

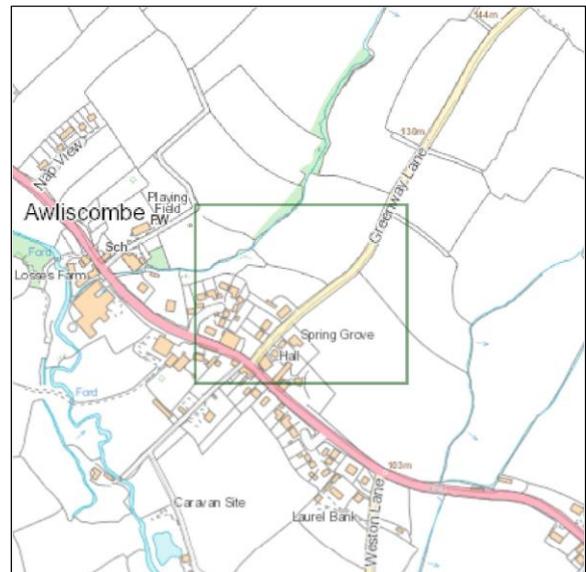
Ward Dunkeswell And Otterhead

Reference 19/0101/FUL

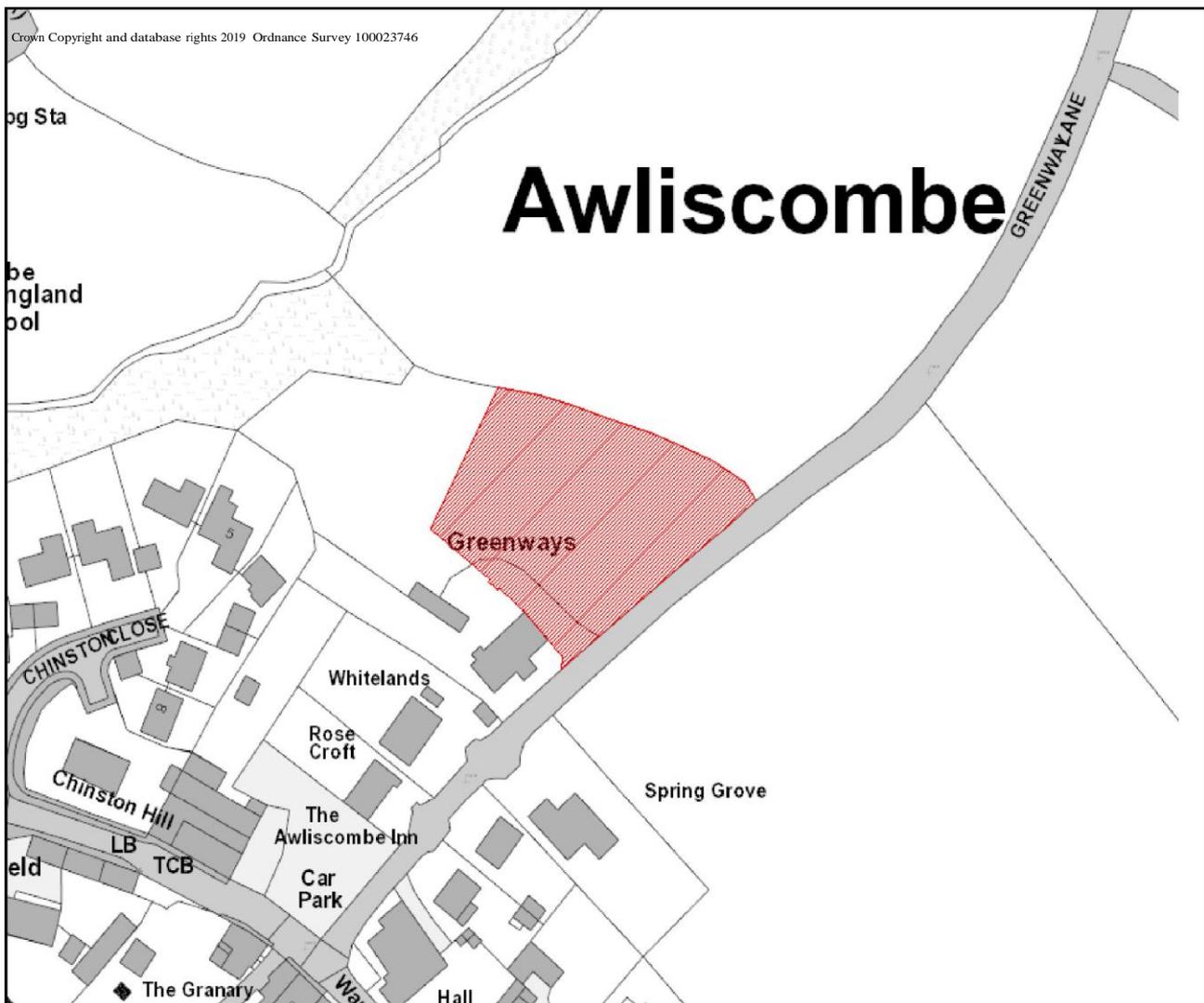
Applicant Cutler

Location Greenways Awliscombe Honiton EX14 3PJ

Proposal Construction of 5 no dwellings (comprising a mix of affordable and market dwellings)



RECOMMENDATION: Approval with conditions subject to a legal agreement securing the provision of three affordable dwellings and a commuted sum of £17,374.80.



		Committee Date: 9th July 2019
Dunkeswell And Otterhead (Awliscombe)	19/0101/FUL	Target Date: 14.03.2019
Applicant:	Cutler	
Location:	Greenways Awliscombe	
Proposal:	Construction of 5 no dwellings (comprising a mix of affordable and market dwellings)	

RECOMMENDATION: Approval with conditions subject to a legal agreement securing the provision of three affordable dwellings and a commuted sum of £17,374.80.

EXECUTIVE SUMMARY

This application is before Members because it is a departure from the development plan.

The proposal seeks permission for an exception site development of five dwellings, three or which would be affordable to meet a need identified in a recent housing needs survey. They would be located on a field adjoining the edge of the village which is outside but adjacent to the Blackdown Hills AONB.

Strategy 35 of the Local Plan requires exception site development to provide 66% affordable housing on site whereas this scheme would only deliver 60% and is therefore a departure from the Plan. To make up the shortfall the applicant is offering a financial contribution of £17,374.80, which is equivalent to 6% or 0.3 of a dwelling. However, the Strategy does not allow such an approach and therefore the proposal remains a departure. In other respects the proposal satisfies the requirements of Strategy 35.

Three previous applications for larger scale development incorporating additional land, including land within the AONB, have been withdrawn or refused within the last five years. This reduced scheme would be outside the AONB, well related to the village and contained within existing field boundaries. The landscape impacts in this case are limited and considered acceptable.

To accommodate the additional traffic using the junction of Greenway Lane and the A373 the scheme includes highway works which have been developed in consultation with the Highway Authority. There has been local opposition to this element of the scheme since it was first introduced in a 2014 application.

Concerns are centred on whether narrowing the carriageway would adversely affect highway safety and whether vehicles emerging from Mill Lane onto the A373 would be at greater risk of an accident. However, these concerns are not shared by the Highway Authority and therefore are not considered to be grounds for refusal.

In conclusion the affordable housing offer, although not strictly policy compliant, is a significant factor in favour of the scheme. In the absence of any landscape or other concerns, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

25/02/2019 - This application is far more acceptable than all the previous applications for developing this site. Mainly because of its much reduced size. The Parish Council are prepared to support this application, mainly because it is supported by the recent housing needs survey we have carried out.

However we still have several reservations concerning this application.

The access from Greenway lane onto the A373 has always been one our main concerns. Any additional properties on Greenway lane will only exacerbate problems at the junction. Highways feel that repositioning the road markings will improve the situation and are not objecting to the application. We would like to point out that moving the dotted stop line towards the middle of the road will in turn force the traffic against the houses on the other side. The residents have asked that you take this concern into consideration.

Regardless, there should be no future development on this site. Five dwellings is more than enough.

The inclusion of a drainage tank in the area behind the properties should be reconsidered. A pond would be more preferable. It would benefit the natural environment and increase biodiversity.

It seems a pity not to increase two of the affordable units from one bedroom to two. Further it must be a condition that the affordable units are made available ONLY to eligible villagers as a priority.

Further comments 15/04/2019:

Although we have responded positively to this application previously, we have concerns about the proposed alterations to the junction where Greenway lane meets the A373.

It has been brought to our attention that Devon County Highways are considering moving the hatched stop line 1.5 metres out into the main road.

Having observed the passing traffic it is clear that the vehicles tend to gravitate towards the middle of the road when travelling from the Cullompton direction. This means that oncoming vehicles coming from the Honiton direction are forced against the houses opposite the junction. This also makes exiting from Mill lane extremely dangerous. Moving the white line is only going exacerbate an already difficult situation.

We have requested that Philip Morgan from Highways investigate the case. It appears that not only has a MSSA not taken place, but that the Building Control Manager may have been considering a completely different site.

Technical Consultations

Housing Strategy Officer Melissa Wall

08/02/2019 - Awliscombe is not identified in Strategy 27 and therefore does not have a built up area boundary. The site is located adjoining the built form of the village and there are a range of services provided within Awliscombe.

This application is being brought forward under Strategy 35 ' exception mixed market and affordable housing and is proposing to provide 3 (60%) affordable units together with 2 open market units. Strategy 35 states that at least 66% should be affordable housing therefore to make this application policy compliant a commuted sum will be required. This will amount to £17,375.

The applicant did not submit the most recent housing needs survey with their application but their proposal does meet the most recent identified need. A housing needs survey was undertaken in April 2018 which identified a need for 3 affordable units. The need was for 2 x 1 bedroom homes and 1 x 2 bedroom home. Two of those in need required rented accommodation and 1 may be able to afford a shared ownership property.

The proposal is to provide 2 x 1 bedroom single storey units and 1 x 2 bedroom two storey house located in a terrace. This will meet the need identified in the survey. The unit sizes are good and there is plenty of parking.

The heads of terms states that the affordable units will be for rent however it then states that the tenures for each unit are identified on the plans. Confirmation is sought on the proposed tenures.

Once completed the affordable homes should be transferred to 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.

All the affordable homes should be tenure blind. The affordable units are not dispersed or pepper-potted throughout the development however with small sites it is not always possible. There are also management benefits to having all the affordable units in one terrace.

Applicants for the completed affordable units should come through Devon Home Choice for the rented accommodation and Help to Buy South West for the shared ownership. A local connection criteria will be applied with preference going to those

with a local connection to Awliscombe, then cascading to immediately adjoining parishes and finally the district. The site is located in a Designated Protected Area (DPA) and therefore staircasing should be restricted to 80% on the shared ownership units.

Further comments 17/05/2019:

Following previous comments concerning the proposed tenure of the affordable units, the applicant has now confirmed that 2 of the units will be for shared ownership (units 3 & 5) and one will be for rent (unit 4). The housing needs survey identified a need for 2 x rented units with only 1 respondent potentially being able to afford a shared ownership property.

The tenures proposed by the applicant do not reflect the need identified in the survey. Ideally at least 2 of the units should be for rented accommodation. Given the small number of affordable units proposed and the designated protected area status which restricts staircasing to 80%, it may be more appealing to a registered provider if all the units were for affordable rent. Affordability of shared ownership units in rural locations where house prices tend to be high is also a concern. We would recommend approaching registered providers early on to ensure that these units can be delivered.

Environmental Health

I have assessed the application and in line with comments on previous applications, I would suggest the following planning condition:

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

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

EDDC Landscape Architect - Chris Hariades

13/02/2019 -

5 CONCLUSIONS & RECOMENDATIONS

5.1 Recommendation

On the basis of the details submitted the scheme could be considered acceptable in terms of landscape design/ impact subject to the above points being satisfactorily addressed.

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

5.2 Landscape conditions

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

- a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.
- b) Details of existing and proposed levels and drainage scheme incorporating appropriate SuDS features.
- c) Details of locations, heights and specifications of proposed external lighting.
- d) Samples of the following proposed hard landscape materials shall be submitted for approval prior to commencement of site works:
 - Stone samples for use in external masonry walls.
 - Gravel aggregate to be used in wearing course for site roadways.

e) 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.

f) Plant schedule indicating form size and density of planting

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

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

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

L01N, Landscaping - full permissions

L02N Landscaping - groundworks

L06N Landscaping - fences and boundaries

L11N Landscaping – landscape management which should include the following details:

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

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

04/06/2019 - This note has been prepared in response to changes in supporting information recently submitted for the above application and should be read in conjunction with the previous EDDC Landscape Response dated 19.2.2019.

Comments on amended proposals

The change in the proposed rear garden boundary to units 3-5 from close boarded timber to 1.4m high masonry as shown on the amended site layout plan is noted although this has not been picked up in the latest visualisations.

Amendments to the proposed site access road are an improvement but should provide for planting to the south side of the proposed parking area to screen parked cars in views from Greenway Lane.

If a cattle grid is to be provided at the site entrance, an adjacent pedestrian gate will be required. This should be accommodated within a maximum overall 4.5m road width by creation of a pinch point or recessing the gate into the boundary bank to unit 2.

An indicative location and size are provided for a surface water detention basin within the public open space which is preferable to the buried attenuation crates previously proposed. The basin design will need to be refined at detail design stage to provide appropriate amenity and bio-diversity value in accordance with the SuDS Manual, CIRIA, 2015. The design of the basin and inlets and outlets should be carefully considered to avoid excessive engineering structures.

Should the proposed scheme be recommended for approval then this should include the conditions set out in the EDDC Landscape Response dated 13.2.2019.

County Highway Authority

23/01/2019 - Still not able to view any plans on EDDC's website; however we would still wish to see the improvements to the Greenway Lane/main road junction along with a Stage 1 RSA which was outlined in and agreed in the previous application 15/1067/MFUL (refused).

Even though this application is for only 5 dwellings and 15/1067/MFUL was for 15 dwellings, the relatively low cost improvements to the junction in the form of reducing the lane widths on the main road and bringing the stop line forward at the junction will greatly improve visibility in both directions. The recommendation from the previous S1 RSA to provide a white line next to the low wall on the main road would bring improvements in road safety.

12/02/2019 - Observations:

The Road sits on the class Lane W1513 with a national speed limit of 60mph. The proposed layout includes dedicated off-carriageway parking, a mixture of shared space and footways. 4.8m and 6m wide Roads, which conforms to our current guidance the Manual For Streets. Each dwelling is to have two dedicated parking spaces. Manoeuvring room is also allowed in order for vehicles to turn and re-enter the carriageway in a forward gear motion.

Similar applications have come forward on this site previously, out of this process a safety audit has established that it is necessary for the junction with A373 to be re-aligned in order to produce a suitable visibility, appropriate for the increased use this development site is likely to produce. It important these works are carried out before dwellings are occupied as the current Junction is sub-standard, this will require liaison with the Local Highway Authority and likely uptake of a section 278 agreement.

Overall however the County Highway Authority has no objection to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until the junction with Greenway Lane and the A373 visibility splays have been constructed, laid out and maintained for that purpose, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

Blackdown Hills AONB Project Partnership

Thank you for requesting comments from the Blackdown Hills AONB Partnership on the above application and subsequent amendments. Noting the amendments to be in response to officer comments, I can confirm that we do not wish to comment on this occasion.

EDDC Trees

27/02/2019 - I have no objection on arboricultural grounds for this development, the only observation is the detailing of the future tree planting within the development, and the selected species should be more fastigiated as there isn't a lot of space for them to develop alongside the dwellings

Further comments 11/06/2019:

I have no objection in principle to the development, I have one concern is the installation of the surface water drainage from the water retention basin and the existing stream as it appears to go through the RPA of retained trees, which with apologies was missed on the first consultation and has not been mentioned in the arboricultural survey

Other Representations

9 comments have been received raising the following concerns:

- An up-to-date road safety audit is required
- Moving the white lines closer to the cottages facing Greenway Lane would lead to damage to those properties and endanger users of Mill Lane
- The cattle grid will need a pedestrian gate alongside
- Drainage is needed to prevent runoff into A373
- Discharge to the watercourse could lead to flooding downstream
- Local sewerage system needs upgrading before more houses are built
- The site is not within the building boundary and development would set a precedent
- Design is not in keeping

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

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

Strategy 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)

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

EN22 (Surface Run-Off Implications of New Development)

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 site is about a third of a hectare and forms part of a field located on the north western side of Greenway Lane on the edge of Awliscombe. The site occupies a hillside that rises gently from south west to north east and lies just outside of the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB). The established hedge that separates the site from the adjacent field forms the AONB boundary at this point.

Greenway Lane extends out of the village to the north east from its junction with the A373 which is positioned between the village hall and its car park. The Honiton Inn public house is located adjacent to the car park. Opposite but slightly offset from Greenway Lane is lane leading to Lower Mill which forms a staggered junction.

Proposed Development

The application is for a mixed affordable and open market housing scheme of 5 units together with the provision of a retention basin as part of a drainage scheme. It would comprise 3 affordable units and 2 open market dwellings. The tenure of the affordable housing units is proposed to be flexible but the drawing indicates two shared ownership and one affordable rent property.

The submitted layout shows the two open market dwellings at the front of the site with the affordable dwellings at the rear separated by a road. The open market dwellings would be two storey 4-bed detached houses with a frontage onto the internal site road and parking for two cars each. The affordable dwellings would be arranged in a terrace facing away from the road and would be accessed via a path leading off a communal parking area. The middle unit would be two storeys and have two bedrooms and the end units would be single storey and have one bedroom each.

Each of the proposed dwellings would be of gabled form with pitched roofs. The two detached units would feature subservient two storey gabled side projections and a projecting brick surround of two storey height containing a ground and first floor window. The terraced dwellings would have a double pitched roof with the raised central section having a perpendicular ridge. All units are designed with the addition of enclosed recycling and bicycle storage facilities.

Externally, it is proposed that the open market dwellings would have brick lower walls with render above and an artificial slate roof. The affordable dwellings would be finished in brick and an artificial slate roof except for the raised central section which would be clad with timber boarding.

The existing access to Greenways would be adapted to serve the development, requiring little change other than improvement of visibility to the north east. A cattle grid would be situated at the entrance to the site.

Planning history and background

Applications for the development of this site date back to 1992 but the recent history is of one refusal and two withdrawn applications. To date no applications have been approved.

In 2014 an application for 15 dwellings, 7 of which were to be affordable, was submitted. This was before the adoption of the EDLP and at a time when the Council could not demonstrate a 5-year housing land supply. Although the application was withdrawn before a decision could be made, a committee report had been published and concerns centred around lack of accessibility to services and also landscape harm, having regard to the location of the site in and adjacent to the AONB.

In 2015 another application for 15 dwellings was submitted, with ten of the houses being affordable on this occasion. By the time of the decision in July 2015 the EDLP had still not been adopted and there was still no 5-year housing land supply but the increased affordable housing offer was not enough to overcome the concerns previously identified.

A third application was made in 2016, this time for 12 houses, of which 8 were to be affordable. By this time, the EDLP had been adopted and the Council was able to demonstrate a 5-year housing land supply. However, although adopted Strategy 35 allowed for 'exception site' development, the housing needs survey upon which the application was based was six years old and considered to be out of date. To satisfy the requirement of Strategy 35 to have an 'up to date robust housing needs survey', there followed a long hiatus while new survey was carried out. The outcome of this survey was a need for only three affordable dwellings and consequently the application was withdrawn.

The current application is for a much reduced scheme which does not now extend into the AONB and seeks to provide only what is evidenced by the latest housing needs survey.

ANALYSIS

Introduction

Planning permission is sought for a development of five houses on a site on the edge of Awliscombe, a village which does not have a Built-up Area Boundary. Three of the houses, or 60%, would be affordable. Because the site is not within a Built-up Area Boundary and the scheme does not provide 66% affordable housing, as required by Strategy 35 of the East Devon Local Plan 2013-2031 (EDLP), it is considered to be a departure from the development plan.

Main issues

The main issues in the determination of this application are:

- Whether the proposal satisfies the requirements of Strategy 35
- The landscape impact, having regard to the setting of the AONB
- Design and impact on the character and appearance of the area
- Highway safety

Strategy 35 of the EDLP

Ordinarily, residential development is not permitted outside Built-up Area Boundaries but the EDLP makes a number of exceptions, including to allow for the delivery of affordable housing on exception sites where there is a genuine need. Strategy 35 sets out the parameters for such development.

First, the development should be for up to or around 15 dwellings. As five dwellings are proposed in this application, the first requirement is satisfied.

Second, there must be a proven local need for affordable housing, demonstrated through an up-to-date robust housing needs survey. As indicated above, a survey was carried out in April 2018 and the results were used to set the amount of development proposed in this application. The survey identified a need for 3 affordable units in the

next five years, comprising 2 x 1 bedroom homes and 1 x 2 bedroom home. Two of those in need required rented accommodation and one may be able to afford a shared ownership property. The scheme indicated in the drawings is for one rented property and two shared ownership properties but the applicant has since confirmed in writing that they are happy to offer the properties to accord with the survey. Following this statement, the scheme has the support of the Housing Enabling Officer. The second requirement of the Strategy is therefore satisfied.

Third, affordable housing must account for at least 66% of the houses built. To satisfy this requirement, four out of the five houses (80%) would need to be affordable but this would lead to an over-provision of affordable housing compared to the identified need and would not comply with the Strategy. To achieve strict compliance would mean reducing the total number of dwellings to four such that the three affordable dwellings amounted to 75% of the development. As it stands, only three out of five dwellings (60%) would be affordable and therefore the proposal does not satisfy the third requirement of the Strategy.

To address the shortfall in on-site provision of affordable housing the applicant has offered a financial contribution which is equivalent to 6% (or 0.3 of dwelling) and amounts to £17,374.80. While this approach is not advocated in the Strategy, it is a proportionate response compared to a strictly compliant scheme which would have to reduce the total number of dwellings to four in this case. The acceptability of this offer is addressed in the overall balance below, recognising that there are benefits associated with the proposal in spite of the conflict with the Strategy.

Fourth, as Awliscombe does not have a Built-up Area Boundary, the scheme should be physically very well related to the built form of the village. This requirement is considered to be satisfied owing to the fact that the site is directly adjacent to the houses which extend up Greenway Lane and is close to the central amenities.

Fifth, evidence is needed that the affordable housing need would not otherwise be met. While no evidence has been submitted, there are no permitted schemes in Awliscombe that would deliver any affordable housing, nor any prospect of a community led scheme coming forward under Strategy 27. Although there is a current application for 15 dwellings on land west of Hillcrest in Awliscombe, it would not deliver 66% affordable housing, is in a less favoured location in relation to local amenities and raises landscape concerns (as evidenced by a previous refusal on the site in 2015).

Sixth, the village must have a population that falls below 3000 persons, the scheme must be well designed using local materials, close to a range of community services and facilities (including four 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 have a satisfactory highway access. The last two points, as well as the design of the scheme, are addressed in more detail below where it is concluded that the requirements are met. In terms of population, the electoral roll is under 500 persons so this requirement is met. Finally, the development would be close to the school, pub, village hall, church and the (very limited) public transport service (the village was considered to be unsustainable in transport terms in the Small Towns and Villages Development Suitability Assessment 2014 which informed the EDLP). All requirements are therefore met.

To conclude, the scheme satisfies all of the requirements of Strategy 35 except the key requirement to deliver 66% affordable housing on the site. The shortfall in on-site provision is addressed in the overall balance below.

Landscape impact

Previous schemes have been for larger scale development, parts of which extended into the AONB. Amongst other concerns, the earlier schemes were all considered to harm the landscape of the AONB and its setting. The current scheme is much reduced in scale and contained within a single field which lies outside the AONB.

The site occupies an elevated and open position within the landscape to the north east of Greenways and the broader concentration of built development that forms the village. There are close range views of the site from Greenway Lane immediately adjacent to the site as well as medium distance views from its junction with the A373 to the south west.

In addition, and more significantly, there are longer distance views of the site, as well as wider ranging views of the village and its landscape setting, available from public footpath no. 1 that ascends the hillside of Bushy Knap to south and west.

The site occupies elevated and sloping land that rises to the north east towards St. Cyres' Hill. The landscape character of the adjacent AONB and its immediate setting is open and generally pastoral with fields interspersed by a network of mature hedgerows. The development would extend the built form of existing development and represent a physical and visual incursion into green fields which are clearly distinguishable as part of the attractive surrounding countryside that encircles the village. However, there would be no incursion into the AONB and the development would be well related to the built-form of the village and contained by an established hedgerow boundary. In distant views this visual incursion would be minor relative to the more prominent built-form of the village. While there would be encroachment into the green space between the village and the AONB, this in itself would not result in harm to the setting of the AONB given how well-related the development would be to the village.

At close range in Greenway Lane there would clearly be an impact on the character of the area owing to the extension of development into the countryside. However, the change to the roadside boundary would be limited given that no new access through the roadside hedgerow would be required. Furthermore, the density of development and landscaping of the site would mean that the scheme would appear compatible with other development in Greenway Lane.

In conclusion, the significant reduction in scale and the containment of the development within established field boundaries outside the AONB is considered to overcome previous concerns about harm to the landscape.

Design

The design is deliberately contemporary in appearance but still reflects more traditional building forms and scale. Greenway Lane is characterised by a mix of

materials including brick, render and tile and in the wider area local stone is used as well as slate. The two detached dwellings at the front of the site would be prominent in views from the road but the use of render, brick and slate would be sympathetic to the local area. Although the drawings appear to indicate a pale coloured brick, a materials condition could be imposed to secure the use of a brick which is more similar to the red bricks used locally.

The terrace of dwellings at the rear of the site would include timber boarding of the raised central section which is intended to reference barns and agricultural sheds. Again, details of the finish are required and could be secured by condition but there is no objection in principle to the materials proposed for the terrace.

The layout of the frontage development reflects the pattern of development in Greenway Lane but avoids breaking through the hedgerow to create individual accesses. While this means that they present their rear elevations to the lane, this would cause no significant harm to the streetscene bearing in mind that the site transitions between the built-form of the village and the countryside.

Negotiations have led to some layout changes, including a narrowing of the access to better reflect the rural location and small scale of the development. However, some minor changes are still required, including the addition of landscaping to screen the car park and close off the view into the site from Greenway Lane. Further detail of the layout around the site entrance is also required. A suitable landscaping condition can be used to secure these details.

Subject to consideration of materials and landscaping, the design of the scheme is considered appropriate for the site.

Highway safety

This application carries over proposed highway improvements which were negotiated in the previous scheme. Following extensive negotiations with the County Highway Authority (CHA), including the provision of both a safety audit and the results of a speed survey, amended junction layout details at the junction of Greenway Lane and the A373 were agreed. These envisage the movement of the existing lines at the junction further out into the carriageway of the A373 to enable improved visibility in the south easterly direction for, and of, vehicles approaching it. Carriageway widths on the A373 of 3.3 metres would be maintained. A 1.5 metre width footway would also be laid out alongside the A373 from the Greenway Lane junction in a north westerly direction alongside the existing village hall car park to connect with an existing footway that extends past the public house towards Chinston Close and the primary school beyond.

Although these arrangements have also prompted a number of objections centred upon concerns at the dangers arising from the decrease in the operational width of the road carriageway of the A373 and the new junction layout forcing traffic towards Mill Lane, crucially no objection is raised by the CHA. Furthermore, the CHA do not consider there is a need for a new road safety audit. While local concerns are acknowledged, in the absence of an objection from the CHA, they cannot reasonably form the basis for a ground upon which to resist the proposal.

There are no other highway, access or parking-related concerns raised to the application by the Highway Authority subject to the imposition of appropriate conditions and the applicants entering into a Highway Agreement in respect of the works to the public highway.

Other matters

A surface water drainage scheme was initially submitted showing underground attenuation tanks discharging to a watercourse to the north west of the site. Following negotiation, the underground tanks have now been replaced with a retention basin with approximately 80 cubic metres of storage capacity. This would discharge via an open swale to the same watercourse at greenfield runoff rates. Foul sewage would discharge to the existing combined sewer in Greenway Lane.

The swale would be routed through an area of trees and no details have been provided to demonstrate that there would be no damage to tree roots. However, the levels are such that a no-dig construction is likely to be feasible and this could reasonably be secured by condition.

An ecological walkover survey has been undertaken which updates the findings of the last ecology survey. While there would be no loss of habitats for which mitigation would be required, a number of ecological enhancements are recommended. These can be secured by condition.

The dwellings would not intrude on the privacy or outlook from any nearby property and would provide a good level of amenity for the occupants of the new dwellings.

Local concern regarding the capacity of the local sewerage system is not supported by any comment or objection from South West Water.

CONCLUSION

The scheme is informed by an up-to-date housing needs survey and the applicant has confirmed that he is willing to deliver the housing required to meet the identified need.

However, to be strictly compliant with Strategy 35 the development should only deliver one open market house rather than two, which would result in 75% affordable housing provision in excess of the 66% policy requirement. The proposal currently proposing 60%.

In these circumstances it is not considered that the offer of a financial contribution in lieu of the extra 6% required to make the scheme compliant with Strategy 35 of the Local Plan represents an unreasonable approach. In contrast, it is considered that it would be unreasonable to insist upon either the provision of a fourth affordable unit (a rate of 80% provision, which would exceed the identified housing need of only three units) or a reduction in the total number of dwellings proposed from five to four (leading to 75% affordable housing provision).

Being mindful of the extremely limited nature of the shortfall in on-site provision in this case, together with and the social/community benefits to be gained from permitting a

scheme that meets the identified affordable housing need, it is not considered that the failure to provide the minimum 66% affordable housing on site required by Strategy 35 should itself be regarded as weighing strongly against the scheme.

Having regard to the reduced landscape impact compared to earlier schemes, and subject to certain conditions, in the overall planning balance the benefits of the scheme outweigh the on-site shortfall and justify departing from the development plan.

RECOMMENDATION

APPROVE subject to a legal agreement securing the provision of three affordable dwellings, a commuted sum of £17,374.80 and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) A full set of hard landscape details covering earthworks, walls (including materials), retaining structures, fencing, pavings and edgings, site furniture and signage, to include provision for a pedestrian gate adjacent to the cattle grid; and
 - b) Details of locations, heights and specifications of proposed external lighting. Development shall be carried out in accordance with the approved details.
(Reason - To preserve and enhance the character and appearance of the area in accordance with Policy D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the approved site plan, no development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed, to include an area of landscaping on the south east side of the visitor parking spaces. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage to preserve and enhance the character and appearance of the area in accordance with Policy D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

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

(Reason - To preserve and enhance the character and appearance of the area in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031. These details are required prior to the beginning of construction as groundworks will take place at the start.)
6. Before any development commences, details of existing ground levels and final finished floor levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted 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 of the approved 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. Full details of the construction of the swale connecting the retention basin to the watercourse shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that part of the development. 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 - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction in accordance with

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

9. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority based on the principles outlined in the amended Flood Risk Assessment and Drainage Strategy prepared by Clarke Bond (dated April 2019, report no. WE03259/FRA, revision V8) and indicated in drawing number A3 (proposed site plan). Unless it is demonstrated that it is unfeasible to do so, the scheme shall incorporate a detention basin and swale. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)
10. No part of the development hereby permitted shall be commenced until details of the adoption and maintenance arrangements for the entire site's permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority.
(Reason - The details are required prior to commencement to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage system. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)
11. A Construction and Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
12. No development shall take place until visibility splays have been constructed and laid out at the junction of Greenway Lane and the A373 where the visibility splays shall provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance

back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions. The visibility splays shall thereafter be maintained for that purpose in perpetuity.

(Reason - A pre-commencement condition is required to ensure that the road works are planned and approved in good time in the interests of highway safety for construction and other vehicles in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

13. No dwelling hereby permitted shall be occupied until the access, turning space, garaging and parking for that property shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policies TC7 - Adequacy of Road Network and Site Access and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the provisions of Schedule 2 Part 1 Class B 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) the roof of units 1 and 2 shall not be enlarged without the prior express consent of the Local Planning Authority.

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

15. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within 2 metres of the boundary of the curtilage of units 1 and 2 with Greenway Lane without the prior express consent of the Local Planning Authority.

(Reason - To retain the character of the landscaped frontage in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

16. Development shall be carried out in accordance with the recommendations listed in the Ecological Walkover Survey letter from Richard Green Ecology Ltd dated 9 November 2018.

(Reason - In the interests of protecting and enhancing wildlife habitats in accordance with Policy EN5 - Wildlife Habitats and Features 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:

A5 Unit 1 - 2	Proposed Floor Plans	17.01.19
A7 Unit 3 - 4 - 5	Proposed Floor Plans	17.01.19
PW02 Prelim Junction Layout & Visibility	Other Plans	17.01.19
T2	Location Plan	29.04.19
S1	Existing Site Plan	29.04.19
A3	Proposed Site Plan	29.04.19
A6 Units 1, 2	Proposed Elevation	29.04.19
A8 Units 3,4,5	Proposed Elevation	29.04.19

List of Background Papers

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