

## APPENDIX A

Application No. 17/00914/OUT

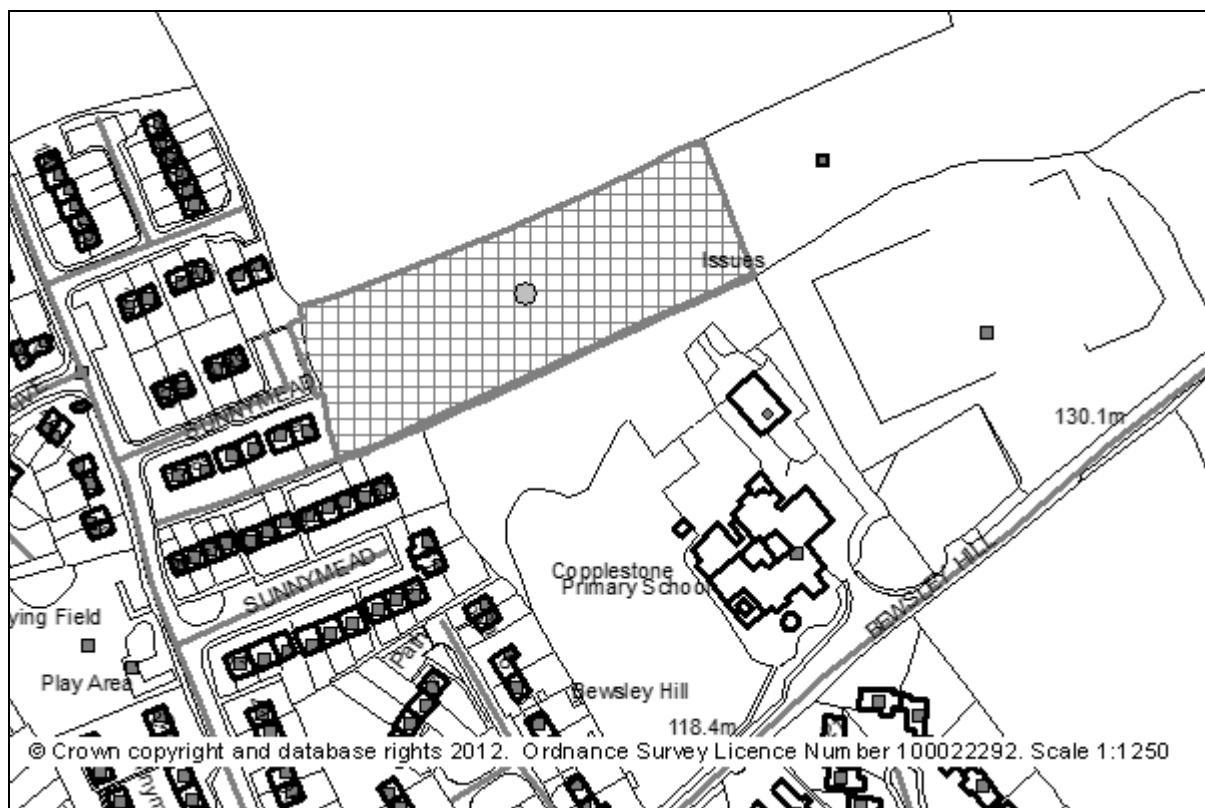
Grid Ref: 277210 : 102996

Applicant: Mr & Mrs G Pearcey

Location: Land at NGR 277111 102951  
Sunnymead  
Copplestone  
Devon

Proposal: Outline for the erection of 9 dwellings with associated access

Date Valid: 5th June 2017



## **Application No. 17/00914/OUT**

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a S106 agreement to secure:

Section 106 agreement to include:

1. Primary school contribution of £30,717 and Secondary school contribution of £5,320 as per DCC request.
2. Air Quality contribution of £39,906. To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
3. Open Space contribution of £10,845). To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
4. Financial commuted contribution toward the delivery of two affordable housing units following completion.
5. Pedestrian link between the application site and the Village school/ Recreation ground campus areas.

### **PROPOSED DEVELOPMENT**

This description of development for the application is for the erection of 9 dwellings with associated access. The application is submitted as an outline with access and the principal of delivering housing on the site for consideration at this stage.

The site is agricultural land (classified as grade 3) and covers an area of 0.72 hectares (part of agricultural land which forms part of Bewsey Farm). The site is elongated piece of land, which slopes down in a south-westerly direction towards Sunnymead Road. It is enclosed by existing boundaries of mature hedgerows and trees, and located beyond the village boundary for Copplestone directly to the rear boundary of the Primary School site curtilage and the village recreation ground. The school is located to the south.

The new vehicular access is proposed via the existing Sunnymead estate extending the section of cul-de-sac road that currently serves no's 87-105. The existing hedgerow to this boundary is to be removed to create a new entrance and to extend the parking area for existing residents. A new section of hedgerow adjacent to this new parking area is proposed.

An indicative layout showing how the 9 dwellings could be arranged across the site has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

Since the application was initially lodged, the proposals have been amended in terms of the position of the new opening to accommodate the access and the provisions made for surface water drainage.

### **APPLICANT'S SUPPORTING INFORMATION**

Draft Heads of Terms as set out in email from applicant's agent dated 25th July 2017.

Design & Access Statement prepared by Hilton Barnfield Architects

Arboricultural Impact Assessment Report and Tree Constraints Appraisal and Plan both prepared by Doug Pratt Tree Consultancy

Ecological Appraisal Report prepared by Richard Green Ecology

Planning Statement prepared by Bell Cornwall consultants

Plans & Drawings:

Plans prepared by Bellamy Transport Consultancy for new access arrangements.

Indicative Masterplan drawing prepared by Hilton Barnfield Architects

### **PLANNING HISTORY**

None in relation to this site.

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR3 - Meeting Housing Needs  
COR8 - Infrastructure Provision  
COR9 - Access  
COR11 - Flooding  
COR12 - Development Focus  
COR18 - Countryside

### **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/3 - Affordable Housing Site Target  
AL/IN/3 - Public Open Space  
AL/IN/5 - Education Provision  
AL/IN/6 - Carbon Footprint Reduction  
AL/CRE/8 - Crediton Air Quality

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

## **REPRESENTATIONS**

39 letters of objection to the application have been received in response to the publicity and consultation processes that have been undertaken. A summary of the key concerns expressed is set out below:

1. Copplestone as a village is already considered to be at capacity and the development would have a negative impact on the village with additional strain on all services, including capacity issues at the Village school, and public transport provision, pollution and associated traffic problems
2. Concern for children crossing Bewsey Hill in order to get to the school with extra traffic from the development.
3. Concern about the new access in terms of loss of existing off street car parking and capacity of the Sunnymead network to accommodate increased levels of traffic and associated health and safety concerns for existing residents
4. There are no community facilities in Copplestone (village hall / community centre)
5. The development will affect existing residents on the cul-de-sac in terms of how the scheme will affect parking opportunities
6. The site is outside the development boundary for Copplestone, and is considered unsustainable, as was the case at the Dulings Meadow site.
7. The village needs a village hall.
8. Concern about flooding arising from increased surface water run off levels from the site.
10. The existing drainage system in the village can cope with any further development.
11. Cumulative impact with other developments in the village and locality
12. Increase in traffic from the village will cause safety concerns ion the A377.
13. The new housing proposed for the Old Abattoir site is sufficient to meet the needs in the village.

## **CONSULTATIONS**

COPPLESTONE PARISH COUNCIL - 14th July 2017 - Copplestone Parish Council object to the application for the following reasons.

- a. The application is for land that is outside of any adopted development areas set by MDDC within Copplestone.

- b. Highways. The Parish has expanded significantly over the past 15 - 20yrs. Insufficient Highway infrastructure already exists within the Parish and has not kept pace with the expansion of population here. It is felt that this development will put a further strain on the Highway. Limited information exists on any highways improvements that are to take place with this application. The Council note the comments provided by the Highways to MDDC on this application dated 27/06/17.
- c. Copplestone Primary School. The Comments from DCC Education of the 22/06/17 are noted. It is stated that Copplestone Primary School is at maximum capacity. The number of extra places that is stated to be generated by this development cannot be agreed to. It is felt that significantly more places would be required for this development. The village lacks infrastructure to deal with a development such as this.
- d. It is felt that the character of the village would be greatly affected if the application was granted.
- e. The application would be classed as overdevelopment.
- f. Copplestone Parish Council note the relevant comments within appeal decision Ref: APP/Y1138/W/17/3167891. Many areas discussed within this appeal decision should be to be applied to this application

Initial comments from Highway Authority - 26th June 2017 - Observations:

I have visited the site and have the following concerns and observations The proposed layout does not provide sufficient details in terms of the connection of the new road to the existing. There currently exists a parking lay-by at the end of the existing road on the south eastern kerb edge. The proposed drawing indicates that the existing kerb edge will continue into the site and will nullify the lay-by this is not acceptable the existing lay by will need formal termination and the new road width aligned to the existing carriageway edge.

The Highway Authority will require details design of this section, In addition to which the Turning head appears to be insufficient for a refuse vehicle to turn and this should be shown with swept path analysis. The Highway Authority would also seek the provision of the footway from the site to the junction on the south eastern side currently verge. The Highway Authority would welcome a footpath leading to the playing fields as indicated in the application and this should be secured through the appropriate legal agreement.

Further comments from Highway Authority - 15th August 2017 - Observations:

The Highway Authority has viewed the revised drawings published on 14th August 2017. Drawings numbers BTC1702T-P01-P3; and P02 P2; are acceptable to the highway Authority And should be conditional of any consent. The Highway Authority proposed 3 conditions for consideration (6-8 as recommended)

#### ENVIRONMENTAL HEALTH - 19th June 2017 - Contaminated Land

There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/vulnerable land-use, in this case a proposed residential dwelling.

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

Air Quality - No objection

Environmental Permitting - N/A

Drainage - No objection

Noise & other nuisances - No objection

Housing Standards - No comments

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objection to this proposal enforced by HSE

**LEAD LOCAL FLOOD AUTHORITY** - 25th August 2017 - Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

**Observations:**

The applicant has submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined. It is recommended that the following pre-commencement planning conditions are imposed on any approved permission:

1. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in Preliminary Drainage Layout (Drawing No. 0663-PDL-101-B, Rev. B, dated 26/07/2017)

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

2. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

**DEVON COUNTY EDUCATION** - 21st June 2017

Devon County Council would like to provide an education response for the application above.

The proposed 9 dwellings, will generate 2.25 additional primary pupils and 1.35 Secondary Pupils

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £30,717 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the Copplestone area.

There is currently capacity secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Queen Elizabeth's Academy Trust. The costs required are as follows: -

2 secondary pupils

£2.80 per day x 2 pupils x 190 academic days x 5 years = £5,320

In addition to the contribution figures quoted above, the County Council would wish to recover legal

costs incurred as a result of the preparation and completion of the Agreement.

Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 8th June 2017 -

Housing Demand for Copplestone as of 01/06/2017

Bed Need	Band C	Band D	Band E	Grand Total
1	2	5	5	12
2			4	4
3	1	1	2	4
4	1		1	2
Grand Total	4	6	12	22

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issued in the determination of this application are:

1. Principle of development, including 5 year land supply - Policy Issues.
  2. Local context considerations, impact on landscape character and visual amenities and density of development
  3. Highways, Movement & Air Quality Issues.
  4. Affordable housing provision and Section 106 matters
  5. Other matters
  6. Summary & Planning balance
1. Principle of development, including 5 year land supply - Policy Issues

### COR 17 / COR18:

Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The application scheme is for up to 9 houses and is not being proposed for 100% affordable housing.

Given that the site for the application scheme is beyond the settlement boundary of the village it is considered to be contrary to policies COR18 and COR17 of Mid Devon's Core Strategy (Local Plan Part 1).

In terms of determining how much weight can be given to the fact the application site is not as a matter of principal supported by development plan policy members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements, and therefore it would not be reasonable to automatically refuse the application because it is contrary to these policies and the requirements of Paragraph 14 of the National Planning Policy Framework (NPPF) are triggered.

The guidance in the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. This is reflected in policy DM1 of the Mid Devon Local Plan part 3 (Development Management Policies) which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

The remaining sections of this report (2-6) consider the impacts of the development, the extent to which the scheme is compliant with the range of other development plan policies, and finally weigh in the balance the benefits of the proposal against identified harm.

**Other Policies:**

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. COR8 with COR9 seek to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policies relating to affordable housing are set out policy AL/DE/3 which requires as a general requirement that 35% affordable housing is required on sites of more than 2 dwellings. Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (AIDPD) seeks to provide at least 60 square metres of public open space for each new market dwelling. Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/IN/3 requires development to contribute to the provision and maintenance of existing and new open space. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

**2. Local context considerations, impact on landscape character and visual amenities and density of development**

The application scheme is an outline application and proposes a maximum of 9 dwellings across a gross site area of approximately 0.72 hectares.

The site a well-defined area of pasture surrounded on all sides by established hedgerows. The western edge to the site defines the boundary with existing residential areas of the village, the southern boundary is with the primary school /playing field and recreation ground, which is densely wooded adjacent to the school grounds to the south but more sparse adjacent to the playing field/recreation ground. A drainage ditch runs along the length of the southern boundary. To the north is a continuous and well established hedgerow with open pasture further to the north and east.

The design and access statement confirms that the site was selected following a review of a number of development opportunities across the applicants land holding. The site is presented as an accessible and sustainable location where development can be carefully integrated within the village envelope without resulting in environmental harm and or damage and well placed in connection to the village facilities. An illustrative masterplan layout to set out how the site could be developed. A number of the key principles are set out below:

The units are pulled away from the southern boundary to avoid overshadowing for future occupiers and damage to the existing hedgerow.

The plot dimensions, proportions and positioning of the buildings within the plot are generous attempting to reflects the principles of garden village design and avoid town cramming, providing sufficient space to accommodate generous rear gardens in order to safeguard the common boundary with the school campus.

The new road is indicated with a hammer head for vehicle turning and while currently there is no policy for further growth to the village the masterplan does not prohibit this possibility in the long term.

In the south west corner of the site it is proposed to accommodate an open attenuation basin set within a defined open space area.

All existing hedgerows are to be retained with grassland corridors immediately adjacent to maintain existing habitats, with the exception of the western boundary.

The inclusion for pedestrian link to and from the primary school and the playing field /recreation ground is also shown.

The layout safeguards all mature trees during the construction and operational phases of the development.

This layout is not for approval at this stage as the detailed layout would be approved at the reserved matters stage, along with the layout, appearance and landscaping details, however it seeks to demonstrate what the physical impacts of the development would be on the site and the wider locality.

The Mid Devon Landscape Character Assessment identifies the application area and the northern edge of Copplestone within Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. A detailed description of the characteristics of this type of landscape is set out in the aforementioned document.

The site displays a number of the characteristics that you would expect to see given its pastoral use and its location on the edge of the settlement boundary of the village. Although the appearance of the site would change, it is considered that the development of the site for a limited number of new homes could be brought forward in a respectful manner to the local landscape character of the area integrating landscaping features across the development, area including the area to accommodate the SUDs scheme, and the short footpath link to the School campus. Given the local context the visual impact will be restricted to a local impact and sitting as an extension to the existing Sunnymead housing estate.

The level of development equates to approximately 8 dwellings per hectare.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the sitting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement which is overviewed above it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 9 dwellings) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision within a courtyard type arrangement would not be supported from a policy point of view.

### **3. Highways, Movement & Air Quality Issues**

There are a number of aspects to consider under this part of the assessment as follows. The site is directly adjacent to the village boundary, with the school site located to the south, adjacent to the full length of the application site boundary.

Pedestrian access from the site to the village school and recreation ground could be facilitated directly from the site. Pedestrian access to the village shop, pub and train station would be achievable without passing over the busy A377.

From a more regional point of view there are reasonably frequent bus and train services from the village and serving Exeter, Crediton North Tawton and Oakhampton.

Given the fairly modest level of development proposed, and based on traffic generation data, the predicted additional traffic arising from the development would should not exceed 9 additional vehicular trips in the am or pm peak. Given the predicted low levels of additional traffic no objections are raised by the Highway Authority on capacity or highway safety grounds grounds. Finally it is noted that the position of the new access into the site has moved in order to protect the existing parking area for existing residents.

With regards to Air Quality, policy AL/CRE/8 is relevant given the site location in relation to the Crediton Air Quality Management Area. In response to the requirements of this policy the applicant has agreed to make a financial contribution of up to £39,906.00 to be provided towards supporting initiatives to manage air quality (see also section below).

In summary the proposals to access the development site are considered acceptable by the Highway Authority and therefore there are not considered any reasons on highway safety and/or capacity ground to refuse the application. In addition a pedestrian link to the primary school is achievable from within the site with safe and convenient pedestrian access to other village services from the site. On this basis the proposals are considered to be in accordance with policies COR9.

#### **4. Affordable housing provision and Section 106 matters**

Given the quantum of development proposed, the policy requirement (following guidance issued at national level) is for the applicant to make a financial contribution towards off site delivery. The applicant has agreed to this. The scope of off- site education related contributions reflect the comments and advice provided by Devon County Council in their role as statutory consultee on these matters is also agreed. The scope of the off-site contributions towards open space and air quality initiatives have been calculated using the formula set out in the respective Supplementary Planning Guidance Notes to support AL/CRE/8 and AL/IN/3 and the applicant has also agreed to these payments as summarised in the recommendation section at the start of this report. If planning permission is granted the detailed heads of terms for each obligation would be drafted accordingly reflecting the recommendation as set at the start of this report.

In terms of the off- site contributions members will note in lieu of open space to be delivered on site the contributions is to be used to assist with the delivery of the facilities at the sports and re recreation adjacent to the site. In addition given that the delivery off these facilities will reduce the number of journeys to other sports and recreation facilities elsewhere in the district (ie to Crediton Sports centre) it is recommended that the air quality contribution in this instance can also be directed to delivering these facilities. In addition to mitigating the impacts of the development proposed the delivery and improvement of these facilities will be of benefit to wider community in Copplestone.

#### **5. Other Matters**

**Contaminated Land Issues:** As stated above if planning permission was granted at this outline stage a phase1 assessment would be required in advance of any reserved matters submissions, which would be required to include mitigation strategies in the event that any contamination is found. Given the historic use this is considered an acceptable approach.

**Flood Risk Issues:** Storm water run-off generated by the proposed development will be intercepted by a new storm network and conveyed to a retention basin located down slope of the site close to the site entrance on the western boundary, as shown on the plans. The technical details of it (size and control mechanisms) can ensure that the run off is no greater than the green field run off rates, plus an addition allowance for climate change. The Lead Flood Authority has recommended a number of conditions to ensure that the framework that has been submitted for can be progressed through to detailed scheme in an acceptable manner.

**Ecological Impacts:** The applicant has submitted information regards the quality of the trees across the site and has proposed a masterplan for the detailed development phases which retains all existing trees. Clearly the application scheme will have an impact on the ecological value of the site resulting in the loss of approximately 0.75 ha of improved grassland and a section of hedgerow at the west boundary to create the access point. Survey work to determine the extent of the ecological value of the site has been undertaken as summarised in report prepared an Ecologist. The survey work did not uncover any bat roosts across the site and/or locations for nesting birds but it is likely that birds and bats use this site as a movement corridor. The site hedgerows were surveyed for dormice and their presence was evident. The report includes a series of recommendations to manage the site's development in order to minimise the impact of and development on its ecological value.

In summary the survey work undertaken indicates that the application scheme could be accommodated without resulting in significant adverse impact on the ecological and wildlife value of the site, and the recommendations outlined in the report will be secured by condition. Furthermore it is noted that no objections have been raised from Natural England.

**Heritage Impact:** Given the site location the application proposals raises no heritage impacts which require further investigation and analysis.

**Cumulative impact on Copplestone:** Concern has been expressed by local stakeholders and the Parish Council as to the impact that the proposals will have on Copplestone and the facilities that are within the village given the growth that has occurred in recent years and the planned growth that has now been permitted on the Old Abattoir for an additional 40 house adjacent to the Shambles housing estate and under LPA ref: 16/01888/MOUT.

Of concern (to those responding to this application) in terms of the existing facilities is how the village school would accommodate any additional pupil places. However given the relatively modest amount of new development that is proposed the County Council education department has confirmed in its consultation response that up to an additional 3 primary places at the primary school would be required to serve the development and up to 2 secondary school places. With regards to the impact on the Primary School, the school is a popular one form intake and has historically operated close to capacity (Capacity is 210 with 199 pupils currently on the roll). Therefore in addition to the planned and permitted planned development at the Old Abattoir site a further 13 spaces would need to be provided. This would be equal to the provision of an additional 2 pupils per year group across the school roll. The applicant has agreed to make a contribution towards funding improvements that are required to accommodate any additional capacity to serve the development, in accordance with the supplementary planning guidance published by Devon County Council, as was the case with the scheme at the Old Abattoir site.

Although some local residents and the Parish Council remain very sceptical as to the legitimacy of the published guidance which the Education Authority are required to apply in the determination of planning applications such as this case the applicant has agreed as part to meet the requirements of this guidance and the specific advice that they have provided regards the determination of this application.

The applicant has agreed to make a reasonably significant contribution towards (approximately £50,000) facilities off site which could be used to assist the delivery of the sports village / community centre building which is to be delivered on the existing recreation ground adjacent to this application site. The lack of facilities and community meeting spaces in the village is a matter that has been raised by local stakeholders in response to the local consultation undertaken on this application.

The other local matter that has been raised is the fact that this application is on land outside of the Copplestone Village boundary and should therefore be refused planning permission as was the application for 60 houses on the Dulings farm site (LPA ref: 16/00924/MOUT) following a recent planning appeal. The following section of this report completes the planning balance for this application, but there are clear differences between this application and the scheme on the Dulings site as summarised below under the three main headings as set out.

1. Land use issues: This application proposes a low density modest development (of 0.7 ha as opposed to a major site specific scheme 3.8 ha Dulings). In terms of the grade of agricultural land the site is less valuable.
2. Visual and Landscape character impacts :From a visual impact point of view this low density scheme will sit more comfortably with the existing built form of the village flanked by the Primary school campus to the south, thus not presenting as intrusively within the rural landscape/countryside /edge of village setting.
3. Environmental Impacts: The existing trees, softscape and hedgerows to the site boundaries will be largely unaffected with only the hedgerow on the western boundary to be removed and partially replaced to accommodate the new access arrangements. No surface water management concerns are raised.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year. Therefore if the Bonus continues to be paid for 5 years this development would generate £46,260.00.

## **6. Summary & Planning balance**

The overall thrust of Government policy as set out in the NPPF is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Your officers consider that the test as outlined at paragraph 14 of the NPPF, is capable of having being met by this application proposal.

The application is for a modest scheme of 9 houses and will assist the delivery of affordable housing off site both of which are considered to represent an economic and social benefit. Other benefits for the locality include financial contributions towards enhancing the range of existing sports and community facilities on the Bewsley Hill community playing field site and towards the education facilities that would be required at the Village primary school and the secondary school in Crediton.

Within the community there are concerns as to the impact that the occupiers of the new development will have upon existing services in the village in particular the primary school. The Parish Council do not consider that the application could be considered to be sustainable development.

In terms of the assessment of the application at this outline stage it is not considered that the development would harm the overall character and visual amenities of the area and it is considered that a detailed scheme could be designed for the development area would sit comfortably and be respectful to its neighbours and the site's context just beyond the existing village settlement boundary. A pedestrian link is proposed as part of the application scheme that will form a short direct link back to Bewsley Hill, and importantly provide an off road direct route to the primary school and the Village recreation ground.

In summary the impacts of the development have been considered very carefully reflecting on the advice provided by the range of statutory consultees and no specific harmful impacts have been identified that are not capable of being satisfactorily resolved in terms of on-site or off-site mitigation. These benefits of the application have been summarised above and are all considered to carry some weight in the decision making process.

Therefore in conclusion and notwithstanding that there is no policy support for the application scheme by COR17/COR18 it is considered by officers that on balance a case could be made to support this application proposal, and therefore a recommendation for approval subject to the completion of legal agreement under Section 106 of Act to cover the matters as set out above and conditions is proposed for consideration by Members.

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 calendar months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or within 6 calendar months of the date of the approval of the last of the reserved matters, whichever is sooner.

4. The details required to be submitted by condition 1 shall include the following additional information: all boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development.
5. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic arrive at and depart from the site;
  - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
  - (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
  - (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
  - (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries

Works shall take place only in accordance with the approved Construction Management Plan.

6. No occupation of the development shall take place on site until the off-site highway works for the provision of a footway to the south side of Sunnymead, and an extended area parking provision as set on Bellamy Transport Consultancy drawing P-02 have been designed, approved in writing by the Local Planning Authority and have been constructed and made available for use.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, rains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
8. The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the approved details:
  - A) The cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to,

and approved in writing by the Local Planning Authority.

The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in Preliminary Drainage Layout (Drawing No. 0663-PDL-101-B, Rev. B, dated 26/07/2017).

10. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by the Local Planning Authority. Such arrangements shall be in accordance with the approved details.
11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, approved in writing by, the Local Planning Authority and installed in accordance with the approved details. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
12. The development shall take place only in accordance with the recommendations in section 4 of the Ecological Appraisal Report dated May 2017 prepared by Richard Green Ecology.
13. Prior to the commencement of any development a Phase 1 intrusive investigation shall be completed in accordance with a scheme, to assess the nature and extent of any contamination on the site, whether or not it originates on the site submitted and approved in writing by to the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

14. Following the completion of requirements of condition 13 if necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
15. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation

carried out shall be produced, submitted to and subject to the approval in writing of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in order to minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

14. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
15. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

#### **REASON FOR APPROVAL OF PERMISSION/GANT OF CONSENT**

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing, contributions towards the delivery of affordable housing off site, and general off-site infrastructure provision carrying significant weight when set against the site specific changes that would arise. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species and/or the amenities of local residents within locality. Financial contributions are to be provided to assist with the delivery of improvements to public open space and community facilities and, education facilities off -site and the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with Policies COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as a whole. The proposed development is considered to be contrary to Policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However, the development plan has been found to be inconsistent with the policies of the National Planning Policy Framework by reason of its failure to properly identify and plan for the full objectively assessed housing need for the District and the Council has been found to currently not have a five-year supply of deliverable housing sites. Limited weight is therefore placed on these development plan policies. The benefits of the scheme are considered to outweigh any harm and the development is considered to be in accordance with the National Planning Policy Framework as a whole.