

Application No. 16/00465/OUT

PLANNING WORKING GROUP – 16 August 2016

Application 16//00465/OUT - 4 dwellings – site adjacent to Bickleigh Church, Bickleigh

There were 7 members of Planning Working Group present.

Also present – the applicant, one objector, a representative of the Parish Council and the Ward Member

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider the relationship between the development and its historic context including the Conservation Area, the sustainability of the site and the loss of hedgerow and the impact on local ecology

The Case Officer outlined the plans for the proposed development highlighting the location of the proposed cottages, the proposed parking and public open space, the level of the site and the fact that the proposed building would be dug into the site to reduce the height and the impact on neighbouring properties. He identified the Grade II* listed church and the listed cottages and their relationship to the site. The group of 7 trees identified at the committee meeting were highlighted, he explained that the trees would need to be removed because of the impact on the 4th property, however the application proposed mitigation plans in lieu of their removal.

The Applicant addressed the Group outlining the history of the site and previous proposals he had made, he felt that the revised scheme was now appropriate for the site and that there was a need for such development in the village; it would make good use of unused land.

The Objector raised concern regarding the loss of the tress which she felt were prominent from not only parts of the village, but from Bickleigh Castle and the Crediton Road. She felt that the proposed development would have a big impact on the village and that the site was very visible. She voiced concerns regarding the wildlife that inhabited the site, the development would impact on the conservation area and there could be an issue of light pollution.

A representative from the Parish Council outlined the history of the site and the fact that the village had always wanted to buy the land to make it into a village green. He explained that through the Local Plan process, the land had been put forward for green space. Little consultation had taken place with regard to what the villagers would like on the site and the land was valued by the community.

The Ward Member questioned the reduction in levels of the site to accommodate the development and the height of the roofline in relation to the listed cottages.

The Group walked to various places in the vicinity of the development site: the proposed access, the church yard, outside the listed cottages and through the footpath to the lower side of the village.

Consideration was given to:

- The removal of the tress and the hedgerow
- The view from the castle (the case officer to clarify the distance from the site to the castle)
- Possible screening of the site
- Whether the visibility splay could be reduced therefore limiting the impact on the hedgerow (the Case Officer to check with DCC Highways)
- Parking issues, specifically with regard to the school
- The vegetation between the church yard and the site
- The views of the Conservation Officer

- The possible loss of a view from the listed cottages
- The bungalow would be shielded by vegetation – which would be retained
- The trees on the site that would be retained

The Group agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

RECOMMENDATION

Grant permission subject to conditions.

CLLR R DEED HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the impact on the historic environment given the proposal's location within Bickleigh Conservation Area and proximity to a number of listed buildings.

PROPOSED DEVELOPMENT

Outline for the erection of 4 dwellings (Revised Scheme)

This application proposes the construction of 4 dwellings on a site in the village of Bickleigh. The site currently comprises tin sheds which adjoin the eastern boundary which would be demolished; the remainder of the site has no buildings. The dwellings are proposed as two pairs of semi-detached properties in the eastern part of the site with gardens to rear and eight parking spaces to the front. The remainder of the site is proposed as public open space. The site lies within the Bickleigh Conservation Area and a number of listed buildings surround the site including the grade II* Church of St. Mary to the north east. This is an outline application which considers access, appearance, layout and scale; landscaping is the only reserved matter for later determination.

APPLICANT'S SUPPORTING INFORMATION

Overview to application and planning statement

Design and Access Statement

Heritage Statement

Ecology Report

Transport technical note

Letter to Mid Devon District Council re proposed designation as Heritage Asset and Local Green Space

Results of an Archaeological Trial Trench Evaluation

PLANNING HISTORY

84/01244/FULL Erection of garage - PERMIT – September 1984

02/00366/OTHER Conservation Area Consent for the demolition of garages - Deemed Withdrawn - October 2002

05/02060/FULL Erection of 2 no. dwellings with detached garages, alteration of existing vehicular access, and formation of new vehicular access - Withdrawn – November 2005

07/00166/CAT Notification of intention to fell 1 Eucalyptus and 1 Ash tree within a conservation area - PERMIT – March 2007

12/01684/OUT Outline for the erection of 4 dwellings and associated access and communal parking Withdrawn – January 2013

15/00109/OUT Outline for the erection of 4 dwellings and associated access and communal parking (Revised Scheme) - REFUSED – March 2015

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets
DM26 - Protection of recreational land and buildings

CONSULTATIONS

HIGHWAY AUTHORITY - 15th June 2016

Thank you for the recent amended plans notification.

The Highway Authority conditions still remain. However, the pedestrian access from the development to the public highway Opposite Thatches will also require a visibility splay of similar distances along the road therefore a splay measuring 1.5m back along the centre of the footpath and extending to a point 25m either side with no obstruction greater than 600mm should be provided in a similar manor to that of the access visibility.

HIGHWAY AUTHORITY - 11th April 2016

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent) carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

2. 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 3. 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.

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am

to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) 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;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

ENVIRONMENTAL HEALTH - 18th April 2016

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances - 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 - No Comments

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

If mains water is to be used in connection with this proposal, I would have no comment.

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

BICKLEIGH PARISH COUNCIL - 28th June 2016

We refer to your letter of the 14 June 2016 in connection with the above application which this Parish Council remains strongly opposed to.

Firstly, we refer to the new sections:- The E-W section on drawing no.1429/PL/06C, drawn as it is, gives a false impression of the relationship between the proposed 'new' buildings and the existing surrounding buildings. Both the Yew tree and the Church Tower appear to have been drawn disproportionately high. The tree is shown as some 18m tall but is nowhere near that height in reality. Similarly, the Church Tower is shown as approximately 25m high whereas in fact it actually measures 19.3m. The N-S section on drawing no. 1429/PL/01C is similarly misleading as not only are the heights incorrect as above but they have also been shown in the same plane as the cross section which gives an incorrect impression of perspective. These drawings give a totally misleading impression of what is an intrusive development right in the centre of this conservation area.

Secondly, we refer to the Highways Officers requirements:- He states that a visibility splay of 25m in both directions at a height 0.60m above the carriageway at each entrance to the site is required. At the North entrance, where the access road meets the highway, this is not possible to the east as it would encroach into land belonging to another property and to the west it would destroy a substantial proportion of the ancient hedgerow. Likewise with the entrance to the newly added footpath where it meets the highway on the western boundary. To the south the splay again encroaches into another property and to the north it would destroy most of the bank back to the road junction and in this respect we would again draw your attention to the fact that this is a conservation area. There is also no mention of the taking on of the responsibility of keeping the 'visibility' section of hedgerow cut to 0.60m in height.

Thirdly, we wish to raise strong objection to the inclusion of this new footpath across the site. There is a perfectly adequate existing footpath just a few metres away. This addition is neither required nor wanted and we refer you to the previous paragraph with regard to the damage its installation would cause. In a practical sense, the proposed footpath is ineffective, with a number of steps at the western end which would present difficulties to both parents with pushchairs and people with mobility issues. Fourthly, could we please have clarification as to the meaning of the term on the drawings where it is stated that the existing historic footpath should be "restored". With regard to the Government's drive to more local democracy, we would again draw your attention to the fact that all the letters of objection are from parishioners, in other words, local people, whereas the letters of support, apart from the fact that many seem to bear the same surname, are from outside of the parish - Collumpton, Tiverton, Cadeleigh, Bradninch, Bolham, Calverly, Thorverton, Lapford, Puddington, Exeter, Nr. South Molton, and even as far afield as Bournemouth. Hardly 'local' representation. Not one letter of support actually from Bickleigh Parish. We understand that the Church representatives have stated that so far as they are concerned, the offer of 'parking spaces' for 'Church use' is a non-starter and would also draw your attention to the fact that no plans have been put in place to cover the maintenance of the 'Public' areas of the site, post completion. The PC have already stated that they will not become involved, so it imperative that such a scheme be included along with the necessary funding, preferably by means of some form of Trust, to cover its future costs. So far as we are able to ascertain, no Conservation Area Appraisal has been carried out for Bickleigh Parish since 1984. Our Local History Group are carrying out just such an exercise along the lines of MDDC's recent appraisal for Thorverton Parish. This will be forwarded to you under separate cover.

BICKLEIGH PARISH COUNCIL - 9th May 2016

Please note that this Parish Council unanimously object strongly to this proposal and recommend in no uncertain terms that it be refused. Apart from the handing of the two pairs of dwellings, this application is identical to the previous application and as far as the planning criteria are concerned, apart from the site being - for the time being - removed from the Heritage Asset list, little has changed from MDDC's refusal of the previous application in 2015. Our decision is reached on the following grounds:-

1. The development does not accord with the requirements of the National Planning Policy Framework, also MDDC's Devon Structure Plan 2001-2016, the Adopted Mid Devon Local Plan, Mid Devon Core Strategy (Local Plan) and particularly, the Mid Devon Local Plan Part 3 (Development Management Policies) - DM27 - Development affecting Heritage Assets - to this Parish, the site is a Heritage Asset.

2. Creation of additional traffic movements on narrow Village roads and all that this entails, bearing in mind that at various times of the day, because there is a Primary school in the village, one finds young school children milling around.

3. There is already a problem with run-off from the west - or lower - side of this site in periods of rain. Laying tarmac or concrete over a substantial area will only serve to exacerbate the problem and increase the possibility of surplus surface rainwater ingress to the vulnerable listed properties opposite. Provision of soakaways would only help alleviate this for a relatively short period of time.

4. This site is within a conservation area and the historic core of the village.

5. This site, is a registered green space because of its historical importance to the Village - it could be the site of the then Saxon manor house and then for many years, agricultural land and subsequently residential. It has never been used for any type of commercial or industrial purposes. It is not a brownfield site.

6. Presumably the two smaller houses are supposed to be 'affordable houses' whilst they may be slightly cheaper, they could not be classified as affordable to first time buyers, simply because Bickleigh, because of it's still relatively unspoilt character is a sought after area and commands premium prices.

7. From the point of view that there is a reasonably constant availability of properties for rent or purchase there is little requirement for further development. As it happens there are currently three properties for sale in the village which have been on the market for quite some time.

8. There is a significant degree of local opposition to any development of this site on the basis that it would have a detrimental effect upon the character of what is the old centre of the village and the surrounding plethora of listed properties including the Church... In this respect particularly, there are few villages left in this county that have not been spoilt and indeed had the heart ripped out of them by what, certainly in hindsight, is totally inappropriate development.

Bickleigh is still one village that is reasonably still in tact. One has, over time, gleaned from comments made by a substantial numbers of visitors that this is the one thing that particularly attracts them to the area and it is primarily these visitors that maintain the few businesses that still remain.

A survey carried out in the Parish a while ago determined that some 90% of the high proportion of respondents was opposed to any further development in this Village - MDDC are in possession of this information.

9. It is important that where possible, the County's heritage is not entirely lost or swamped by what some may euphemistically refer to as progress.

10. Local service supplies - sewerage, electricity supply and water supply are, one is given to understand, currently running at their capacity.

12. Further development will do nothing to improve the quality of the built, "natural and historic environment".

13. Referring to the documents submitted by the applicant entitled 'OVERVIEW TO APPLICATION AND PLANNING STATEMENT', headed up 'MID DEVON DISTRICT COUNCIL', together with the 'HERITAGE STATEMENT' we would refer you to the attached detailed analyses which clearly show the adverse impacts of these documents outweigh any benefits to the area - see NPPF para's. 14 and 17. We would, however, take the opportunity to, at the risk of duplicating statements in the attached, make particular references to the "public car parking provision" provided for in the application and the claimed "support for the previous application". Firstly, the additional five car parking spaces are purely a sop. They will be of no benefit to the School Children's parents, a) they never come that far up the road and b) the School themselves operate a successful shuttle service down to a pick-up point in the DCC car park near the Mill in order to save the parents from having to drive into the Village, attendance at the Church is minimal and declining and is confined primarily to Sundays when there are no problems with 'on road parking' and there is of course little doubt that they will at some stage get used by the residents of the proposed new homes as these days, three cars or more per family is not uncommon.

Secondly, the letters of 'support' for the previous application emanated from here there and everywhere, except from this locality, as indeed have the letters of support thus far received for this current application.

This is not a development either supported or wanted by the residents of this Parish, as is evident from both the survey which we recently carried out and of which you have a copy and the multitude of Parish based representations against the previous application and, one has no doubt, will manifest themselves against this one. Whilst on the subject of this 'document', we would draw your attention to the photograph of the field contained therein. This is not church Green, it a photograph of another field in the Village.

14. One is given to understand that it has been suggested that the 'landscaped and parking areas' within this application could or should be donated to the Parish upon completion of the project.

Please be fully aware that this Parish Council will not accept this, nor will the responsibility for future maintenance costs be taken on board.

NATURAL ENGLAND - 22nd June 2016 - No comments.

NATURAL ENGLAND - 7th April 2016

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 4th February 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

CENTRAL AREA CONSERVATION OFFICER - 21st April 2016

This site lies in the historic core of Bickleigh, within Bickleigh conservation area and with various listed buildings in the vicinity including the grade II* Bickleigh church.

Proposal

Erection of 4 dwellings with associated parking, parking for the church and an area of green open space for use by the community

Impact on the listed building and/or conservation area.

Preliminary comments - please could I request some additional information to inform the assessment of the application. I think it would be useful to have:

1. Sections through the site (as proposed) and beyond to be able to see relative heights and relationships between structures (both north/south and east/west). This will also allow us to understand more easily what part of the proposed housing will be seen from the churchyard etc.
2. Whilst the application does show previous thoughts about layout within the site, it would be useful for a little more information on why the houses have been located in the 'centre' of the site - layouts of housing in Bickleigh vary hugely but in general tend to be either front on or gable on to the road. Is this not possible for the site? If not, why not?
3. There are some elements of the design that I would suggest should be 'tweaked' if the application is allowed but I will comment more fully on those at a later date - these relate to the house design details and their very close semi-detached layout.
4. Is pedestrian access to the community space not possible without going through the car parking area, for example? I realise that this would create a break in the hedge and bank and that levels are very different but it would be more centrally accessible.
5. The heritage report is better than previously - it does mention a little about the relationship (if any) between Bickleigh Castle complex and Bickleigh village. Could the archaeologist confirm if Bickleigh Castle was researched in terms of any written evidence of relationship between the village and the castle - I would like to check that any evidence of inter-relationship is identified, if it exists.
6. Whilst the heritage report has been submitted I find it interesting to note that DM27 is not discussed at all in the policy section of the submission. The heritage statement does not replace this and I feel that it is an odd omission.

Summary

Further information please so that the heritage impact can be appropriately assessed.

HISTORIC ENGLAND - 6th July 2016 - We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

In our previous letter we made comments on the layout and orientation of the proposed new dwellings and suggested possible amendments that would better reflect the character of the conservation area. No change has been made in that respect, so our previous comments still stand.

We also requested that site sections were provided to confirm the relative heights of the proposed new dwellings in relation to nearby listed buildings, and the parish church in particular.

A drawing has now been submitted to clarify that relationship which illustrates the new dwellings as being set well below the platform on which the church is constructed, and of diminutive size in comparison to it. This suggests that there will be no visual competition between the new houses and the church, but since the height of the church tower is estimated only, we would advise your Authority to satisfy itself on the accuracy of the relative heights depicted.

Since one of the stated intentions of the scheme is to retain a sense of open green space on the site, we would hope that its natural hedgerow boundaries can be maintained as close to their existing appearance as possible and the impact of new accesses to the site - whether vehicle or pedestrian - can be kept to a minimum.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

HISTORIC ENGLAND - 28th April 2016 - We have twice commented on similar previous applications for this site, most recently in 2015, when we did not consider development of this village centre site to be inherently unacceptable, given the lack of evidence of its archaeological or historical significance. However, we questioned the position and orientation of the houses within the site and their relationship to the overall character of Bickleigh conservation area, together with the lack of a clear rationale for this within the application.

This application retains essentially the same scheme, but with an expanded Heritage Statement, which is intended to address those issues and provide more evidence regarding the history and significance of the site. It is slightly disappointing that it does not address the site context and relationship to conservation area character in the depth we had requested. (Our previous recommendation was for an assessment to be undertaken of the "grain of development within the village, spatial relationships between buildings, streets and open areas, significant views and the disposition/orientation of houses within the conservation area").

The Design and Access Statement illustrates some alternative layouts that had been considered, but we are not entirely convinced by its rationale for the configuration and location of the development within the site, or that alternatives don't exist which could provide more of a street frontage. Siting the houses end-on to the highway and the footpath do not, in our view, create frontages which have an active relationship with those public routes. It might have been possible, however, to have a dwelling fronting onto the road at the north-east corner of the site (as shown in options that were rejected), which then returned as a row running N-S. This would be more in keeping with the general disposition of pre-1900 dwellings in the village and give a better relationship between the development and the existing 'grain' of traditional houses which provide the context for this site.

In terms of understanding the potential impact of this development on the setting of the grade II* listed church, as well as other listed buildings, it would be helpful if cross-sectional drawings of the proposed scheme were provided showing it in relation to the church, other adjacent buildings and vegetation.

This would be particularly helpful given the raised levels of land within the site in relation to adjacent roads, which are noted within the planning documents, which might increase the overall visual impact of the dwellings.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. If you would like further advice please contact us to explain your request.

HISTORIC ENVIRONMENT SERVICE - 22nd June 2016

With regard to the putative enclosure that has been suggested to be centred on the parish church of St Mary, suggested by the field boundaries on the north side of the road where it runs around and encloses The Rectory and the orchard to the north of Exeland Cottage. I visited site with Catherine Marlow (MDDC Conservation Officer) on the 2nd June 2016 to examine the site and in the light of this site visit have the following comments:

1. To the north of the road the field boundary that forms the north-western arc of the enclosure around The Rectory has been created by raising ground level to create a level driveway at the front of the building and is likely to date from the construction of the Rectory or its later gentrification in the 18th/19th century. There may be an earlier field boundary on this alignment sealed beneath the extant boundary, but there is no evidence for this and the extant boundary is definitely of post-medieval date and is not associated with an earlier medieval enclosure.
2. To the north of the road the field boundary that forms the north-eastern arc of the putative enclosure, to the north of Exeland Cottage, defines an area of historic quarrying that was later planted up as an orchard. It seems likely that this boundary simply defines the area of quarrying rather than being part of a medieval enclosure. The roadside dwellings here have also been terraced into the hillside here.
3. The downward slope of the land from east to west has meant that many of the historic extant buildings and their gardens, including the church, The Rectory and Exeland Cottage have been terraced in the slope, and I would regard this east-west slope sufficient enough to cast doubt upon the likely presence of a manorial enclosure centred on the parish church here.

In the light of our site inspection and the results of the archaeological evaluation of the site, I do not regard there to be sufficient evidence for the assertion that the proposed development site lies within a medieval enclosure centred on the parish church.

In addition, as stated previously, the proposed development site lies in an area where previous archaeological investigations have demonstrated the survival of a lower soil horizon that has yielded 12-13th century pottery. However, these investigations did not indicate any settlement or other intensive use of the site from this or earlier periods. Nevertheless, groundworks for the construction of the proposed development have the potential to expose further artefactual material from the medieval period as well as any small archaeological features (pits and post-holes) that may be present on the site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

HISTORIC ENVIRONMENT SERVICE - 13th April 2016

The proposed development site lies in an area where previous archaeological investigations have demonstrated the survival of a lower soil horizon that has yielded 12-13th century pottery. However, these investigations did not indicate any settlement or other intensive use of the site from this or earlier periods. Nevertheless, groundworks for the construction of the proposed development have the potential to expose further artefactual material from the medieval period as well as any small archaeological features (pits and post-holes) that may be present on the site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

REPRESENTATIONS

80 representations have been received, 30 in support, 46 in objection, and 4 making 'neutral' comments. These are summarised below:

Support:

1. Archaeological investigation has found no evidence of historic settlement on site
2. Questions evidence of location of manor at site given distance from chapel, castle and water source
3. Site has not been built on primarily been in private hands since 1800s unlike other Glebe lands
4. Design is in keeping
5. Sympathetically designed new thatched properties have been achieved elsewhere
6. Site was untidy and overgrown when purchased/has always been under-used/will be an improvement
7. Site is not on the Mid Devon Local Heritage Assets Register
8. Land is unused at present but could now be enjoyed by community
9. Absence of settlement limit does not mean no development acceptable
10. Unclear whether objectors believe there is a lack of or ample parking
11. Parking can be an issue at the church at present
12. Development will allow families an opportunity to settle in the village/housing needed in the village
13. Concern that objections are nimbyism
14. Supports but notes maintenance issues associated with thatch and requests use of other materials
15. Parish had opportunity to purchase site
16. It is possible to build new properties in old style to match existing - as has taken place with the fire-damaged School House

Objection:

1. Application not materially different from refused scheme
2. Revised plans do nothing to make development acceptable
3. Development not wanted by local community
4. Development is outside defined settlement limit and not in conformity with national and local planning policies
5. Development would be harmful to character and appearance of conservation area
6. Historic core of village needs protection
7. Will ruin beautiful Devon village
8. Evidence that site of great historic importance - possible location for Anglo-Saxon hunting lodge - site straddles an earthwork that may represent an enclosure associated with the lodge
9. Conservation Area Appraisal undertaken by Bickleigh Local History Group, which considers important views, character and open spaces
10. Site is on Mid Devon list of local heritage assets
11. Views in and out of site positively contribute to character and appearance of conservation area
12. Volume of traffic within village during rush hours given poor junctions is unsafe/road infrastructure cannot support additional housing

13. Proposal will block views across site, including across Exe Valley
 14. Proposal will obscure views of adjacent listed building School House and Church Green Cottage within immediate area and wider landscape
 15. Location not sustainable - no employment opportunities in village or farm shop as stated in application paperwork
 16. Proposal will result in invasion of privacy of neighbouring properties
 17. Damage to Devon hedgebank - more being removed than suggested by applicant
 18. Too high density for location
 19. This is not a brownfield site
 20. Proposal does not accord with village development pattern
 21. Application area includes land in objector's ownership which is not available for development
 22. Works could cause subsidence
 23. How many properties will be affordable?
 24. Site deliberately left untidy and overgrown by landowner
 25. Development will cause light pollution and air pollution
 26. Dwellings will look new and be out of keeping with surrounding listed properties
 27. Height of Church tower in drawings exaggerated - impact therefore greater
 28. Development will affect trees - these are incorrectly located on plans
 29. Footpath through site not wanted - who will maintain it?
 30. Footpath not suitable for mothers with pushchairs or those with mobility issues
 31. Site is registered as Local Green Space within Local Plan Review
 32. No plan for maintenance of parking spaces - Church has confirmed it will not take these on
 33. Development against wishes of Bickleigh community
 34. Developing site will encourage other infill applications
 35. Criteria for sustainable development not met - there is no shop in Bickleigh
 36. Historic England advice to move houses within plot has been ignored
 37. Water run-off will cause problems for properties below site
 38. Supporters are not local; objectors are parishioners
 39. Site would ruin habitats and affect wildlife
 40. Proposed community parking would only off-set loss once visibility splay put in place prevents parking on road
 41. No provision for turning facility within parking
 42. No capacity at Bickleigh Primary School
 43. Site should be purchasable to villagers and returned to village green
- Neutral:
44. Church does not have funds to take on management of parking
 45. If granted arrangements for maintenance of proposed public open space must be put in place to avoid neglect

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy & principle of development**
- 2. Heritage impact**
- 3. Design**
- 4. Highways and transport**
- 5. Biodiversity**
- 6. Public open space and other considerations**
- 7. Planning balance and recommendation**

1. Policy & principle of development

Mid Devon District Council's Local Plan consists of the Core Strategy (Local Plan Part 1), Allocations and Infrastructure Development Plan Document (2010) and the Local Plan Part 3: Development Management Policies (2013). The central strategy for development within the district is set out within the Core Strategy, the Allocations and Infrastructure DPD contains development allocations to meet the need identified in the Core Strategy, and the Local Plan Part 3 provides a range of policies for the consideration of planning applications.

Policy COR3 establishes the existence of housing need within Mid Devon across the period 2006-2026. This application is located within the village of Bickleigh, and therefore Policy COR18 'Countryside' is also relevant. This policy states that residential development in areas defined as 'countryside' is strictly controlled and is limited to:

'Affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling.'

The proposal is for 4no. market dwellings, the site falling below the Government-defined threshold for affordable housing provision. There is no policy support within COR18 for a scheme for 100% market dwellings; the scheme is therefore contrary to policy.

However, the Council's five year land supply position and the outcome of a recent appeal decision are material considerations in the determination of this application. The 'Land to the west of Uffculme' (ref APP/Y1138/W/15/3025120) appeal inspector concluded that the Council could not demonstrate a five year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). He moved on to conclude that as a result, policies COR3, COR17 and COR18 of the Core Strategy were out of date. Paragraph 14 of the NPPF states that 'where the development plan is absent, silent or relevant policies are out-of-date, permission should only be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.' Since the appeal was heard, the Council has been internally updating the five year land supply calculation with the latest year's monitoring data. However, the final figures are still being prepared but it is understood that these will confirm that the Council is still unable to demonstrate a five year land supply as required.

As such the current application is required to be determined in accordance with paragraph 14 of the NPPF, applying the presumption in favour of sustainable development. The presumption has two tests: one, is the development sustainable when assessed against the framework as a whole, and two if there is any harm, does it significantly and demonstrably outweigh the benefits. The appeal inspector noted the presumption in favour of sustainable development was at the heart of the NPPF, it being comprised of three dimensions to this: economic, social and environmental. These roles being mutually dependent and should be jointly sought to achieve sustainable development. He also concluded that a proposal on a greenfield site was in itself not necessarily harmful, and that elsewhere the Council was reliant on the release of greenfield sites to meet its housing need. The application site has some existing tin sheds along its eastern boundary, which has been in situ for many years. This part of the site would meet the definition of 'previously developed land' within the NPPF. The remainder has not been built upon and should be considered greenfield. The NPPF encourages the use of previously developed land (brownfield land), provided that it is not of high environmental value. The site is a mixture of both brownfield and greenfield, the NPPF giving support to the former, and in the context of Mid Devon, the appeal inspector to the latter.

To assess the locational sustainability of the site the NPPF has the following to say:

Paragraph 17: Planning should 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'

Paragraph 30: '...local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.'

Paragraph 34: 'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.'

The Core Strategy Policy COR17 permits minor development proposals within a list of approximately 20 villages. These villages were selected on the basis that they have sufficient services and facilities, along with public transport provision. Due to the provision of these requirements, these villages have been determined to be sustainable locations for limited development.

The minimum requirement for inclusion within the policy was that the settlement must have a school, shop, pub and daily transport service. Bickleigh has a primary school, two pubs and a daily transport service. It does not have a shop however, though the Bickleigh Mill tourist attraction does contain craft shops and a restaurant (though no shop that would perform the function of a village shop). It therefore has three of the four criteria required for inclusion on the list of villages where limited development is acceptable in principle. The settlement also has a village hall.

The proposal is centrally located within the village and all services/facilities are within walking distance - though to access the two pubs requires crossing the historic bridge over the River Exe which has no footways. The village is located just off the A396, the main road between Tiverton & Exeter/Crediton, which is served by regular bus services on weekdays and Saturdays at a 30 minute frequency. Whilst employment opportunities will be very limited within the village itself, the provision of a regular bus service towards the principal employment centres of Tiverton and Exeter means that the option of using public transport is a realistic one. It is acknowledged that many people will still choose to make use of private motor vehicles, but this is not untypical for Mid Devon in general being a very rural district. The proposal is not considered to be incompatible with paragraph 30 of the NPPF - 'a pattern of development which facilitates the use of sustainable modes of transport.' The scale of the proposal would also not give rise to a significant increase in movement, paragraph 34 of the NPPF also noting that account needs to be given to policies regarding rural areas, particularly given that public transport provision is considerably less extensive than in urban areas.

Reason for refusal 1 in the 2015 scheme was founded on the basis of the scheme's location outside settlement limits. Given the appeal decision, this refusal reason can no longer be attributed the same weight. Instead, in assessing the locational sustainability of the proposal, the provision of a range of services and facilities combined with a frequent public transport service weigh positively in the scheme's favour, and it is not considered that a reason for refusal on the same grounds as previously can be substantiated.

2. Heritage impact

Core Strategy Policy COR2 'Local Distinctiveness' requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets. Local Plan Part 3 (Development Management Policies) Policy DM27 'development affecting heritage assets' requires proposals to consider their effect on setting, significance, character and local distinctiveness of heritage assets and weigh harm against benefits.

The proposal site lies within a sensitive location, being within the Bickleigh Conservation Area, and surrounded by a number of listed buildings. In closest proximity to the proposed dwellings are situated the grade II* Church of St. Mary (to the north east); the grade II School House and adjoining Church Green Cottage (to the east) and The Rectory and The Old School (to the north/north-east respectively). Other listed buildings are located within the settlement whilst Bickleigh Castle (grade I and a conservation area) is approximately 1.5 km to the south west on the other side of the River Exe.

Impact on the historic environment formed the second of the two reasons for refusal in the 2015 scheme. The refusal concluded the following:

The site is designated as a heritage asset on the local list

The site's development would affect the setting of the church and several nearby listed buildings and affect important views into the area.

It has not been demonstrated that the effect on these heritage assets would be acceptable

In regard to the first bullet point, in November 2015 the inclusion of the site on the heritage assets register was reconsidered. The site was reassessed against the Historic England criteria used to determine whether sites should be included or excluded on the local list. These assessment criteria included age, rarity, aesthetic value, group value, evidential value, historic association, archaeological interest, designated landscapes, landmark status and social and communal value. As a result of the reassessment and with the information available at that point it was concluded that the plot was 'an interesting, substantially undeveloped plot in the centre of the conservation area with very important setting and view implications for the church and Bickleigh Castle (as well as other listed buildings) but that there is insufficient evidence that it was a 'green'.

Therefore it does not meet the criteria for local heritage asset status and should be removed from the register.' Following the removal of the site from the register, this element of the previous refusal reason would fall away.

The issues set out in the two bullet points from the previous reason for refusal require consideration. Policy DM27 'development affecting heritage assets' requires development proposals likely to affect heritage assets and their settings to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. The application is accompanied by a range of information about the historic environment and an assessment of the impact of the scheme. This primarily includes a report on the results of Archaeological Trial Trenching and a Heritage Statement. The latter examines the legislative, national and local policy requirements associated with the assessment of the impact of development upon heritage assets, an identification of known heritage, assessment of documentary sources, appraisal of the site and environs, and consideration of impact.

Having taken account of the assessment criteria and relevant considerations the Heritage Statement makes a number of conclusions. Firstly that following archaeological evaluation evidence indicates that the site has not been developed historically, but has been used for a range of activities. It states that the absence of structural remains neither proves nor disproves that the manor has always been located at Bickleigh Castle. It states no further archaeological work is required to support a planning decision. The report notes that the proposal would not have any direct impact on significant heritage features on site, the only structure on site being of no architectural or historical interest and that there would be a beneficial impact associated with its removal. It continues that the conservation area and listed buildings are all of heritage significance and considers the indirect impact. Screening between the building listed buildings and the site through, landform, built form and vegetation limit impact, whilst the use of traditional architectural features reflective of those present within the conservation area, including thatch and white walls, and a typical style, scale and massing, are sympathetic and help preserve the character and appearance of the area. It finally concludes that the nationally significant buildings and conservation at Bickleigh Castle would not be adversely affected by proposals as the sympathetic design of buildings and surrounding areas will reinforce the rural landscape.

Historic England, Mid Devon District Council's Conservation Officer and Devon County Council Historic Environment Service have all responded to the consultation on this application. Historic England commented that they did not consider development of the site to be unacceptable and noted that the application was now accompanied by further evidence intended to address issues of history and significance of the site. Historic England however has raised queries about the intended layout, particularly as the alternative options within the applicant's Design and Access Statement would provide more of a street frontage, creating an active relationship with the public routes. Historic England asked for cross-sectional drawings of the proposed scheme to show the relationship to the church, other adjacent buildings and vegetation. North-South and East-West sectional drawings have subsequently been provided by the applicant. Historic England has commented on these drawings, noting that they clarify the relationship between the new dwellings and the church, the proposed development being set well below the platform on which the church is constructed and of diminutive size in comparison to it. They conclude this suggests that there would be no visual competition between the new houses and the church, but requests the local planning authority satisfy itself as to the height of the church tower depicted, given it is based on estimates only.

Mid Devon's Conservation Officer has also commented twice on the application. The response notes that whilst the scheme is clearly contentious, as is clear from local opposition, that it must be assessed on the basis of policies, national guidance and evidence. Neither, is it acknowledged, does conservation area status prohibit change - but development should preserve or enhance the conservation area. Views to and from the site, church and listed building have been assessed and it is noted that there will be change, but the development pattern and setting of listed buildings will not be substantially harmed. With regard to the cross-sectional drawings provided, the Conservation Officer has considered the potential for error in the drawings, but considers that in relation to other properties and topography considers them to be accurate - the heights are in proportion to other buildings and do not appear excessive. Overall, the advice of the conservation officer is that the development will not enhance the character of Bickleigh, but despite the less than substantial harm (arising from some loss of hedge bank and associated impact on views) the overall character and significance will be preserved.

The less than substantial harm will need to be weighed against public benefit (a requirement of national and local policy). The response concludes that a heritage related reason for refusal would not be sustainable at appeal. It should also be noted that the Conservation Officer took note of the draft Bickleigh Conservation Area Appraisal, produced and supplied by Bickleigh Local History Group. However the document had not been subject to any public consultation, and though interesting, cannot be given any weight in considering the current planning proposal.

In relation to the historic value and previous uses of the site, Bickleigh Local History Group have commissioned and submitted a report by SW Archaeology. This desk-based assessment indicates that the site has not been developed in modern times and that any proposed development is likely to disturb archaeological deposits or remains of varying levels of significance. The report notes that there is evidence to suggest the original manor of Bickleigh was located close to the site - possibly including the site itself - as indicated by the presence of potential earthworks from aerial photographs. A further report written and submitted by medieval historian Duncan Probert of Kings College London discusses the possibility that Bickleigh was the meeting place of the West Saxon royal council at a hunting lodge in 904. The report concludes that the most viable location for the hunting lodge was at Bickleigh (as opposed to another Bickleigh near Plymouth). It is stated that evidence suggests the original focal point for the manor lay near the centre of the village, most probably within areas marked as the churchyard, parsonage, Church Green and adjacent orchard, and that the hunting lodge would be likely in same area. A possible enclosure demarking the same area may add weight to the identification.

Devon County Council's Archaeologist has visited the site and commented three times on the application. The comments address the notion of a putative enclosure suggested to be centred on the parish church of St Mary. It is the view of the county archaeologist that many of the suggested boundaries of the enclosure are of significantly later creation. The field boundary that forms the north-western arc of the enclosure at the Rectory has been created through raising ground to create a level driveway at the front of the building and is likely to date from the 18th/19th century. The north-eastern boundary defines an area of historic quarrying that was later planted up as an orchard. The presence of a downward slope across the land is considered sufficient to cast doubt upon the likely presence of a manorial enclosure centred on the parish church. As a result of the site inspection and previous archaeological evaluation of the site, it is not considered that there is sufficient evidence for the assertion that the proposed development lies within a medieval enclosure centred on the parish church. Previous investigation has yielded 12th and 13th century pottery, but did not indicate any settlement or other intensive use of the site from an earlier period. However, groundworks could expose further artefactual material and an archaeological condition requiring a programme of works and written investigation is proposed.

The consultation responses from the three historic environment specialists do not raise an objection to the principle of development. At most it is noted that less than substantial harm will arise, and such harm is limited to the impact on views associated arising from some loss of hedgerow when seen to and from the church. At the least, suitable mitigation is proposed via condition to make the development acceptable to the consultees. Policy DM27 requires less than substantial harm to be weighed against the public benefits of the scheme. The scale of the harm is very limited in its scope, whilst there are benefits in relation to increasing housing supply associated with permitting the scheme. Accordingly it is considered that the issues set out in the previous refusal on heritage grounds have been addressed, and pursuing a refusal on those grounds is considered to be without merit and unable to be substantiated at appeal. The proposal is considered compliant with Policies COR2 and DM27.

3. Design

Though this is an outline application, the only reserved matter is landscaping - layout, appearance and scale are to be determined at this stage. The proposal is for 4.no dwellings, these being within two pairs of semi-detached dwellings. The dwellings principal elevation faces to the west, with gardens to the rear facing east. Local Plan Part 3 Policy DM2 'high quality design' states that new development must be of a high quality taking account of factors such as privacy and amenity amongst others. Policy DM14 'design of housing' sets more specific requirements in terms of dwelling requirements including size, private amenity space, daylight, sunlight and privacy amongst others.

A number of alternative layouts were considered and these are discussed within the applicant's Design and Access Statement. Alternatives included separating the dwellings, locating some in the west and eastern parts of the site. northern boundary creating an active frontage. However, the layout proposed is a simple one, allowing the greatest amount of land to be made available for the public open space in the western part of the site. Having more properties along the northern boundary would also require the loss of more hedgerow than is currently proposed. It is also noted that Bickleigh has no particular development pattern and that the proposal for a gable end of the northern property to be side on to the road is not uncommon within the village.

The size of the proposed dwellings is in compliance with the national space standards set by Government and is therefore in accordance with Policy DM15. The size of the gardens proposed is considered modest, but not unacceptable. Nearest neighbours are those living at the bungalow Court View, to the south, and School House/ Church Green Cottage to the east. The separation distance to Court View from the nearest proposed dwelling is approximately 14 metres. However, no windows are proposed in the second storey south elevation, giving rise to no concerns about the impact on privacy. The second storey windows on the east elevation will look towards School House/Church Green Cottage however the presence of intervening boundary walls and structures, a levels difference of approximately 4 metres and a separation distance at its shortest in excess of 20 metres are sufficient to conclude that any impact on the privacy and amenity of the occupants of the proposed or neighbouring dwellings is acceptable.

Given the historic context of the location the style of dwellings and materials proposed is significant to their suitability. It is proposed that the dwellings be of a traditional design, incorporating lime-based rendered walls and thatched roofs. No details of the design or style of windows and doors have been provided, so it is proposed that a condition be attached requiring these be approved via condition. Similarly appropriate style and materials for the thatch would also be conditioned to ensure these reflect the local vernacular. Subject to the imposition of the conditions, the proposal is considered to be compliant with Local Plan Part 3 policies DM2, DM14 and DM15.

4. Highways, transport and parking

Access to the site is proposed off the road which runs along the northern boundary. The road is a single carriageway rural lane where observed vehicle speeds are generally fairly low. An existing access is in place which is proposed to be widened in order to accommodate the appropriate size of visibility splay. Some loss of hedgerow would occur as a result (as has been highlighted above in regard to the impact on the character and appearance of the conservation area). Though there are no footways on the local road network, Devon County Council's Highways Officer raises no objection to the development. It is proposed that the size and provision of the visibility splay be controlled via condition. Other standard highways conditions are also proposed in terms of the provision of the site access and prevention of surface water drainage on to the highway. To ensure construction traffic does not have an unacceptable impact on the local road network and amenity of local residents a condition requiring submission of a Construction Management Plan will be imposed. Eight parking spaces are proposed for the use of residents which meets the minimum requirements set in local policy DM8.

5. Biodiversity

The ecological report which accompanied the application noted that there were no protected habitats on site and that habitat loss would be minimal should the proposals go ahead. The report highlighted a good breeding population of slow worms and low population of grass snakes. Both are protected under the Wildlife and Countryside Act 1981 and therefore it is proposed that a submission of a Reptile Mitigation Strategy be submitted as a pre-commencement condition. This strategy would demonstrate how the injuring of killing of such species would be avoided during the construction phases of the development. The survey indicated a low level of bat activity and cautions against the introduction of unacceptable light levels. However, no external lighting is proposed, the only lighting being that which would be associated with the provision of the dwellings. The report highlights the value of hedgerows as foraging locations for bats and that these be retained where possible. Though some hedgerow would be lost due to the provision of the visibility splay, the retention of all other hedgerows is proposed to be controlled via condition. It is also likely that the hedges, trees and bushes around the perimeter will be used by nesting birds.

The report recommends that the timing of works will need to avoid the nesting bird season. Again, this is proposed to be controlled via condition.

There is a small group of young oak and birch trees in the south east of the site that are in close proximity with the most southerly proposed dwelling. The applicant's arboriculturist and the Council's tree officer have confirmed that there would be conflict between the trees and the houses, which would only get worse given the young age of the trees. The consultant notes that the species are mediocre in terms of their quality although they do offer some visual amenity to the wider landscape, forming a distinct group aerodynamically. The consultant confirms that the trees need to be removed and replaced with new tree planting which would benefit the scheme and make a positive long-term contribution to the area. One tree would need to be removed prior to construction, the remainder prior to the occupation of the dwellings. The detailed proposals for the replacement planting would be determined as part of the landscaping reserved matters. The loss of the trees would be a negative impact of the proposal. However, the tree officer has stated that the trees are not of sufficient value to warrant being covered by a Tree Protection Order. As such, they applicant could separately apply to have them removed (consent required given they are in a conservation area) but the Council would be very unlikely to withhold permission. As such it is considered that there can be no basis for refusal on the grounds of tree loss, and the provision of alternative planting would act to mitigate the loss.

6. Public open space and drainage

The proposals include provision of on-site public open space which would be provided in the west part of the plot. This would be informal space, laid to lawn, with no play equipment or similar currently proposed. The size of the public open space is in excess of the minimum requirements set down in Policy AL/IN/3 and therefore no financial contributions are sought towards provision. The future management and maintenance arrangements of this space are yet to be determined. It is proposed that a scheme for its management and maintenance be conditioned which would need to be discharged prior to any commencement taking place. Potentially this could be discharged at the reserved matters stage when the remaining matter 'landscape' is assessed. This later submission would allow the applicant time to agree the management arrangements with third parties who may express an interest in taking on the site. If this cannot be agreed, the applicant would need to establish a management company to take on this role. Overall, the provision of the public open space is considered to be a beneficial outcome for the scheme, weighing positively in its favour.

It has been noted by representors that the site is allocated as Local Green Space (LGS). The LGS definition was introduced by the NPPF and sets criteria against which to determine whether a site can be allocated for this purpose. Policy DM24 of the Council's emerging plan, the Local Plan Review 2013-33, proposes that the site 'Church Green, Bickleigh' (i.e. the application site) be designated as a LGS. The Local Plan Review does not represent adopted policy yet, and therefore the weight which can be accorded to it is dependent on its stage of preparation, and the extent of unresolved objections. The plan is relatively far progressed in its preparation, but has not been submitted to the Secretary of State to begin the examination process - this limits the weight which can be attached. There are also unresolved objections to the designation of the site which could only be resolved through the examination process. Accordingly I can attribute no weight to the proposed designation. Should the site gain permission, the possibility of the public open space provided being designated as LGS would be a possibility - though this would be subject to the discretion of the Inspector overseeing the examination of the Local Plan Review.

Policy COR11 'flooding' requires proposals to taking account of climate change and flooding, whilst policy DM2 requires appropriate drainage including the provision of Sustainable Urban Drainage systems (SUDs). The application proposes that the foul sewer connect to the mains. Surface water will be controlled via a managed system, going first to attenuation tanks which would retain the water, particularly at times of significant rainfall, before discharging flows back to the main sewer. A drainage strategy setting out the detailed workings would be a pre-commencement requirement to be controlled via condition.

7. Planning balance and recommendation

There are a number of factors which need to be weighed in the balance before making a recommendation.

The proposal is outside a defined settlement and is in a location where residential development is strictly controlled. Such was the basis for one of the two previous reasons for refusal. However, given the Council cannot demonstrate a five year supply of land for housing the settlement limit cannot be given the same weight as it once could. There are a range of services and facilities within the village, generally more so than would be the case with other settlements located in the area designated 'countryside' under Policy COR18. A frequent bus service is available offering a viable alternative to the use of the private car. The Council also has to consider whether the adverse effects of the scheme significantly and demonstrably outweigh the harm. In the refused scheme the adverse effects were the impact on the historic buildings nearby and the character and appearance of the countryside. However, the heritage consultees no longer have an objection in principle and at most indicate that only less than substantial harm would arise associated with the loss of hedgerow and its associated impact on short views to and from the church. No other harm in relation to biodiversity, impact on privacy or amenity or transport has been identified which has not been addressed by good design or controlled via condition. It is not considered that the harm could be substantiated at an appeal as a reason for refusal. The scheme would provide benefits in the form of additional housing which will make a contribution towards district supply as well as public open space for the benefit of the village. Accordingly it is considered that the harm does not significantly and demonstrably outweigh the benefits and conditional planning permission is recommended.

CONDITIONS

1. No development shall begin until detailed drawings of the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedges are to be retained and the location of mitigation planting on the site as part of the development.
5. No development shall begin until a detailed surface water drainage scheme for the site (including Sustainable Urban Drainage systems including attenuation measures) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.
7. No development shall begin until details of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
8. No thatching works shall begin until details of the style of thatching and the materials to be used to cover the roofs of the development have been submitted to, and approved in writing by the Local Planning Authority. The thatching shall be carried out in accordance with these approved details.
9. No development shall begin until a scheme for the management and maintenance of the public open space shown on the submitted plans has been submitted to, and been approved in writing by the local planning authority.

The approved scheme shall be implemented on completion of development and the open space area shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.

10. No development shall begin until a Reptile Mitigation Strategy, as recommended within the Blue Sky Ecology Report, dated October 2014, has been prepared by a qualified ecologist and submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the recommendations within the Reptile Mitigation Strategy.
11. If any works to hedges, trees or the existing buildings on site are programmed to take place in the main bird nesting season of March to August inclusive, a survey should be undertaken by a qualified ecologist and submitted to the Local Planning Authority. If evidence of nesting birds is found then works shall not commence until the ecologist has verified that the chicks have fledged.
12. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) 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;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
13. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent) carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in both directions.
14. 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.
15. 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.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 and 5 of The Town and Country Planning (Development Management) Order 2010.
2. For the avoidance of doubt and in the interests of proper planning.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In the interest of visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To ensure appropriate measures are taken to manage surface water in accordance with policies DM2 of the Local Plan Part 3 (Development Management Policies) (2013) and Mid Devon Core Strategy (Local Plan Part 1) Policy COR11.
6. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
7. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with Mid Devon Core Strategy Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM27.
8. To ensure the use of materials/detailing appropriate to the character and appearance of the building in accordance with Mid Devon Core Strategy Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM27.
9. To safeguard the character and amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure protected species are not killed or injured during the construction phase of development.
11. To ensure that the wild birds are not killed or injured during the construction phase of development in accordance the requirements of the Wildlife and Countryside Act 1981.
12. To minimise the impact of the development on the highway network.
13. To provide adequate visibility from and of emerging vehicles.
14. To prevent mud and other debris being carried onto the public highway.
15. In the interest of public safety and to prevent damage to the highway.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development for the erection of four dwellings and provision of public open space is not policy compliant with the development plan given the location of the development outside a defined settlement limit. However, the absence of a five year supply of deliverable housing land is a material consideration which requires the proposal to be approved unless the harm significantly and demonstrably outweighs the benefits, or that other policies within the National Planning Policy Framework indicate otherwise. The range of services and facilities at Bickleigh, is greater than within most locations which are outside defined settlement limits, whilst the provision of a frequent bus service along the adjoining main road from Tiverton to Exeter/Crediton means there is a viable alternative for residents seeking access to employment opportunities and other facilities in those locations.

The proposal is also considered acceptable in relation to its impact on the historic environment with at most only less than substantial harm having been identified associated with the impact on short views to and from the church linked to the removal of some hedgerow. The harm arising is not considered to significantly and demonstrably outweigh the benefits associated with the provision of additional housing. The proposed development is considered to have an acceptable impact in terms of highways, design, appearance and ecology and to comply with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, COR3 and COR11, Allocations and Infrastructure Development Plan Document (2010) Policy AL/IN/3 and Local Plan Part 3: Development Management Policies (2013) policies DM2, DM8, DM14, DM15 and DM27.