

Grid Ref: 302666 : 114116

Applicant: Mr J Cooney

Location: Land at NGR 302666
114116 (West of Paultet)
Turnpike Sampford Peverell
Devon

Proposal: Erection of 4 dwellings with
garages and alterations to
access (Revised Scheme)

Date Valid: 4th September 2015



Application No. 15/01422/FULL

RECOMMENDATION

Subject to the provision of a Section 106 Agreement to secure the provision of affordable housing (Plot 1) grant permission with conditions.

CLLR MRS H BAINBRIDGE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

1. To consider the impact on the neighbouring properties.
2. To consider the highway impacts due to increased traffic movements as a result of the development.

PROPOSED DEVELOPMENT

Erection of 4 dwellings including one affordable dwelling with garages and alterations to access (Revised Scheme) Land at NGR 302666 114116 (West of Paultet), Turnpike, Sampford Peverell. The site is to be accessed from cul-de-sac known as 'Paultet' where vehicular access has been retained between two dwellings. This application seeks full planning permission. Outline planning permission has previously been granted for 3 bungalows on the site. All 4 properties now proposed are designed to be single storey.

APPLICANT'S SUPPORTING INFORMATION

Submitted application forms and plans
Planning Statement
Ecological Appraisal
Agent's letter dated 19th November 2015

PLANNING HISTORY

12/00708/CAT Notification of intention to fell 3 Poplar trees within a Conservation Area - NOBJ
12/01213/OUT Planning Outline for the erection of 3 bungalows - PERMIT
15/01037/FULL Erection of 4 dwellings with garages and alterations to access - WDN

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR12 - Development Focus
COR17 - Villages

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

AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

CONSULTATIONS

SAMPFORD PEVERELL PARISH COUNCIL - 17th November 2015

In arriving at our comments, we have also met with local residents.

We consider that this application is now so different from the original submission that it, in effect, constitutes a new application. We feel it is a pity it has not been treated as such because finding the latest details in the long list of documents on the website is very difficult.

However, we continue to object to the application. We have commented in considerable detail before and most of those detailed objections continue to apply. In particular, we feel that the site is more suitable to three dwellings, as allowed for in the outline planning permission already granted, than to four. We do not accept that the incursion into the conservation area is either necessary or insignificant. We do not believe that the arrangements for dealing with refuse and recycling are adequate or acceptable.

HIGHWAY AUTHORITY - 9th September 2015

Observations:

The Local Planning Authority will be aware of the highway Authority's comments and conditions for the previous application, which are equally applicable and should be imposed on this application. Therefore the Highway Authority has no further observations to make.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Highway Authority's comments on previous application 15/01037/FULL were as follows:

9th July 2015

The site has been subject to a number of pre application discussions and the Highway Authority are happy to accept the proposed development served from a private drive from a cul-de-sac road where the speed of traffic is slow and visibility splays from the existing access are in accordance with manual for streets and drawing 2206-PI-02 should be conditioned for parking turning and the turning head should be maintained free of obstruction and available to all dwellings at all times. The Highway Authority would recommend that the following conditions are also imposed.

Recommendation:

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

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway.

3. The garage/hardstanding and parking space required by this permission shall be provided in addition to and separate from the required turning space

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear

SAMPFORD PEVERELL PARISH COUNCIL - 28th September 2015

We note that this application differs in some respects from the previous one (15/01037/full).

Nevertheless Sampford Peverell Parish Council continues to object to this application.

In arriving at this conclusion, we have conducted a site visit, heard views from neighbouring residents, and met in sub committee to discuss the proposed development.

We are still of the view that the application does not meet the requirements of DM2 of the Mid Devon Local Plan Part 3. It does not show a 'clear understanding of the characteristics of the site, its wider context and the surrounding area'. In particular, we consider that the proposal will 'have an unacceptably adverse effect on the privacy and amenity of - neighbouring properties - taking account of - siting, layout, scale and massing.' Two of the proposed properties are very large, considerably larger than dwellings in Paultlet adjacent to the site, and none of the properties 'respect and complement the character of existing properties'. We believe that three low rise dwellings (as per outline planning permission already granted) is the absolute maximum that might meet those criteria.

As well as our general objection, we have some detailed points.

We are surprised that the Highway Authority, as quoted in the application, has said that access arrangements are likely to be satisfactory. Our site visit left us with considerable concerns about the safety of what is proposed. As previously noted, this development will probably have more than the average number of cars per dwelling. Traffic movements are therefore likely to be greater than suggested in the application. Any vehicle reversing into Paultlet to allow another vehicle from the development to leave would cause a hazard to other motorists and pedestrians in Paultlet. We note also that the junction between Higher Town and Blackdown View (into which Paultlet feeds) already has problems with congestion, because of parked cars for example, and extra traffic is bound to exacerbate this.

The waste and recycling collection point is now at the development end of the access road. We wonder if the authority is prepared to collect waste and recycling that is so far from the main highway. The application states that residents' 'bins would be stored within the individual property curtilages' other than on collection days. However, as DM4 notes 'the long term behaviour of occupants with regard to waste management cannot be controlled by the planning system' and we believe that residents of the new development may well see the collection point as a permanent site for their bins. This could be very unpleasant for the owner of the property upon which the proposed collection point backs. We do not believe this arrangement to be sustainable as currently proposed.

DM7 covers the issue of pollution caused by any new development 'through noise, odour, light, air, water, land and other forms of pollution'. The area already has a problem with water run off at times of high rainfall. The water runs into neighbouring properties, especially that down the hill from the site, and onto the road in Turnpike. It seems to us inevitable that the introduction of a large amount of concrete and paving to the area will make matters worse by reducing natural water absorption. We note that plans have now changed to make use of the existing drainage system for both foul and surface water. We understand from residents that the system already has capacity problems. We would expect a proper assessment of the system's capability to cope with added volume before planning permission is considered.

DM27 deals with development affecting heritage assets. The residents of Sampford Peverell have always been clear about the need to protect our conservation area. The application rather dismisses the impact upon the conservation area of the proposed development as negligible. We disagree. We believe that to allow this sort of development to encroach upon the conservation area would set a very bad precedent.

The plans as submitted appear not to meet the full recommendations of the ecological report.

Finally, DM9 says that the 'Council will have regard to any up-to-date housing needs surveys'. Sampford Peverell Parish Council commissioned a housing needs survey, conducted for us by Devon Communities Together for The Devon Rural Housing Partnership, early this year. The report is still in draft, but shows the need for two types of housing in the village: affordable housing and smaller houses or bungalows to allow older residents to downsize. It is therefore very much to our regret that the initial application, to build three bungalows, was not pursued as that would more nearly meet local needs. No demand was shown for very large, very expensive dwellings.

As noted at the beginning, we continue to object to the application in its current form.

ENVIRONMENTAL HEALTH - 21st September 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards - no objections to this proposal

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - No comment

Health and Safety - No objections

HIGHWAY AUTHORITY - 5th October 2015

No comments.

REPRESENTATIONS

Fourteen objections have been received in relation to this application, they are summarised as follows:

- Pleasing to see the development has been scaled down to a sensible scale more in keeping with the local area
- Scheme 25% larger than originally permitted and the buildings have larger footprints, increasing the traffic and servicing needs from the previous permission.
- 3 low rise dwellings considered the maximum appropriate on the site.
- Narrow one way traffic site access, difficult for emergency vehicles to get through, and does not meet with Building Regulations for fire and emergency services. Access road falls below the 3.7m minimum width normally required for fire service vehicles. No consultation with the Fire and Rescue Authority. The junction with Paulett will be 5 way, limited visibility for vehicles reversing out of the site, vehicles will be blind to anyone exiting the driveway of 14 Paulett, concern over safety. Access unsafe for cyclists and pedestrians, no footpaths or cycle paths proposed
- Site plan misleading regarding separation distances between properties as rear conservatories of existing properties not correctly included
- Unnecessary and inappropriate use of Conservation Area land. Land area increased from the outline permission to include conservation area land, no public interest justification for the use of this land. The Conservation Area should be protected.
- Scheme does not understand the characteristics of the site, its wider context or the surrounding area contrary to policy.
- Concern about bats using the building to be demolished, bats frequently observed.
- Need for a sustainable urban drainage system rather than use of mains sewer which has capacity issues. Also current issues of surface water drainage from existing site into dwelling

- curtilages, development likely to worsen this
- Sewer capacity issues
- Ecology concerns, use of close board fencing will prohibit movement by small mammals
- Boundary fencing will cause overshadowing due to proposed site being significantly higher than the existing dwellings
- Lack of commitment to biodiversity concerns, no biodiverse planting in accordance with recommendations of ecology report. Need to condition recommendations of ecology report.
- Lack of consultation by developer with neighbours/locals
- Proposal doesn't meet housing needs within the parish
- Loss of light to existing properties and an unacceptably adverse impact on the privacy.
- No incorporation of sustainable features such as solar panels or heat pumps
- 12 parking spaces insufficient, overflow parking will be on street in Paulett and other local roads already under pressure.
- Additional vehicle movements will add pressure to blind junction at Blackdown View and the narrow road at Higher Town
- Need details on waste disposal and bin storage, concerns about collection from highway, proposal seems inadequate, 5 way junction inappropriate for refuse collection, further impairing visibility for road users. Long walk to entrance with bins inappropriate for residents of proposed bungalows unsuitable.
- The assembly of refuse and recycling items will compromise the attractive looks of a pleasant residential area. There might be 16-25 boxes or sacks left somewhere on the pavement, in addition to the waste that existing houses put out. They might block visibility splays
- Considerable disruption during construction period, need to condition and enforce a construction management plan
- Inappropriate application for the site, maximising return and burdening locals.
- Plots 3 and 4 are not offset from the existing properties at 14 and 15 Paulett with no viewing corridor, the ridge height of the proposed properties remains excessively high.
- The ground level of plot 3 should be reduced by 1 metre
- Issue with separation distances between properties
- Development will have an unacceptably adverse impact on the privacy and amenity of neighbouring properties contrary to policy, will overshadow and will be overbearing.
- Proposed dwellings much larger than surrounding dwellings
- The position of the Conservation Area land incorporated into the 2015 planning application is very difficult to identify from the applicant's planning statement.
- The footpath beside the access road will be approximately 0.6m wide. Is the developer required to ensure that any footpath provides safe access for the disabled even though it is to be unadopted?
- No visibility splays are shown on the applicant's plans and there is no effective indication of the vegetation, low walls, fences etc at each end of the access road. The visibility fails to meet the standards in Manual for Streets as shrubs block the view to the left and right.
- Cars reversing from the access road onto Paulett at a point where 3 driveways already meet at a road junction.
- DCC need passing bays on drives longer than 25m. The fact that DCC require such spaces makes me wonder why the proposed unadopted access (which is 32m long) can be allowed without such passing places. There is no space for them.
- The builder has given his street address as Turnpike so we can't understand why the entrance and exit is in Paulett

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1) **Policy;**
- 2) **Planning history;**
- 3) **Impact on neighbours and the living conditions of the occupiers of the proposed dwellings;**
- 4) **Impact on character and appearance of the area, including the setting of the Conservation Area;**
- 5) **Highway safety;**
- 6) **Ecology;**
- 7) **S106 contributions;**
- 8) **Local finance considerations; and**
- 9) **Other matters raised by interested parties.**

1) **Policy**

The National Planning Policy Framework (NPPF) states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF. The policies described in the following paragraphs have all been adopted since 2004. Broadly speaking, in relation to this current proposal the Development Plan is in general compliance with the NPPF and so full weight is given to the relevant policies produced by Mid Devon District Council.

The site is located within the settlement limit of Sampford Peverell where policies COR1 and COR17 seek to encourage development in locations which are sustainable. COR17 lists Sampford Peverell as a settlement with sufficient facilities to be a village where small scale development will be permitted. Therefore the principle of residential development within the settlement limits, as in this case, is acceptable.

Other relevant policies include Policy DM14 (design of housing), DM15 (dwelling sizes) and DM8 (parking). DM14 looks for dwellings with suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage. Whilst DM15 seeks that a 3 bedroom property must exceed 57-67 sq. m., this is superseded by the more recently published 'Technical Housing Standards'. This seeks that a 3 bedroomed (6 person) 1 storey dwelling should exceed 95 sq m. The proposed dwellings exceed these minimum requirements.

The proposal must not adversely affect the safe functioning of the highway and provides appropriate parking facilities in line with policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM8.

All new dwellings are subject to the necessary infrastructure payments relating to Public Open Space as required by policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

This proposal is therefore in line with the general policies for small scale development in villages. Design and impact on the amenity of residents are covered separately below.

2) **Planning history;**

In February 2013, outline planning permission was granted for the erection of 3 bungalows on a smaller version of this site (a barn to the north of the site was not within the site area) under planning permission reference number 12/01213/OUT. The reserved matters must be submitted before February 2016. This outline permission is therefore still live in that it is capable of being implemented if reserved matters permission was granted.

Since that time, there has been no significant change in planning policy. Development Management Policies were submitted for Examination in 2013 and have since been adopted. Therefore, there is no significant change in the Development Plan between the grant of that permission and the current proposal.

3) Impact on neighbours and the living conditions of the occupiers of the proposed dwellings

Amended plans submitted on 19th November revise the design of plots 1, 3 and 4. The revision to Plots 1 and 4 include primarily internal alterations and the scale and external appearance of these dwellings remain unchanged.

The revised design for Plot 3 addresses the Council's previously expressed concerns with regard to the design, the use of space within the property and the size of the rear garden. These concerns for the living conditions of the occupiers of the proposed dwellings have now been satisfied. Overall, the proposed development allows for adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows so that the living conditions of the proposed occupiers are sufficient.

Concern has been raised that the site plan does not include all details of conservatories that have been built on the rear elevations of a number of properties on Paultet. Whilst on site, the Planning Officer has noted the position of those additions in relation to the boundary of site.

Plot 1 is the closest building to existing dwellings. The gable of the proposed garage faces the rear elevation of No 13 Paultet. The gable of the garage is some 2.4m from the boundary. This gable has no windows in it and is some 2.3m to eaves and 4.5m to the ridge. This gable is 6.3m wide in an outlook width of some 8.5m from the rear of that property and is not considered to be an overbearing or intrusive feature within that outlook.

In addition, the only window of Plot 1 facing towards the rear No's 13 and 12 is the living room window which is some 15.6m from the boundary with those rear gardens. There is sufficient distance between this window and those on the rear elevations of those properties, together with sufficient boundary treatment to consider that Plot 1 does not have a detrimental impact on the privacy of the occupiers of those properties.

Plot 1 is approximately South West of the rear of No 13 and more westerly to No 12. Whilst this juxtaposition is likely to throw a shadow towards the properties on Paultet, due to the proposed height, finished floor levels, boundary treatment and distance involved, the shadow cast is unlikely to be significant or detrimental to the living conditions of the occupants of those properties to an unreasonable degree.

The relationships between Plots 3 and 4 and Nos.14 and 15 Paultet are more distant. The front façade of Plot 4 is some 20m from the boundary of the site. Whilst the garage of Plot 3 is more forward than its main façade, there is still sufficient distance between the proposed Plots 3 and 4 and the existing dwellings so as to not significantly affect privacy or other living conditions.

Some concern has been expressed that the boundary fencing will cause overshadowing due to proposed site being significantly higher than the existing dwellings. This has since been revised to address the concerns of the neighbours; the north eastern boundary between the site and Paultet will be hedgerow to an approximate height of 1.3 metres, the wooden fenced boundary treatment that exists at present will remain, the south east boundary of the site between Paultet and the rear gardens of Plots 1 and 2 will be new 1.8m close boarded timber fences. The boundary between the proposed properties will be 1.8m close boarded timber fences adjacent to the dwellinghouses for privacy, and will be hedgerow between the rear gardens. Notwithstanding what might be proposed as part of this application, a householder could erect a 2m high fence or wall in such locations without the benefit of planning permission. In any case, some of the fence is to the north of No 9 Turnpike and therefore would be unlikely to cast a shadow, whilst that to the west will cast a shadow at the end of the day.

Indeed, other concerns extended to the loss of light to existing properties. For the reasons outlined above, the proposed single storey dwellings in the format shown on the proposed plans are not considered do significantly affect outlook, light, sunlight, privacy or other living conditions of the occupiers of nearby properties.

Concern has been raised that the construction of the proposed development would could disruption to nearby residents. It is agreed that a condition should be imposed to provide details of the Construction Management, to include permissible working hours.

One representation notes that 'Plots 3 and 4 are not offset from the existing properties at 14 and 15 Paulett with no viewing corridor, the ridge height of the proposed properties remains excessively high.' Whilst it is within the remit of the LPA to ensure that proposed development does not have an adverse impact on the outlook of properties, it is not within the remit to protect private views over other land. The LPA does not share objector's views that the ground levels are not sufficiently low and that the ridge height of these proposed dwellings are excessively high, the ridge height of the proposed dwelling on plot 3 is 3.2 metres lower than the ridge height of the existing adjacent dwelling number 14. The ridge height of plot 4 is 0.55 metres lower than the ridge height of the dwelling at number 15.

In drawing this conclusion, the LPA has carefully considered the cross-sections submitted with the application and the illustrative sketch submitted as part of the 2013 application indicating a ridge height of 6.3m above existing ground level (the proposed ridge heights for Plots 1, 3 and 4 is 5.2m and 4.9m for Plot 2).

Previously, it was considered that the movements associated with 3 dwellings would not have an adverse impact on the living conditions of the residents of Paulett. In this instance, the proposed plans indicate one additional dwelling on the site. The LPA have considered the additional movements associated with an additional dwelling and do not consider that they are significantly different over and above what already has the benefit of planning permission.

Therefore, the proposal is considered to be in accordance with the requirement of new housing set out in Policy DM2 and DM14.

4) Impact on character and appearance of the area, including the setting of the Conservation Area

Interested parties note that the proposed dwellings are much larger than surrounding dwellings. Whilst this might be the case in terms of footprint on the ground, in that they are single storey dwellings, the habitable floorspace provided is likely to be less than the floorspace provided in a number of extended nearby 2 storey dwellings. In any case, the locality exhibits a range of dwelling sizes and the proposed dwellings would not be at odds with this character.

In considering proposed development affecting a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to pay special attention to the desirability of preserving or enhancing the area's character or appearance. National policy guidance set out in the NPPF confirms the great weight in favour of the conservation of 'designated heritage assets', such as Conservation Areas.

A modest part of the north west corner of the site is within the Conservation Area and the remainder of the rest of the northern boundary is immediately adjacent to it. Paulett and the property to the south are not within the Conservation Area.

The particular significance of any heritage assets likely to be affected by a development proposal should be identified and assessed, including any contribution made by their setting. Any harm should require clear and convincing justification. The NPPF advises that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within Conservation Areas and within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The character and appearance of the Sampford Peverell Conservation Area is well set out in the Council's Character Appraisal published in 2008. The site is within the Higher Town area of the village. Importantly, the Conservation Area Appraisal does not note the site as being a visually important space. It is not within the archaeologically sensitive area or historic core. There are no features of special importance on the site, nor are there any important short or long distance views

into or out of the Conservation Area across the site. There are no important unlisted buildings adjacent to the site.

The proposed site is seen primarily in the context of the more modern properties of Poullet and No 9 Turnpike, rather than the more traditional dwellings and features of Higher Town. The Conservation Area Appraisal does not consider this site to be of great importance in the character and appearance of the Conservation Area. The site does provide part of the rural setting to a small part of the westernmost part of the Conservation Area; however, it does not create a significant feature in this setting.

The Mid Devon District Council Conservation Officer has raised no objection to the proposal. To this end, it can reasonably be concluded that the proposed use of the site in the manner proposed does change the character and appearance of the small part of the site that is within the Conservation Area. However, this effect is considered to be less than substantial in NPPF terms. In weighing the impact of the proposed development, that judgment would rely on first weighing benefits of a particular proposal against harm, in accordance with the statutory duty and NPPF guidance. Where, as here, the overall level of harm has been rated as 'less than substantial', the guidance of paragraph 134 of the NPPF is that the harm should be weighed against the proposal's public benefits. In this instance, the public benefits would primarily comprise the provision of good quality new housing, including one affordable dwelling, some public benefit through the investment in new construction and the employment it would provide, together with the New Homes Bonus.

These benefits are modest. On the other hand, the proposal's adverse lasting impacts on the character and appearance of the Conservation Area are minimal. Therefore, in the light of the considerable importance and weight to be given to the desirability of preserving the character and appearance of Conservation Areas, the adverse impacts in this instance would not significantly and demonstrably outweigh the benefits of the proposal.

5) Highway Safety

A number of concerns have been expressed by interested parties in regard to the length and width of the proposed access and its ultimate additional loading of the junction with Poullet and Blackdown View/Higher Town. However, as technical advisors to the Council, the Highway Authority has raised no concern with the detail of the application. Indeed, the site has been subject to a number of pre application discussions. The Highway Authority are happy to accept the proposed development served from a private drive from a cul-de-sac road where the speed of traffic is slow and visibility splays from the existing access are in accordance with Manual for Streets.

It is proposed to condition that the development is carried out in accordance with drawing 2206-PI-02 and that parking, turning and the turning head should be maintained free of obstruction and available to all dwellings at all times. Other conditions are to be included.

Interested parties are concerned that the proposed development does not accommodate sufficient parking of each dwelling and its visitors. Whilst the Council do not consider garage spaces to be dedicated parking spaces, there are 3 parking spaces proposed for each dwelling in addition to a double sized garage. This surpasses the requirement of Policy DM8, which seeks a minimum of 1.7 spaces per dwelling.

In addition, concern has been raised that the width of the proposed access is not sufficient for fire-fighting facilities. It is understood that a minimum width of access road for a pumping appliance is 3.7m, matching the width of the proposed access.

In the absence of any support from the Highways Authority to refuse the application on highway safety grounds, the proposed development accords with the requirements of Policy COR9.

6) Ecology

The majority of the site is semi-improved grassland. The field has been historically subject to management resulting in it being dominated by cultivated grass species and thus has low ecological appeal. However, the site is considered to be a suitable habitat for commoner species of reptile,

particularly slow worm, as well as supporting nesting birds.

However, interested parties raise concern about bats using the building to be demolished. This building has been assessed by an ecologist who has noted that it is not considered to be suitable for roosting bats. Whilst bats may have been observed on the site by interested parties, the site is not optimal bat foraging habitat. It is the well-established hedgerow network that links into the wider environment that is likely to have resulted in the presence of a number of species of bat frequenting the site and its close environs.

In response to concerns raised by interested parties and the recommendations of the report, the applicant has removed the proposed fence along the boundary with Paultet, the fencing to the rear of the site bounding agricultural land will remain as existing with a 1.5 metre post and rail fence, in addition the boundary treatment between the rear gardens of the dwellings is not proposed to be hedgerow, with 1.8 timber close boarded fencing only between the dwellings so as to allow for the free movement of terrestrial moving species. The amended plans show a species rich hedgerow, to consist of: 25% Hazel, 25% Field Maple, 20% Holly, 10% Guelder Rose and 10% Broom. The new trees and hedgerows will provide compensatory bird nesting habitat.

The independent ecological appraisal submitted with the application recommends a number of ecological mitigation measures. This includes that prior to the commencement of works a reptile mitigation strategy shall be implemented as part of the site clearance works, the population size will need to be assessed by a pre-commencement reptile survey to guide the appropriate mitigation works. It is proposed to impose an appropriate condition to seek the implementation of all of these ecological recommendations, and will be dealt with in this manner due to there being an existing outline approval capable of implementation that does not stipulate an ecological mitigation or survey requirements. All works must be undertaken in accordance with the relevant legislation (Wildlife and Countryside Act 1981 and the amended Conservation of Habitats Species Regulations 2010).

7) S106 contributions

Affordable housing has been sought in line with Policy AL/DE/3, which sets out that for rural sites of four dwellings the affordable target is one dwelling. The applicant proposes to provide one affordable dwelling on site (Plot 1), to be sold to a registered social landlord or appropriate managing organisation, subject to the finalisation and signing of a S106 agreement.

Policy AL/IN/3 of the AIDPD concerns requirements for the provision of public open space and play areas that apply to all new residential development. The supplementary planning document entitled "The Provision and funding of Open Space through Development" sets out the level of contribution required to meet this increased demand on public services. The applicant has met this financial obligation through the signing of a Unilateral Agreement under Section 106 Agreement. The provision of this contribution is deemed to be compliant with the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010.

8) Local finance considerations

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years is therefore estimated to be £18,504. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

9) Other matters raised by interested parties

Interested parties raise concern with the drainage of the site, desiring the need for a sustainable urban drainage system rather than use of mains sewer which they believe has capacity issues. In addition, they are concerned that the current issues of surface water drainage from existing site into dwelling curtilages will worsen. In response, the applicant has instructed a drainage engineer to prepare a Surface Water Drainage Strategy, proposing a means to discharge surface water to ground

within the site using Sustainable Urban Drainage techniques, final details are awaited and will be agreed prior to any approval.

The applicant is criticised, by objections, for forwarding development that does not meet housing need. The Parish Council notes that the draft Housing Need report suggests that the Parish needs affordable housing and smaller houses or bungalows to allow older residents to downsize. They lament that the outline application to build three bungalows, was not pursued as that would more nearly meet local needs. However, those application forms indicate that those dwellings were likely to have been 4+ bedrooms. The application has been revised from 2x 3bedroomed and 2 x 4 bedroomed properties to 4 x 3 bedroomed properties. The Sampford Peverell Housing Needs Report from April 2015 identifies a need for 9 affordable homes within the next 5 years, with 44% of older residents that wish to move stating this was to downsize to smaller more manageable homes; in addition there is a recognised current need for a three bedroom affordable dwelling, which this scheme proposes to provide.

In accordance with advice from the Council's Waste and Transport Manager, residents of the proposed dwellings will take their bins and recycling boxes to the highway at Paultlet for collection, it has been advised that it is not possible to collect the bins elsewhere on the site. As such, no dedicated bin storage area has been provided, as the bins will not be collected from such an area. There is sufficient space within the dwelling curtilages for bins to be stored outside of collection time. Although concerns have been raised about the appropriateness of bin collection from the highway, and the distance between the dwellings and the highway for bin movements, this would have been the case for the three dwellings granted permission under application 12/01213/OUT, this permission could still be implemented; the increase of one extra set of bins from the additional dwelling is not considered to be material.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) hours during which delivery and construction traffic will travel to and from the site;
 - (d) 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 with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (e) hours during which no construction traffic will be present at the site;
 - (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (g) details of wheel washing facilities and road sweeping obligations
 - (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (i) Details of the amount and location of construction worker parking.Works shall be carried out in accordance with the approved CMP.
4. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof) in accordance with the

- approved details, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
5. Prior to the commencement of any other part of the development hereby approved, the site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.
 6. No development shall begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the long term management and maintenance plans for the SUDS scheme, have been submitted to and approved in writing by the Local Planning Authority. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. Once agreed, the development shall proceed in accordance with the approved scheme, which shall be fully operational before any of the proposed dwellings are first occupied, and shall be permanently retained and maintained in accordance with the approved details.
 7. Prior to their use on site, samples of the materials to be used for all the external surfaces of the building and retaining walls shall have been submitted to and approved in writing by the Local Planning Authority. Materials shall be in accordance with the approved details.
 8. No part of the development hereby approved shall be brought into its intended use until the access driveway, turning areas and parking spaces have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall be retained for that purpose at all times.
 9. The garage/hardstanding and parking spaces required by this permission shall be provided in addition to and separate from the required turning space, and shall be retained for such purposes at all times.
 10. The development shall be carried out in accordance with the recommendations set out in Section 4 of the 'Ecological Appraisal' prepared by Crossman Associates dated 26th August 2015 and received by the Local Planning Authority on the 4th of September 2015.
 11. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Mondays to Fridays and 0730 to 1300 on Saturdays.
 12. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C, D of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of the house (including the installation of new windows or doors or the replacement of existing windows and doors), alterations to the roof of the dwellinghouse, the erection or construction of a porch outside any external door, or the erection construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure on the dwelling or within the dwelling curtilage without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).

4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
5. To prevent mud and other debris being carried on to the public highway.
6. In the interest of public safety and to prevent damage to the highway.
7. To ensure that there are appropriate measures in place to deal with surface water drainage before construction begin in order to prevent increased risk of flooding in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies).
8. To ensure that adequate facilities are available for the traffic attracted to the site.
9. To ensure that vehicles parked on the site are able to enter and leave in forward gear.
10. To limit the impact of the development on any protected species which may be present.
11. To safeguard the amenity of the occupants of neighbouring properties in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
12. To safeguard the visual amenities and the character and appearance of the area and, the amenity of the occupiers of neighbouring properties and the ecological interests present at the site in accordance with Mid Devon Core Strategy (Local Plan 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) Policies DM2 and DM27.

INFORMATIVE NOTES

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).
2. Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable. The site is within the defined settlement limit of Sampford Peverell where small scale development is permitted. It is considered that the proposed development will be at a density compatible with its surroundings and will provide a reasonable contribution to the housing stock of that settlement and the District. This proposal will reasonably complement the appearance of the street scene and be sympathetic in terms of the relationship with the adjoining buildings. The juxtaposition with existing nearby residential development is considered to be such that no significant impact in terms of harming privacy or other living conditions of those neighbouring properties. Adequate on-site parking and vehicle manoeuvring facilities with access thereto can be provided to serve this proposal. The benefit of the creation of dwellings is not overcome by the potential for less than significant harm identified to the character and appearance of the Conservation Area. Specific conditions are proposed to deal with the highway and movement issues. Other conditions are proposed to deal with specific design issues and to seek the implementation of the ecology recommendations suggested in the Ecological Appraisal. Therefore, in light of the above, there is no policy conflict and the impact of the proposed development is considered to be within acceptable ranges. There are no highway objections and a public open space contribution has been made. There are no other material considerations that would indicate that planning permission should not be granted in accordance with the development plan; the proposal is in accordance, therefore, with Policies COR1, COR2, COR3, COR8, COR9 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/3 and AL/IN/3 of the Allocations and Infrastructure Development Plan

Document (Local Plan Part 2), together with Policies DM2, DM8, DM14, DM15 and DM27 of Local Plan Part 3 (Development Management Policies) and the Technical Housing Standards.