

REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/00914/OUT: OUTLINE FOR THE ERECTION OF 9 DWELLINGS WITH ASSOCIATED ACCESS

BACKGROUND:

This reports concerns an outline planning application for the erection of 9 dwellings with access only proposed for consideration. The site lies beyond the settlement boundary of Copplestone at the rear of the Village Primary School and Recreation ground off Bewesly Hill. The access is proposed from the Sunnymead Estate via an existing cul-de-sac that currently serves no's 87-105 (10 properties). The application site comprises an agricultural field with enclosed hedgerow boundaries on the southern, northern and western boundaries. The road and houses that form the Sunnymead estate which would form the proposed access are set down at a lower level than the application site. The proposed development includes improvements to the on-street parking arrangements enjoyed by the existing occupiers of no's 87-105 Sunnymead. The scheme is a low density development proposing development at approximately 8 dwellings per hectare.

REASON FOR REPORT: To consider the reasons for refusal proposed by the Planning Committee at the meeting of 14TH June 2017 in light of further advice from Officers.

RECOMMENDATION(S)

The officer recommendation remains as per the recommendation set out in the Committee Report which was considered by the Planning Committee members at their meeting on the 4th October as follows: Subject to the prior signing of a Section 106 to grant planning permission subject to conditions.

Relationship to Corporate Plan:

Homes

- Facilitating the housing growth that Mid Devon needs
- Planning and enhancing the built environment

Environment

- Protect the natural environment

Financial Implications: An appeal may require the appointment of planning, highway consultants to assist in the defence of the reasons for refusal as the statutory consultee (being Devon County Council) have indicated they would not support refusal of the application. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the Development Plan, National Planning Policy Framework and other material considerations.

Legal Implications: The report identifies the risks in proceeding with a decision based on the reasons given by the Committee on 4th October 2017. In terms of defending those reasons at appeal (if made), the Council will still need to prepare draft planning conditions for the appeal and

complete a section 106 agreement. External legal and other expert representation may be required if the appeal proceeds to a public inquiry and this would increase the cost to the council of such action.

Risk Assessment: as above.

1.0 Introduction

1.1 At the Planning Committee held on 4th October 2017 the Planning Committee resolved that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- The proposed development is outside the settlement limit
- The access arrangements are inappropriate
- Impact of the development on the residents of Sunnymead who all have special requirements and therefore the proposal would have a detrimental impact on their amenity
- Overdevelopment of the village.

2.0 The implications of refusing the application

2.1 The proposed development was outside the settlement limit

2.2 It is acknowledged that the site lies beyond the settlement boundary of the Copplestone which relate back to policies COR17 and COR18.

2.3 Given that the Local Planning Authority are not able to commit to a 5 years supply of land for housing, these policies are required to be set aside, and paragraph 14 of the National Planning Policy Framework is triggered which establishes a presumption of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.2 In both the written report and during the debate your officers provided their views on the outcome the potential impacts of the development against the benefits that would arise. During the discussion on the application at the committee meeting Members expressed concern about permitting the development for the reasoning as set out above, and considered in more detail below (individually).

2.3 Should members continue to feel that the development is unacceptable, following consideration of the other sections of this report as set out below, officers have drafted a reason for refusal which reflects the guidance in the NPPF and the fact the site is located beyond the settlement boundary as confirmed by policies COR17/COR18.

2.4 Reason for Refusal 1.

The application site is outside the current settlement limit boundaries of the village of Copplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 -2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing

land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2.5 The access arrangements area inappropriate

2.6 Paragraph 32 of the NPPF states that decision takers should take account of whether 'safe and suitable access to the site can be achieved for all people' and therefore it is entirely correct that members consider highway safety in their decision making.

2.5 However, the same paragraph of the NPPF states that, 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' [my emphasis]

2.6 Therefore, the balance which members need to consider is whether the impact of permitting 9 dwellings would have such a severe impact on highway safety that it justifies a refusal. In completing their deliberations on this matter members should be aware that the predicted additional traffic arising from the development is unlikely to exceed 9 additional vehicular trips in either the am or pm peak. Spread equally over the am and/or pm peak that would relate to one vehicle every 6 minutes. In addition members should also note that a pedestrian link would be provided directly from the site to the School campus on Bewseley Hill.

2.7 In addition to the comments provided by the Highway Authority as set out in the Committee Report, further comments have been received from the Highway Authority in response to the concerns expressed by members in an email dated 16th October.

The proposed development will comply with Manual for streets and the design guide, The development would not be contrary to Paragraph 32 of National planning policy guidance and would be able to provide benefit in terms of off road parking where at present existing residents park on the grass verge. The Highway Authority would not support a recommendation of refusal on Highway Grounds.

The advice from the Highway Authority is that the development is acceptable. The development is considered to be small scale and the impact of permitting the 9 dwellings is not severe such as to refuse the application. If members were to refuse the application, the Highway Authority would not be able to provide advice or support in relation to any appeal

2.8 However, if Members still feel that the development is unacceptable in terms of the means of access proposed from a highway safety and capacity point of view officers have drafted a reason for refusal as follows:

2.9 Reason for refusal 2:

The application site is proposed to be served from an existing residential cul-de-sac and which sits as part of a residential estate in Copplestone Village. The LPA are concerned

that the additional traffic volumes generated from 9 houses would result in unacceptable conditions on the local highway network and therefore the application scheme is considered an unacceptable development resulting in severe impacts in terms of highway safety, contrary to the NPPF.

2.10 Impact on the residents of Sunnymead

2.11 In response to the consultation on the planning application local residents expressed concern about the disturbance that they would suffer if planning permission was to be granted for the scheme. In particular it was considered that the on street parking facilities that they currently enjoy would be compromised as a result of the development. At the meeting members were addressed by a local stakeholder who advised that due to the fact that a number of the properties on Sunnymead are occupied by elderly residents this would have a severe impact on their living conditions and the amenities they currently enjoy.

2.12 In completing their deliberations on this matter members should be aware that as stated above, in the further comments provided from the Highway Authority, the application scheme includes an area for off street parking for the current occupiers of the properties on Sunnymead. In addition the scheme proposes improvements to the existing pedestrian facilities along Sunnymead.

2.13 Clearly the application scheme will present a change in the environmental and general living conditions for the existing occupiers, which will be most significant during the construction phase of the proposed development. If members continue to consider that the scope of change would upset the balance to the extent that it would create an unacceptable living environment for the existing occupiers, officers have drafted a reason for refusal as follows:

2.14 Reason for refusal no.3

The application scheme would result in an increased level of vehicular use and other activity along Sunnymead which as a result of the increase level of noise and general disturbance for the existing occupiers it is not considered a sympathetic pattern of development on land which is currently undeveloped. On balance the application scheme is considered to be contrary to policy COR2, DM2 and DM14.

2.15 Overdevelopment of the village.

2.16 During the discussion on the application Members expressed concern about additional development over and above the planned development for the village and the impact that this would have the services and facilities in the village.

2.17 In completing their deliberations on this matter members should be aware that the applicant had agreed to enter into a Section 106 agreement to make the necessary financial contributions towards ensuring that sufficient primary school places are available to meet the needs of the development, and also contributions towards other community facilities in the Village.

2.18 However if members do still consider that the provision of 9 dwellings on the application site in addition to the 40 dwellings approved under LPA ref: 16/01888/MOUT at the proposed allocation under Policy CF1 (the Old Abattoir) would result in a level of new development that would be out of scale with the size of the settlement of Coplestone that it would result in detriment to its character and the general amenities of the village then officers have drafted a reason for refusal as follows.

2.19 Reason for refusal 4

The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Coplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2.20 Conclusion:

Members have indicated that they are minded to refuse the application following concerns relating to highway safety, impact on the amenities of the neighbouring occupiers on Sunnymead, and overdevelopment of the Village given the proposed planned development and the existing facilities that are available. Members will note from the report that the Highway Authority would be able to provide professional support in the event of an appeal and your officers do not consider that there is sufficient policy support for a refusal on these grounds.

However, given that the current local plan is considered to be out of date, members may consider that COR17 no longer applies and make their own assessment of the proposal against the sustainability emphasis of the NPPF. However, in doing so Members will need to be satisfied that the adverse impacts of the proposed unplanned development would significantly and demonstrably outweigh the when assessed against the policies of the Framework

Your officers are of the opinion that refusal of this current planning application for the reasons given cannot be substantiated and the recommendation remains as one of approval.

Contact for any more information

Mr Simon Trafford, Area Team Leader
01884 234369

Background Papers

NPPF

File Reference

17/00914/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

