

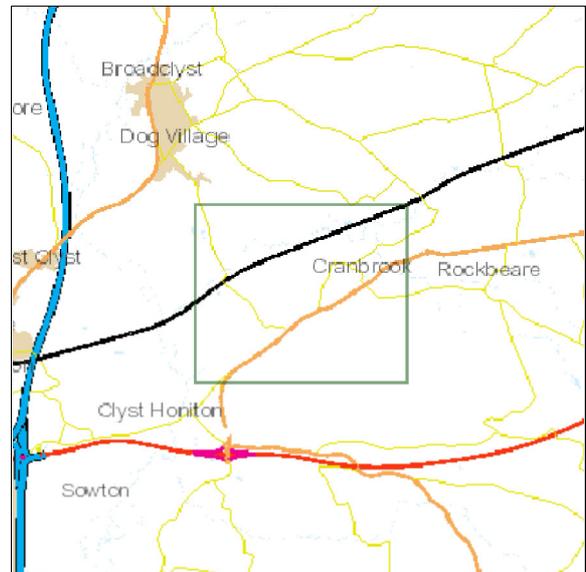
Ward Broadclyst

Reference 18/0789/FUL

Applicant Mrs Lefebvre

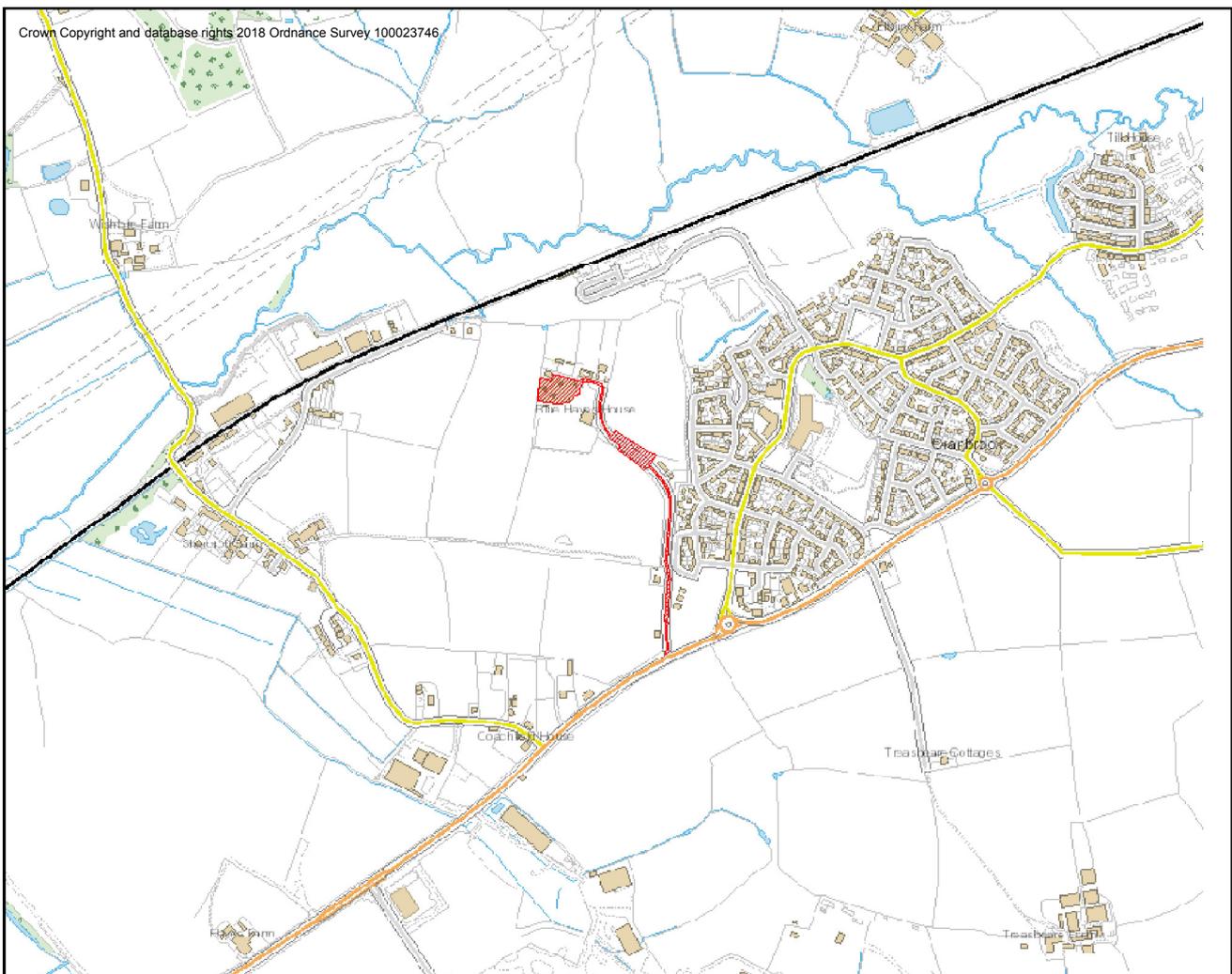
Location Land Adjoining Bluehayes Lane (plot 1) Land Adjoining Bluehayes House (plot 2) Bluehayes Broadclyst

Proposal Construction of two single storey detached dwellings and provision of a footpath link



RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment within the Committee Report be adopted; and
2. That the application be APPROVED subject to a S.106 Agreement to secure a footpath link and subject to conditions



		Committee Date: 12th February 2019
Broadclyst (CRANBROOK)	18/0789/FUL	Target Date: 14.09.2018
Applicant:	Mrs Lefebvre	
Location:	Land Adjoining Bluehayes Lane (plot 1) Land Adjoining Bluehayes House (plot 2)	
Proposal:	Construction of two single storey detached dwellings and provision of a footpath link	

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EXECUTIVE SUMMARY

This application was deferred at the January Committee for a Site Inspection to assess the impact from the development.

This application was originally before Members as it represents a departure from adopted Local Plan policy and the officer recommendation is contrary to the view of a Ward Member.

The proposed development is located outside of the consented outline planning application area for 2,900 new homes at Cranbrook, and outside of the allocated expansion areas for the town which are identified within Strategy 12 of the adopted East Devon Local Plan 2013-2031.

Whilst the site is therefore regarded as being in the open countryside, it is nevertheless bounded by Cranbrook (as either built development or allocated land) on the east, west and northern boundaries. It is therefore considered to be in a sustainable location.

The proposal involves a total of 2 number dwellings on two separate sites along Bluehayes Lane. One located on a small parcel of land adjacent to two existing bungalows and the second on the paddock site towards the north of the lane. The layout and design of the dwellings are acceptable and concerns regard surface and foul drainage have been addressed.

The site is also located within land identified in Strategy 10 for the Clyst Valley Regional Park but the ecological impacts from the development have been addressed and a footpath connection has been proposed across Bluehayes Lane, located to the west of plot 1 which would achieve a connection between phase 1 of Cranbrook and the proposed Bluehayes park located within the Cranbrook Western Expansion area. This link is considered an appropriate and meaningful benefit of the scheme that mitigates any conflict which arises from the development within the Clyst Valley Regional Park.

Given the sustainable location of the site with a suitable design and layout and given that the impact upon the Clyst Valley Regional park is mitigated through the benefit of the footpath link across the site (that can be secured via a legal agreement), it is considered that the benefits of the proposal and material considerations outweigh the conflict with Local Plan policy.

CONSULTATIONS

Local Consultations

Cranbrook Town Council – comments dated 08/08/2018

The Committee considered that the application 18/0789/FUL is effectively two applications in one and that issues regarding one property do not necessarily relate to the other. Therefore, if there are material reasons to object to one of the properties, the Committee should object to the whole application irrespective of the issues surrounding the other property. Split decisions are not made on applications of this type.

The application indicates that the applicant is the landowner of Bluehayes Lane, the private lane that the proposed pedestrian links seek to cross from the preserved parkland to the attenuation land. However, the Committee noted that, from the comments received, the other residents of the lane have an interest as they are equally responsible for its upkeep. The other residents do not appear to consent to the pedestrian links and as a result there may be deliverability issues with this part of the application.

The proposed development is in the 'countryside' as defined in the Local Plan and is therefore contrary to Strategy 7 of the Local Plan. Previously, applications for one or more homes within the parish of Cranbrook have been looked upon favourably as the locations were surrounded (or would eventually be surrounded) by urban development of the town. It had been considered inappropriate to refuse on the grounds of Strategy 7 as the proposed site would be completely bounded by other development. This view has been supported at appeal.

However, the current proposal is different as in both cases the application land is not due to be immediately bordered by urban development. In the case of the proposal adjacent to Littleshaw (plot 1), the land to the west is preserved parkland and the land to the east is attenuation. Neither are proposed development areas for the town of Cranbrook. With regard to the other site (plot 2), the location is part of the existing rural

settlement of Bluehayes but again is not part of the allocated development area of Cranbrook and is proposed to be bounded to the west by parkland. (Ref. the Cranbrook Development Plan Document ' Bluehayes Plan on page 29 of the latest draft Cranbrook DPD).

The application seeks to use Strategy 10 of the Local Plan (Green Infrastructure in the west end / Clyst Valley Regional Park) in support of the proposed pedestrian links. Strategy 10 is also about ensuring that natural ecosystems function in the west end. The link between the preserved parkland, the attenuation field and the remainder of the Cranbrook Country Park is crucial for local wildlife. It is potentially the only wildlife corridor that will remain once the western expansion of the town comes forward as there will be a need for the area to the north of Bluehayes to include new road infrastructure and links to the train station and other parts of the town. There are other opportunities for cycling and footway links and the attenuation field is not suitable for either of these as it floods in extreme wet weather.

The development is within the Clyst Valley Regional Park. Residential housing is not one of the objectives supported by the Strategy. Furthermore, an express objective of the Regional Park is to 'provide new wildlife corridors that enhance the biodiversity of the West End' and 'conserve and enhance heritage assets and their setting to reflect their intrinsic importance, maximise beneficial outcomes for park users and to encourage use of the park and to enrich the cultural identity of the area'. The development site forms part of an existing wildlife corridor that should be enhanced, not eroded by built development.

The Committee therefore considered that the application is contrary to Strategy 10 of the Local Plan.

The Committee also noted that the site adjacent to Littleshaw is in a Tree Preservation area and the long-term survival of the trees would potentially be threatened by the development. The application is considered to be contrary to Policy D3.

Cllr Kim Bloxham proposed that, for the reasons set out above, the Town Council objects to this application. This was seconded by Cllr Kevin Blakey and was resolved.

Further comments dated 23/10/2018

Cranbrook Town Council has now had the opportunity to consider the revised planning application 18/0789/FUL at a full Council meeting last night and please see below the resolution from that meeting:

18/250 PLANNING APPLICATION 18/0789/FUL

The Council considered planning application 18/0789/FUL proposing the construction of two single storey detached dwellings and provision of a footpath link at the land adjoining Bluehayes Lane (plot 1) and land adjoining Bluehayes House (plot 2) at Bluehayes, Broadclyst.

The Council's Planning Committee had considered this application on 6 August 2018 and had objected to the application at that time for a number of reasons (ref. Planning

Committee minute P18/32). The Chairman of the Planning Committee explained that, in the main, three elements of the original application had been amended; the foul drainage assessment, indicative drainage and the design and access statement and that little or no changes had been made to address the objections which the Planning Committee had articulated and that those were still pertinent.

It was proposed by Cllr Les Bayliss, seconded by Cllr Kim Bloxham and resolved to object to planning application 18/0789/FUL on the basis that the Planning Committee's original objections to this application remained unaddressed (ref. Planning Committee minute P18/32).

Broadclyst - Cllr Eleanor Rylance

As district councillor for Broadclyst ward, I wish to oppose this planning application on a number of different grounds. Whilst the plans includes footpaths, which are generally a very positive feature, I'm afraid that the location of these particular paths is in my view very ill-conceived.

I will break the application down into main constituent parts for the sake of clarity, but there might be some overlap.

I am copying in the Tree team and the Countryside team for their comments on various aspects of this application. I will also be forwarding this response to the residents of Bluehayes Lane.

Overview of Bluehayes

Bluehayes is a tiny, historic self contained community off the B3130 (?) near the developing community of Cranbrook. It is within the curtilage of a Manor House and a number of other dwellings totalling 7, a very ancient history and a number of ancient trees including oaks, most of which are protected by Tree Preservation Orders. The residents, some of whom have lived there for decades, some of whom are more recently arrived in the community, all know each other and represent a very cohesive community. Their children are able to have a comparatively large amount of freedom within the confines of their community.

The settlement features a number of historical assets and venerable ancient trees, among which its wrought iron estate boundary fence which shows very clearly where the original boundary of the inner grounds of Bluehayes Manor lie. Estate fences like these are fairly rare these days due to many having been melted down for cannon during the Second World War.

Bluehayes Lane

The lane is in private ownership. Whilst the land itself belongs to a non-resident owner, the lane was recently resurfaced and the expense shared equally between the owner and the seven households of the lane. This means that the residents now have a financial interest in the lane surface.

The lane was designed for cart traffic. It is extremely narrow, and contains several 90 degree angle bends which even the waste vehicles cannot negotiate (I understand that the lorries have to stop before the narrowest part, and waste is removed on foot by operators).

Bluehayes lane is very narrow lane that was designed for carts and foot traffic, and it struggles to accommodate modern lorries including the recycling and rubbish lorries. In fact, due to several right-angle bends, the crews have to stop before the narrowest stretch and continue on foot to remove the waste.

Plot 1

The proposed Plot 1 is located on a narrow strip of land adjacent to an existing bungalow, running alongside the privately-owned lane, backing onto an attenuation field owned by the Cranbrook consortium and also containing the septic tanks and/or leach fields for several of the properties in Bluehayes lane. This piece of land is fenced by rare old wrought iron estate fencing, which the design and planning of this dwelling rightly respects (this fencing is visible in the outline drawings, and also mentioned in the footpath application section of the planning application).

The plot contains a number of mature trees, including one ancient and venerable oak, and all I understand are covered by TPOs. I also understand that the applicant has already removed one sycamore (TPO covered) from the site in the pre-application stage, stating to residents that it was diseased. Luckily the stump appears to have effected a miraculous recovery and is now merrily sprouting from the base.

Despite the TPOs, the plans show a house with a septic tank unit dug unto the corner of the plot, very near to a mature sycamore that has a TPO. I would be surprised given the scale of the building on the drawing whether the proposed klargester septic tank unit is indeed located more than 15m away from the dwelling, and potentially also from the neighbouring dwelling, as the buildable space on this strip is extremely limited due to the presence of the protected trees. Indeed, the proposed Klargester tank appears to be within the Root Protection Area (RPA) of the sycamore tree on the corner, and appears also be within the RPA of a large venerable oak located further down the attenuation field. The house nearest to the proposed plot as I understand discharges its treated septic tank water into this corner of the attenuation field near the proposed property.

I note that the applicant claims on their foul drainage form that the proposed septic tank unit is not within 15m of any building. I would have thought this at best a questionable claim.

I note that the foul drainage form as filled in by the applicant claims that the proposed plant will not be within 50m of a drainage field or soak away, either the applicant's own a neighbour's. Well, there are at least 2 within 50m- both neighbouring bungalows have septic tanks. One discharges into the attenuation field very near to the proposed new house. The other has dug a soakway pit for their house's rainwater in just the way proposed in this plan, on the other side of the lane. This soakaway, located as it is in clay soil, does not work very well at all at draining away rainwater and often overflows in damp weather. There is no reason to suggest that the proposed soakaway for the

proposed new dwelling would act any differently- outflow would probably flow downhill (water usually does) and the proposed new bungalow or its outbuildings would be in its path.

The house itself is of unremarkable design. I have no comment on this.

Footpath

The proposed footpath crossing the plot is extremely contentious. These are my reasons for opposing this (despite my very favourable views towards footpaths generally):

1 The footpath proposes crossing an attenuation field that is boggy year round, due to rainwater runoff and to being a septic tank drainage field. Although the water running out of septic tanks is allegedly drinkable, in my experience of septic tanks I would not want to drink it- it still have a whiff of effluent to it. Nor would I want my dog drinking it, nor my child or dog wading in it. Yet the applicant proposes a footpath that would cross this field in some as yet unspecified way.

The alternative, to run along the edge of the field past Bluehayes, would also mean crossing several householders' septic tanks and leach fields including both dwellings at the historic Bluehayes manor. This would clearly also be unacceptable as it would place barriers to inspection of chambers, and impede the natural outflows of water from these dwellings.

2 The proposed footpath is proposed to be made of "bound gravel" and both arms of it cross the RPA of several protected trees including a venerable oak. I have asked the tree team for their comment on the notion of any footpath for pedestrians and bicycles running beneath a protected venerable oak.

3 The residents tell me the attenuation field, unmanaged as it is a wildlife haven, and contains amphibians and bats. Retaining it as it is would be very much in keeping with strategy 10. On my visit to Bluehayes I observed fresh badger scat next to the ancient protected oak.

Plot 2

Proposed Plot 2 is located in a paddock bordered by the same historic old estate fencing as seen and retained in Plot 1. Unfortunately in this case, the plan appears to replace this historic fencing with a very much higher new brick wall, which would as an aside overshadow the front garden and access of Greenhayes cottage. This escalate fencing is now relatively rare for the reasons outlined above- it is regrettable that the applicant opts for retaining in the case of Plot 1, and removing for Plot 2. My view is that as it represents the original boundary of the inner grounds of Bluehayes Manor, and acts as a visual representation for the edge of the community, this fence should, no matter what the outcome of the planning application, be retained at all costs as a historic asset. In my view this fencing should be retained throughout the site and become a material consideration of the history of the estate.

I applaud the distance the proposed dwelling will be located from the protected grove of trees in the paddock, but bemoan again the location of the septic tank unit, directly beneath another protected tree.

I note that no access route has been established. The only likely access route for construction traffic, should any be able to make it past Bluehayes Manor and its right angle bends, has a 270 degree bend at the top to access the paddock and has no usable road surface. Construction traffic would be driving over the RPAs for several protected trees.

Further problems with the location of this proposed dwelling includes that Bluehayes Lane is extremely narrow and has tight right angle bends, making access for long vehicles very difficult, meaning that it is doubtful that construction traffic will be able to access the site at all.

CONCLUSION

The residents of Bluehayes, when consulted several years ago about whether they wished to become part of Cranbrook, responded with a resounding no. They nevertheless ended up moving to the curtilage of Cranbrook against their will when they would rather have remained in Broadclyst, and are paying Cranbrook council tax. This scheme would, by linking Bluehayes with Cranbrook via a footpath, irretrievably link a self-contained historic community with a modern town which they have no wish to belong to. This would change their way of life for ever and is an unfair burden to place on a suffering little community, for no gain to them.

The lane is in private ownership. Whilst the land itself belongs to a non-resident owner, the lane was recently resurfaced and the expense shared equally between the owner and the seven households of the lane. This means that the residents now have a financial interest in the lane surface.

The lane was designed for cart traffic. It is extremely narrow, and contains several 90 degree angle bends which even the waste vehicles cannot negotiate (I understand that the lorries have to stop before the narrowest part, and waste is removed on foot by operators).

The lane is currently a quiet and safe place for the householders children to play in. Allowing construction traffic down an extremely narrow lane would create very major disruption to the lives of householders, as they could no longer allow their children out unsupervised. This, coupled with a potential by-way straight into Cranbrook, would cause an unacceptable amount of change to residents' lives. At present they know nearly every single person who comes onto the lane, and know and trust each other. Introducing a footpath across their private lane would alter their way of life beyond all recognition, and is something none of them want.

There is no clarity regarding potential liability in the event of any accident to any member of the public whilst on private land. Nor is it clear in this age of budget cuts how exactly the behaviour of people using any permissive path would be policed/monitored and what would stop them indeed from straying outside the path.

The proposed dwelling at plot 1 is on a very narrow strip of land that backs onto a Cranbrook attenuation field also used by residents of Bluehayes as a (discharge field for their septic tanks). Although treated, the water discharged by these tanks could hardly be described as safe. The proposal is to put a footpath through what is a bog made up partly of rainwater, and partly septic tank run-off. Hardly a safe environment for members of the public.

The attenuation field itself, due to its wild and unmanaged nature, is home to a large amount of wildlife, including it is believed, protected amphibian species. On the day of my visit I also observed fresh badger scat on plot 1 next to an ancient protected oak. I am copying in the countryside team for their comments on this part of the planning proposal.

The proposal for plot 1 has a klargester septic tank system sited underneath a tree with a TPO. Even if the proposal does not involve the removal of this tree, the proposed works -both for the proposed new house and its waste treatment plant- are far too close to the tree for its safety.

The proposed plot would encompass several trees with TPOs, including an ancient oak with a clear TPO badge on it. I understand that the landowner has already made one attempt on the life of this venerable oak, and has indeed had neighbouring trees chopped down in advance of this planning application being submitted, and stated to residents that they wished to remove the trees ahead of submitting the planning application. It is clear from this that the landowner has little regard for TPOs, and the safety of the venerable trees within the plot could not be guaranteed once it is surrounded by a fence and part of the garden of the proposed new dwelling. There are ancient and protected trees on both plots- in fact an oak listed in the Domesday Book is located near plot 2. I am copying in the tree officer for his comments on the safety of all the ancient trees involved.

I absolutely reject the need for this application, and oppose it in its entirety. These houses are superfluous in a time when 4000 houses are being built just over the hedge. The footpath by itself would represent an existential threat to the tiny historic community of Bluehayes, and the construction traffic caused by the potential building of two new dwellings would cause undue stress and suffering to the already beleaguered residents of this formerly rural idyll.

Technical Consultations

Environmental Health

I have considered this application and do not foresee any Environmental Health Pollution issues with this proposal, therefore other than condition the Construction Cop I have no further comments to make.

EDDC Trees – comments dated 29/08/2018

The Paddock Site. (1227-A-01-RevB)

During pre-app discussion the conversation revolved around the offsetting of this proposed development against the creation of POS in the area to the south of the buildings, currently identified as Landscape area (Paddock) and Garden.

1. If, as is indicated, this area of land is to be included within the curtilage of the proposed dwelling, we require greater detail on the proposed use and layout, to include boundary treatments, (restoration of old/existing and creation of new). The site is likely to abut an area of POs on the next phase of Cranbrook.
2. The southern section including the boundary of the paddock/garden area is not show on the plans
3. Several of the trees currently growing in the wider paddock/garden area are not plotted, nor recorded on the tree survey. These include the significant mature trees adjacent to the southern boundary.
4. Given the amount of this area that is taken up by the RPA's of retained and protected trees PD rights should be removed in order to ensure accidental damage to the tree roots does not occur.
5. There is no indication of where or how the buildings are to be connected to services or where drainage outfalls might be located.
6. The RPA of the retained Sweet Chestnut T1 is shown as a circle. The presence of an old trackway to the South and East of the tree may well have caused an asymmetric root distribution. If that is the case the location of the proposed access turning head and garage may need to be reviewed. We require further evidence to show that the roots of the tree are not going to be compromised. Alternatively by removing T6 and T7 the access and garage could be moved to the north.

I consider that development is possible whilst retaining the important trees, however the layout of the current application and the lack of relevant detail causes concern to the point where I have to object to the application.

The Lane Site (1127-A-01-RevB)

1. The location of the new buildings are acceptable in arboricultural terms although it should be noted that trees T1-T3 will within 5- 15 years become too large for the location and require either removal or reduction. Set against this is the retention of the Veteran Oak (T-4) in an area of open space which can be allowed to develop into and be managed as an ecotone centred on the Oak.
2. The drawings show two new pedestrian paths. The path crossing the POS in a line perpendicular to the lane is appropriately located outside of the RPA of any important trees. The path crossing diagonally the POS passes directly through the RPA of the Oak T4 ,this is unacceptable and should be removed from the application.
3. Is this area of land containing the Oak and the new path going to be transferred or is it remaining in private ownership? If the latter is the case we will need to secure the long term management of the site through an appropriate S.106 and an associated management plan.
4. There is no indication of where or how the buildings are to be connected to services or where any drainage outfalls might be located.
5. Further details of boundary treatments are required.

So long as the above points are addressed the proposed layout and design are such that I do not wish to raise and objection to the application.

On both sites if planning is approved we will require further Tree Protection details and associated Arboricultural Method Statements. I suggest the following conditions:
TR03

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

The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

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

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

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

TR07

No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

Further comments dated 29/08/2018

The tree report although still missing both a tree constraints plan and a tree protection plan is now sufficient when taken alongside the amended layouts and service provision and drainage details to enable me not to raise any further tree related objections to the application.

As requested previously:

“The absence of a Tree Protection Plan (TPP) will make necessary a condition to secure this along with the associated Arboricultural Method Statement (AMS). Any

TPP will need to take into account the Protection of the trees on the southern boundaries of both plots which to date have not been shown on any of the drawings or recorded in the tree reports. “

Other Representations

A total number of 8 representations were received from neighbouring residents, who raised concerns over the following:

- a) Design and appearance of the dwellings;
- b) Impact on the trees and ecology;
- c) Impact the dwellings would have on neighbouring amenity;
- d) The impact the creation that a new footpath would have on the private nature of the lane;
- e) Drainage.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

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

Strategy 12 (Development at Cranbrook)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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 2018)

Site Location and Description

The application is for 2 separate sites which are located on land off Bluehayes Lane to the west of phase 1 of Cranbrook. Bluehayes Lane is a private road that leads north from the B3174. A number of existing properties are accessed from Bluehayes Lane, which themselves demonstrate a variety of types and architectural styles.

For the purposes of this report the two sites shall be described as plot 1 and plot 2.

Plot 1 - is located on a small parcel of land that sits between an existing bungalow known as Littleshaw and Bluehayes House. The site has a number of existing trees which have a Tree Preservation Order (TPO) on them.

Plot 2 - is located at the furthest point of Bluehayes Lane, to the north-west of Bluehayes House. The site is bounded by a row of mature trees on its southern and eastern sides and is bounded by an existing property known as Greenacres to its north. The paddock has a slight north facing slope with views from the south west corner across to Cranbrook Station, and out to the west across the land allocated for Cranbrook's expansion.

Proposed Development

The application seeks planning permission for the construction of two dwellings, one on each of the plots described.

Plot 1 - (land between Littleshaw and Bluehayes House) the proposal involves a single storey dwelling house, with an attached garage, new access and garden space.

Plot 2 - (the paddock site) the proposal seeks permission for a contemporary styled bungalow with an attached garage, set in the northern corner of the site.

In addition to the two dwellings proposed, a new footpath to the northwest of plot 1 which would cross Bluehayes Lane and provide a link between the boundary of the adjacent field (proposed Bluehayes Park, which is within the allocated land for the Cranbrook expansion) and the existing field in Cranbrook Phase 1 containing an attenuation basin, is proposed.

ANALYSIS

The main considerations in assessing the proposal focus on the location of the sites in relation to policy, as well as other considerations comprising accessibility and sustainability, the impact on the road network, and the potential impact on the landscape, character and amenity for each of the sites. Each will be assessed in the report below and specifically referenced where relevant to both plots 1 and 2.

Background

Plot 1 has been subject to a previous planning application (planning reference 16/3026/OUT), which was submitted in April 2017 and sought permission for the erection of 2 number dwellings. The application was considered unacceptable due to the adverse impact the proposed development would have on the existing trees, which resulted in the withdrawal of the planning application.

Subsequent discussions have been had following the withdrawal of the application, exploring the option of one number dwelling on the land which could be set away from the root protection areas of the trees to avoid any adverse harm.

A pre-application enquiry for plot 2 was submitted by the applicant which explored the notion of one dwelling on the paddock site.

Both sites are accessed off Bluehayes Lane which is a private lane leading north from the B3174. The lane is narrow and serves 10 number properties. The entirety of the lane is privately owned; the majority of the lane by the applicant but the owner of a

small part of the lane (the southern part of the lane leading from the B3174) is unknown.

In response to this unknown ownership, ownership certificate D was signed on the application form within the life of the planning application and a notice within the local newspaper was published allowing interested parties to come forward within 21 days of the notice. The notice required any owner of the land or tenant who wished to make a representation about the application to write to EDDC.

On this basis the Local Planning Authority are satisfied that in these circumstances, everything has been done to demonstrate by the applicant that all reasonable steps have been taken to establish likely ownership of the red-line application site and allow any interested parties in the land to make necessary representations on the application. There is a small area of land adjacent to Parkside that is in the blue-line but does not appear to be in the ownership of the applicant. As this area of land does not form part of the red-line site and is not required to deliver the development, this error on the application will not prejudice anybody.

As a relevant note it is necessary to record that a neighbour was contacted following their comments objecting to the planning application, which stated that they knew the land owner of the lower part of the lane. Despite following this lead it remains unclear as to who owns the lane. In such instances it is not for the Local Planning Authority to determine ownership but merely be satisfied that no third party has been prejudiced in the determination of the application. It is considered that this has been achieved and as such it is therefore up to the applicant to ensure that they have all necessary controls in place when they come to implement any potential resultant permission. The Local Planning Authority can continue to determine the application on the basis of the information that has been submitted.

Policy and principle of development

In planning terms, both sites are within the "open countryside" as identified by the adopted East Devon Local Plan and Strategy 7 (Development in the Countryside), which defines the countryside as 'all parts of the plan area that are outside the built up area boundary and outside of site specific allocations shown on the proposals map' and as a result the application has been advertised as a departure from the development plan.

Bluehayes Lane itself, including both application plots is also located within the Cranbrook Plan Area of search for further development as defined by Strategy 12 (Development at Cranbrook) and the associated proposals map, however are not included as part of the allocation.

The Local Planning Authority are currently in the process of finalising the submission version of the Cranbrook Plan Development Plan Document which will aid the development of Cranbrook and deliver the required expansion as set out within the adopted East Devon Local Plan as well as further allocate additional land which is necessary to deliver the required expansion. There is an expectation to go out to consultation in spring 2019 with submission for public examination later in the year. As previously discussed, land to the west of Bluehayes Lane is allocated for the

expansion of Cranbrook and whilst existing development off Bluehayes Lane itself remains outside of that allocation, the lane will become surrounded by built development associated with Cranbrook. In such a scenario the plots would therefore represent a logical infill to Cranbrook. In advance of the publication of the submission version of the plan only limited weight can be placed on the preferred approach document.

In addition to the above, the site is also situated on land identified for the Clyst Valley Regional Park as defined in the adopted Local Plan. Strategy 10 states that 'development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife.' but in the supporting text to the policy at paragraph 7.11 it states that 'The Clyst Valley Regional Park proposed does not establish a 'policy boundary' that prevents or 'says no' to development. It sets out where particular emphasis will be attached to establishing high quality landscapes and settings for development, people and wildlife.'

The objectives set are as follows:

- a) Provide high quality natural green space that is complementary to development and will be a stimulus to encourage commercial and business development of the highest standard.
- b) Ensure natural ecosystems function in the West End of our district and ensure residents, workers, school children and visitors of all abilities have an easy access to high quality open spaces, with linked benefits to health, education and food production.
- c) Take recreation pressure away from more environmentally sensitive locations thereby overcoming concerns arising from application of the Habitat Regulations that would otherwise prevent development coming forward. Provision of the park could help address need and requirements arising from development in other parts of East Devon, Exeter and potentially Teignbridge. We will encourage a park that 'reaches into' the open spaces of our neighbouring authority partners.
- d) Provide new wildlife corridors that enhance the biodiversity of the West End.
- e) Provide green corridors, open space and biodiversity enhancement areas. Enhance cycling and walking opportunities to link habitats and sustainable movement networks that promote the overall recreational experience for the West End.
- f) Conserve and enhance heritage assets and their setting to reflect their intrinsic importance, maximise beneficial outcomes for park users and to encourage the use of the park to enrich the cultural identity of the area.

The policy position is clear in that development will not be allowed in the Clyst Valley Regional Park designated area unless it will achieve valley park specific objectives for people and wildlife, as stated in Strategy 10 (Green Infrastructure in East Devon's West End). The proposal does not in itself deliver publically accessible natural green space but it will in the longer term open up pedestrian accessibility between the existing phase 1 of Cranbrook and the expansion to the west by linking the attenuation basin land to the north with the proposed Bluehayes Park; this would meet criteria b) and e) of Strategy 10. However, it must be acknowledged that it would be likely that this link were provided in advance of the adjacent park and attenuation basin being publically accessible. Nevertheless, the delivery of the park (which has mature trees and the appearance of a formal parkland) is a shared vision in both The Cranbrook Plan preferred approach document and the current planning application for the

development of the allocated land. The provision of parkland in this location is not in itself a contentious issue. On balance the proposal is not in conflict with Strategy 10 but the proposal needs to be subject of a balancing exercise can then be undertaken that will allow a conclusion to be drawn on the acceptability of the development as proposed.

The delivery and management of the new footpath is essential and should be secured via a Section 106 agreement should the application be approved. It is also considered that the management of the open space that is around the footpath and outside of the curtilage of the dwelling on plot 1 should also be included within any management plan to ensure that this area is brought forward in line with the objectives of Strategy 10 (Green Infrastructure in East Devon's West End).

Accessibility

In terms of vehicle access, the Local Highway Authority have been consulted on the application and have considered that the junction off the B3174 is adequate for the proposal having recently been improved with the creation of the cycle/footway on the north side of the B3174 and the adjacent Cranbrook development.

As this report explains, Bluehayes Lane itself is sat within the open countryside as identified on the proposals map that sits alongside the East Devon Local Plan. However, the site does benefit from being within close proximity to phase 1 of Cranbrook the infrastructure and facilities for which consists of a primary school, community centre, GP and pharmacy, two shops, a cafe and two hot food takeaways. In addition there are bus stops located adjacent to the parade of shops identified (and which form the neighbourhood centre) as well as those on the B3174 to the west of the Bluehayes access.

With the above in mind, the site does benefit from being within close proximity to local services and facilities. However, the walking route to the neighbourhood centre is currently 900-1000m and this limits connectivity into phase 1 of Cranbrook. Offset against this is the easy access to bus stops that lead directly to employment both locally and in Exeter. Future development of the existing allocations that surround the sites are only likely to improve access to a wider range of jobs and facilities. The provision of the footpath identified in the application would also reduce the walking distance to Cranbrook rail station once a route around the attenuation basin to the north is provided.

Policy TC2 (Accessibility of New Development) encourages new developments to be designed so that they limit the need to travel by car and rather, be accessible by pedestrians, cyclist and public transport. In applying this policy it is recognised that at the current point in time, the access to the services and facilities that are at the neighbourhood centre at Cranbrook is not ideal but only slightly outside the optimum 800m walkable neighbourhood distance while the presence of nearby bus stops is a significant benefit. Overall and in terms of access, it is considered a reasonable site for development recognising the services and facilities that are already available and, notwithstanding the limited weight that can be given to this component, that are likely to be achievable in the future.

The proposals for both plots 1 and 2 involve a single garage with a driveway which can park up to two vehicles which is in accordance with policy TC9 (parking provision in new development) which requires at least 2 parking spaces per each home with two or more bedrooms.

Design, Layout and Appearance

The area in which the application sits has its own distinct character based around a small cluster of houses at the end of a private lane.

Policy D1 (Design and Local Distinctiveness) seeks to ensure that proposals respect the key characteristics of an area, especially the scale, massing, density, height, fenestration and materials. The policy aims to respect key character and special qualities of the area in which the development is proposed.

This report goes on to assess the proposal for both sites with regard to design, layout and appearance and for completeness has broken the assessment down into two sections below (Plot 1 and Plot 2).

Plot 1

The dwelling proposed for plot one is for a single storey bungalow, which is of a similar scale to those immediately adjacent, and takes on a setback position, with a front garden area dividing the property and the lane. It fronts onto Bluehayes Lane and in so doing reflects the development pattern of the adjacent bungalows of Littleshaw and Kingswood.

The siting of the dwelling and associated garage is on the southern end of the plot, within the widest part of the site and away from the root protection areas of any existing trees.

The proposed materials comprise of a mix of brick facing, slate for the roof, render, timber cladding, which is a similar design and appearance as to those immediately adjacent.

Policy D1 (Design and Local Distinctiveness) seeks proposals to respect key characteristics and qualities of the area in which the development is proposed and that the scale massing density, height, fenestration and materials of the building relate to its context.

A number of neighbour objections have been received, which raised concerns over the appearance of the proposed dwelling and stated that the design was not in-keeping with the character of the lane.

Despite this number of local objections it is considered that the proposed dwelling represents an appropriately designed dwelling which is of an appropriate scale and mass and respects local vernacular styles in accordance with Local Planning Policy.

Plot 2

Plot two is located at the northern part of Bluehayes Lane in a small parcel of land referred to as the paddock. The site has a belt of trees subject of tree preservation orders along its southern edge and a lime washed brick wall along its northern edge that is understood to have been the boundary to the kitchen garden of Bluehayes House.

A number of large and attractive trees are within the site including several pseudo-acacia and an old sweet chestnut, as well as original estate railings which run along the boundary to the west and east.

The view into the site from the end of the lane opposite the property known as Bluehayes is very open and attractive, reaching across to the veteran oak in the field beyond which forms part of the allocated western expansion area of Cranbrook and is covered by an existing but undetermined application for outline planning permission.

The proposed dwelling on this site represents a single storey bungalow with an attached garage. The new dwelling takes on a modern appearance, set out in three blocks which helps to reduce the visual mass of the building. The materials proposed consist of a limited palette of materials which are brick, clay roof tiles and timber posts. The dwelling is shown to be positioned at the top (northern) end of the paddock site, avoiding any of the root protection areas of the existing trees. The dwelling follows the existing building line of the bungalow directly adjacent (Greenacres) which helps to maintain an openness and a visual green corridor when viewed from the lane or from the fields in the western expansion area. A line of sight can also be achieved through the garden that would visually connect the paddock with the veteran oak tree in the neighbouring field to the west.

It is understood that a number of the neighbouring residents have an on-foot right of way across the paddock and adjoining field. The applicant has responded to this by limiting the area of the domestic garden space for plot 2 so that such a right is not fettered by the development. As a private right, this issue only exists between the land owner and those who hold the right and therefore while helpful in addressing the concerns raised, the change is not necessary for the purposes of determining the application. .

The primary outlook of the building is towards the south, creating a green attractive outlook for potential occupiers, but also benefiting from a prime position for sunlight and a south facing garden area. Original plans showed steps coming down from the west elevation leading down to the garden area. Concerns were raised about the opportunity of overlooking from the steps/garden to the side which would directly face into Greenacres, and which would impact negatively on their amenity. This resulted in amendments being made to the scheme, whereby the steps were moved to the south elevation to allow the occupiers to step out and enjoy the garden space to the front and benefit from the south facing garden. In addition the scheme shows a privacy screen which could be erected on the western elevation of the terrace and the retention of this could be secured by condition in the event of approval.

The design of the dwelling also responds to the orientation of the building with regard to the potential of over-heating by including in the design an extended roof canopy which would help to limit excessive solar gain.

A number of neighbour objections were received, some of whom raised concerns over the appearance and contemporary design of the proposed dwelling on plot 2 and were concerned that the proposed new dwelling was not in-keeping with the existing properties along Bluehayes Lane. Another neighbour objection raised concerns over the impact plot 2 would have on the access pathway to Greenacres, making it a dark narrow corridor.

In assessing the design it is noted that the proposed dwelling takes on a modern design, which is low key and uses a number of natural materials which responds well with the local context. There is a variety of dwelling styles and sizes seen on the lane, and it is clear that there is no distinctive character for Bluehayes. In assessing the proposal, it is considered that the new dwelling responds well to its environment and positively compliments the surrounding historic fabric of Bluehayes lane in accordance with Policy D1 (design and local distinctiveness) of the East Devon Local Plan.

The objections raised on design and appearance of the proposed dwelling are noted, however, it is not considered that the proposed dwelling would impact adversely on the character and appearance in which a refusal on those grounds could be supported.

In considering the specific relationship with the walled garden and entrance to Greenacres, it is recognised that the proposals involve a new rustic brick wall to run along the northern boundary of the site following the line of the estate railings and mirroring the historic brick walled garden directly to the north. The wall is 2.3 metres in height that is connected by a sloped tiled roof linking to the main building which is approx. 3.8 metres in height. The main building is set back from the access path that serves Greenacres and is approx. 7.5 metres from the existing wall of the walled garden. The bulk is therefore set back from the access pathway to Greenacres and the gradual transition of heights helps to reduce the overall mass on the pathway and to limit the potential harm. The neighbour objections are noted, however it is considered that the acceptable distance between the existing wall and the new proposed brick boundary wall for plot 2 in addition to the low level tiled and flat roof design of the dwelling would not cause adverse harm where a refusal could be supported.

The annotation on the proposed plans state that the new boundary wall will be "rustic". In order to secure appropriate materials to be used which respond and reflect the existing walled garden, a condition could be imposed if the application were to be approved.

Neighbouring Amenity

This section of the report assesses the proposed development in respect of its potential impact on neighbouring amenity and again addresses each plot separately.

Plot 1

A number of objections were received from neighbouring properties which raised concerns over the provision of a new footpath across Bluehayes Lane to connect the western expansion of Cranbrook with phase 1.

The main concerns raised by neighbouring residents were on the creation of the footpath over site 1, providing an east to west link. The comments received evidence the nervousness felt by the residents over the impact the footpath would have on the rural character of the lane.

It is acknowledged that Bluehayes Lane has a distinct character, particularly when considered in light of its proximity to Cranbrook. However, the proximity of the lane to Cranbrook and the allocated area for expansion immediately to the west means that the future identified strategic development will have something of an inevitable encompassing effect.

Without the footpath, any future occupiers of the proposed properties (and those existing properties on the lane) would have to walk to the bottom of the lane, along the B3174 (via an existing footway) and then back into Cranbrook to access the local services and facilities within the neighbourhood centre. Whilst the route is just below 1000m (which is considered to be a 10 minute walk), it may not be attractive to the pedestrian or cyclist and could increase the desire/need to use the car to access local services and facilities.

An existing green lane runs parallel to Bluehayes Lane and leads from Phase 1 (parcel 1 TW) into Phase 1 Country Park, adjoining the new footpaths that have been created throughout the park, finally linking to Cranbrook train station. The approved plans for phase 1 of Cranbrook do not indicate any physical links from this green lane into Bluehayes Lane.

At the time of writing this report, the green lane has not been brought into use although this is still expected. Whilst the delivery of this green lane would be a valuable asset to the community of Cranbrook as it allows for a more direct south to north link, it is considered that additional links for the town still need to be pursued in order to make Cranbrook a well-connected, walkable town. It is also acknowledged that there are limited links currently connecting east to west for Cranbrook, and its future expansion. As a result opportunities to strengthen the movement of people around and through the town (other by the car) are welcomed.

Importantly Cranbrook is recognised nationally as a 'Healthy New Town' under a current NHS pilot and is also part of a Sport England local delivery pilot aiming to tackle inactivity. It is therefore important that in all new applications for development in and around Cranbrook, priority is given to promote healthy lifestyle choices.

A number of objections have been received which raised concerns over the creation of the new path. Comments stated how opening the private lane up to the public would increase antisocial behaviour in the area and change the whole dynamic of the lane itself.

Due to the close relationship Bluehayes Lane has with the new town of Cranbrook, it is inevitable that there will be some impact on the lane. However, it is important that through appropriate planning, there are a number of benefits for the residents of Bluehayes Lane instead of negative impacts. It is considered that the creation of the footpath would be one of them.

It is acknowledged that the Bluehayes Lane is within private ownership and therefore if any pedestrian/cyclist were to veer off the new pathway onto the private lane then it would be classed as trespassing. The likelihood of this occurring could be reduced through appropriate path and junction design and if necessary the introduction of signage.

Plot 2

During the course of the planning application, negotiations have taken place with applicant which has resulted in a number of amendments to plot 2.

Originally the west elevation of the proposed property showed a number of glazed windows serving the living room, and a full height window serving the kitchen. Concerns over impact on privacy and over-looking were raised with the applicant and the full height window serving the kitchen area was removed and replaced with a high level window only.

3 number glazed windows serving the living room were also removed, and a privacy screen was added to the external terrace area. It is understood that the applicant wanted to allow for evening sunlight into the living room area so one clear glazed panel remains but this is not considered to cause any adverse harm due to the extension of the screen in front of the window. This approach continues to ensure privacy and could be retained in perpetuity with the addition of a condition in the event of an approval.

Whilst it is considered that there will be some impact on neighbouring amenity from the development of the two dwellings, both dwellings have been designed to a high standard that reflect the surrounding character and appearance of the lane and the neighbouring properties. Both plots fit comfortably on their site to make best use of the land available.

In order to ensure that adequate consideration is taken during the construction phase of both dwellings a condition requiring the submission of a Construction, Environment and Management Plan (CEMP) would be imposed if the application were to be approved.

Ecology and Trees

The application sites are situated within the area that is identified as forming part of the Clyst Valley Regional Park, as recognised under Strategy 10 of the adopted East Devon Local Plan.

It is understood from EDDC's Green Infrastructure Officer, that the sites have been included in the allocation due to their ecological merit and the local importance that

this green corridor has. All trees along the northern section of Bluehayes Lane have a tree preservation order (TPO) on them.

A tree survey was submitted as part of the planning application which looks at both plot 1 and plot 2. In line with the report, the proposals for the location of the dwellings are outside of any root protection area of the trees.

Plot 1

The proposal seeks to retain the existing trees on site, by making sure that the footprint of the proposed property is located outside of the root protection zone.

As explained within the planning history and background section of the report, the previous application (16/3026/OUT) submitted for plot 1 sought permission for 2 number dwellings. The application was withdrawn by the applicant due in part to the concerns that were expressed about harm to retained trees.

The reduction of the proposal to one dwelling in this location instead of two, has allowed the building to be better designed with regard to the existing TPOs so that the dwelling now fits more comfortably on the site.

The current application originally showed the footpath with two arms, one of which went through a RPA. The proposal was amended to include only the one arm of the footpath which is outside of the RPA and does not cause the existing trees any harm.

The veteran oak (labelled as T4) which is adjacent to the new footpath is seen as an important element in helping to create an area of open space which can be allowed to develop into and be managed as an ecotone centred on the Oak. The retention and longer term management of this Oak and "open space area" as discussed will need to be secured via a section 106 agreement.

The proposed layout plan does not provide a clear, distinguishable boundary between what would be the domestic curtilage of the dwelling, and therefore further details should be provided that clearly show the curtilage of the dwelling house and also the material for the boundary treatments. These details could be secured by condition if the application is supported.

Plot 2

The southern part of the plot has various important mature trees which continue to provide the wildlife and biodiversity corridor that is recognised by Strategy 10.

Plot 2 is located at the northern corner of the site, out of the root protection areas of the existing trees.

The position of the dwelling has allowed a "view" corridor to be established when looking through the site into the neighbouring field, where an existing veteran oak tree stands. This not only helps to protect and enhance the landscape features but also creates a green corridor for wildlife to continue to establish.

A number of objections have been received from neighbours who are concerned over the long term survival of the trees and the impact the proposed new dwelling would have on such trees and wildlife found within the area.

In addition to the submission of a tree report for this site, an ecological survey was also submitted which was prepared by Green Ecology which proposes a number of mitigation measures such as bat and bird boxes to be placed on the dwelling which would limit the development's harm on the surrounding wildlife.

Negotiations have taken place with the applicant, following the tree officers concerns and has resulted in a number of amendments to the proposed scheme for plot 2, one of which being the re-positioning of the proposed garage which once clashed with a RPA of one of the trees to the south. The re-positioning of the garage has led to the removal of two number trees (T6 and T7) which were considered to be of a low quality and is considered acceptable.

In order to ensure that no further development associated with this house could occur to the south, and to protect that the RPA's of the retained trees in the future, a condition removing Permitted Development rights for extensions and outbuildings would need to be imposed if the application were to be approved.

As the report has explained within the "access" section, it has been brought to Officer's attention that the residents of Greenacres have a right to pass by foot across the paddock site. Whilst this is a private matter and not a planning consideration, the matter was discussed with the applicant who amended the scheme to show a separated domestic garden area for the future occupier and left over "open space" which could still allow for the right of access. No further details have been provided to show the exact location of the garden boundary or the materials which would be used to form such a boundary. It has been suggested that railings which match the existing parkland railings around the entirety of the paddock site could be used but such details could be finalised by condition if the application were to be approved.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to both the Pebblebed Heaths and Exe Estuary 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 both 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, which has been identified through the South East Devon European Mitigation Strategy prepared by Footprint Ecology and their related work, is secured

via a combination of funding from 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.

Drainage

The drainage proposals for plot one and two are the same whereby they propose a soakaway to deal with the surface water drainage and a cesspool to deal with the foul.

The proposed scheme to deal with the surface water consists of a crate soakaway with herringbone 110mm land drains encased in 300mm depth of 10mm pea gravel. Infiltration rates have been tested and have demonstrated that the proposed drainage strategy for surface water run off can be achieved for both plots 1 and 2.

With respect to foul drainage, it is understood that this area is not connected to the existing mains foul drainage system and therefore the proposal involves a non-mains drainage solution for foul drainage.

A package treatment plant was initially proposed to deal with the foul sewage, in accordance with the guidance as set out in the National Planning Practice Guidance (NPPG).

The NPPG encourages a hierarchy of foul drainage options to be considered in the following order:

1. Connection to public sewer;
2. Package treatment plant;
3. Septic tank;
4. If none are feasible a cesspool.

In relation to plot 2, an objection from a neighbour highlighted the close proximity (within 50m) of an existing well in the garden of the neighbouring property called "Greenacres". Concerns were also raised about the proximity of the foul drainage fields for plot 1 to existing properties.

As a result of the neighbouring objections, the foul drainage proposals were subsequently changed to a cesspool. These are proposed away from TPO trees.

It is acknowledged that whilst a cesspool is the least favoured/sustainable option, due to the known potable water supply that is within 50m, it is not possible to provide a treatment plant or septic tank. Therefore the only option available to deal with the foul drainage for both sites are a cesspool.

Government guidance requires that all ceespools have a minimum capacity of 18,000 litres per 2 users (plus another 6,800 litres per each extra user). No further details of each of the cesspools proposed have been provided to support the application, and therefore no assessment can be made against the national guidance as set out above.

Neighbour comments have raised an issue regarding the emptying of the cesspool and the impact a tanker would have on the lane. It is considered that the size of the tanker is likely to be appropriate to the access conditions and would therefore not create any adverse harm to the amenity, particularly when having regard to the relatively infrequent emptying regime (approximately monthly). This is ultimately a matter between the developer and the future owner to resolve.

Whilst the site is not connected to mains drainage at the current point in time, it is acknowledged that at a later point in the future the point of connection for the mains drainage may be closer (once the western expansion of Cranbrook is built out). In such an eventuality the applicant/ home owner is advised to look into removing the cesspool and connecting to the mains drainage.

CONCLUSION

Whilst the site in planning policy terms is situated within the open countryside, it is acknowledged that it is bounded by the new town of Cranbrook to the north, east and west and therefore acts as a small pocket of potential in-fill development. Noting the reasonable access that can already be obtained for a range of services and facilities (including bus stops) and the lack of any other substantive issues against which the development would fair negatively it is considered that the proposal would accord with the overarching principle of delivering sustainable development as set out in Strategy 3 of the Local Plan and the National Planning Policy Framework.

The creation of the footpath link from east to west is considered to meet with the objectives of Strategy 10 (Green Infrastructure in East Devon's West End), by enhancing the cycling and walking opportunities to link habitats and sustainable movement networks.

Impacts upon the privacy and amenity of neighbouring properties and the character of Bluehayes Lane, including the impact on protected trees have been addressed.

On balance, given the lack of harm from the proposal and benefits from the footpath link, the application is recommended for approval.

RECOMMENDATIONS

- 1. That the Habitat Regulations Appropriate Assessment within the Committee Report be adopted; and**
- 2. That the application be APPROVED subject to a S.106 agreement to secure the a footpath link and its future management and subject to the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. TPP/ AMS

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. Within three calendar months of the completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

4. Construction Specification / Method Statement

Prior to the commencement of any works in relation to plot 2 (the paddock) a detailed Construction Specification and Method Statement for construction of the driveway shall be submitted to and approved in writing by the Local Planning Authority. These shall accord with the principles of BS 5837:2012 and provide for the long term retention of the trees; will detail the means by which damage to the roots of any retained trees is to be avoided and if unavoidable, any necessary root severance and soil disturbance is minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations for the construction of the driveway of plot 2 shall take place except in complete accordance with the approved Construction Specification and Method Statement.

(Reason: Details are required at the earliest opportunity to ensure the continued wellbeing of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the adopted East Devon Local Plan).

5. Materials

No development shall begin on site until a schedule of materials and finishes including samples if requested by the Local Planning Authority, for all buildings, hard landscaping and boundary materials, including all materials and finishes to be used for the external walls and roofs of the proposed dwelling houses, hard landscaping, and surface finishes, in addition to boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority.

The 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).

6. No development shall begin until details of the cesspools necessary for the development have been submitted and approved in writing by the Local Planning Authority. Each dwelling hereby permitted shall not be first occupied until the cess pool appropriate for that property has been fully installed in accordance with the agreed details.

(Reason - to ensure that foul sewage is acceptably dealt with in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment) and EN14 (Control of Pollution) of the adopted east Devon Local Plan

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

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

8. Prior to the first occupation of Plot 2, boundary fencing for the garden of this plot shall have been installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. In submitting details for approval, evidence shall have been provided to demonstrate that the fencing can be installed without adversely affecting the roots of protected trees which lie within the vicinity of the proposed boundary.

(Reason - In the interests of the protection of the existing trees in accordance with Policy D2 (landscape requirements) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan.

9. Prior to the first occupation of the dwelling hereby approved and identified as plot 2 (located in the paddock site), the privacy screen as detailed on plan 1227 02 C received by EDDC on the 21.11.2018, shall be erected. Thereafter the screen shall be maintained and retained in perpetuity.

(Reason - In the interests of amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.)

10. Permitted Development Removal

In respect of plot 2 only and Notwithstanding the provisions 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 modifications) no enlargement, improvement or other alteration (including the insertion of windows, doors and dormer windows); construction of hard surfaces; or installation of gates, fences and walls which would otherwise be permitted by Schedule 2: Part 1 Class A (The enlargement, improvement or other alteration of a dwellinghouse) Class F (Hard surfaces incidental to the enjoyment of a dwellinghouse), Class E – (buildings etc incidental to the enjoyment of a dwellinghouse) and Part 2 (Minor operations) Class A (gates, fences, walls etc) shall take place without the Local Planning Authority first granting planning permission.

(Reason -To retain sufficient privacy and amenity for the neighbouring property Greenacres to the west and to ensure sufficient protection of the existing trees to the south of the plot, in accordance with policies D1 (Design and Local Distinctiveness) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

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:

1227 03 Rev C (plot 1) drainage plan	Other Plans	06.11.18
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1227 04 Rev C (plot 2) drainage plan	Other Plans	06.11.18
1227 02 C	Proposed Combined Plans	21.11.18
00 C	Location Plan	18.07.18
1227 01 C	Proposed Combined Plans	11.10.18

List of Background Papers

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