrinsic nature conservation value of the site which could in turn be mitigated, compensated or enhanced.

An ecological survey has been submitted with the application which concludes that the proposed development represents a negative ecological impact through partial removal of a County Wildlife Site, through the removal of habitat with potential for amphibians, reptiles, birds and bats. The report also concludes however, that through the implementation of ecology mitigation, compensation and enhancement, it may be possible for the proposal to represent a neutral or positive biodiversity impact.

Notwithstanding the findings of the survey, it is not considered that there is any policy justification for the proposal and given that the site is within the County Wildlife Site, the principle of the development of this locally protected site should be resisted.

### Archaeological Potential

An archaeological geophysical survey in the field to the south of the application area revealed the presence of undated linear features that may be associated with early land divisions and these features may extend into the proposed development site. As such the County Archaeologist has suggested that any development of the site is subject to a condition requiring the implementation of a programme of archaeological

work in accordance with a written scheme of investigation. This could be ensured by condition should the application be found to be acceptable.

### Habitat Regulations and Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **CONCLUSION**

Whilst the conclusions of the applicant's Housing Needs Survey are noted, it is not considered that sufficient justification has been provided to satisfy the policy requirements of Strategy 35 of the local plan and to demonstrate a specific need for affordable housing within the parish grouping that is not being met by the provision of existing and proposed dwellings. In addition Poltimore does not have a range of services and facilities to meet the needs of potential occupiers resulting in an unsustainable form of development reliant on private modes of transport, the application does not provide the required 66% on-site affordable housing provision and the application does not provide the size of units identified as being needed in the applicant's Housing Needs Survey. As such the proposal is contrary to Strategies 7 and 35 of the Local Plan.

In addition to the concerns regarding the principle of development in this location, the number of dwellings, ancillary structures, and associated works would introduce a form of development which would present a harsh urban form within the open countryside resulting in an incongruous and discordant development which would fail to respect the open character of the landscape contrary to Strategy 5B and Policy TC2.

Furthermore it has not be demonstrated that a development of eight dwellings could be accommodated on the site without detrimental impact on the historic setting of the Grade II\* Listed Building, Poltimore House, County Wildlife Site or Clyst Valley Regional Park contrary to Strategies 7 and 10 and policies D1, EN4, and EN9 of the Local Plan.

It is not considered that there is any other justification for the setting aside of local or national planning policy which would overcome the harm identified and as such the application is recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reasons

1. In the absence of a proven local need for the provision of additional affordable housing in Poltimore, and its grouped villages, the Local Planning Authority is not satisfied that there is adequate justification for the proposed development of a mixed affordable and open market housing scheme on the application site, which is located outside of the defined built-up area of the village within the countryside, as an exception to the normal policies of restraint of development of such areas. As a consequence, and in the absence of any other Local or Neighbourhood Plan policy that explicitly permits such development in the countryside, the proposal is contrary to the provisions of Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031.
2. The proposed development by reason of its location, remote from adequate services and facilities, education, and public transport, would result in a reliance upon the use of the motor vehicle and would therefore be contrary to the provisions of Strategy 5B (Sustainable Transport), and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework on sustainable development.
3. Insufficient information has been submitted to demonstrate that the number of dwellings proposed and associated development and infrastructure would not have a detrimental impact on the setting of the adjacent Grade II\* Listed Building, Poltimore House. As such the proposal would be contrary to Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013-2031, and the guidance contained within the National Planning Policy Framework.
4. The proposed development, by virtue of the number and scale dwellings, ancillary structures, and associated works would introduce a form of development which would present a harsh urban form within the open countryside resulting in an incongruous and discordant development which would fail to respect the open character of the landscape. As such the proposal would be contrary to Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and the guidance contained within the National Planning Policy Framework.
5. Notwithstanding the submitted information it has not been demonstrated how the development would achieve the valley park specific objectives for people and wildlife for the Clyst Valley Regional Park, or that there would be no adverse effect on the County Wildlife Site within which the site is located. As such the

proposal is considered to be contrary to guidance in the National Planning Policy Framework and to Strategy 10 (Green Infrastructure in East Devon's West End) and Policy EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the East Devon Local Plan 2013-2031.

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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:

461.1.101A + tree plan	Proposed Site Plan	26.06.19
LP461_3	Location Plan	26.06.19

##### List of Background Papers

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