

**Application No. 16/00918/MOUT**

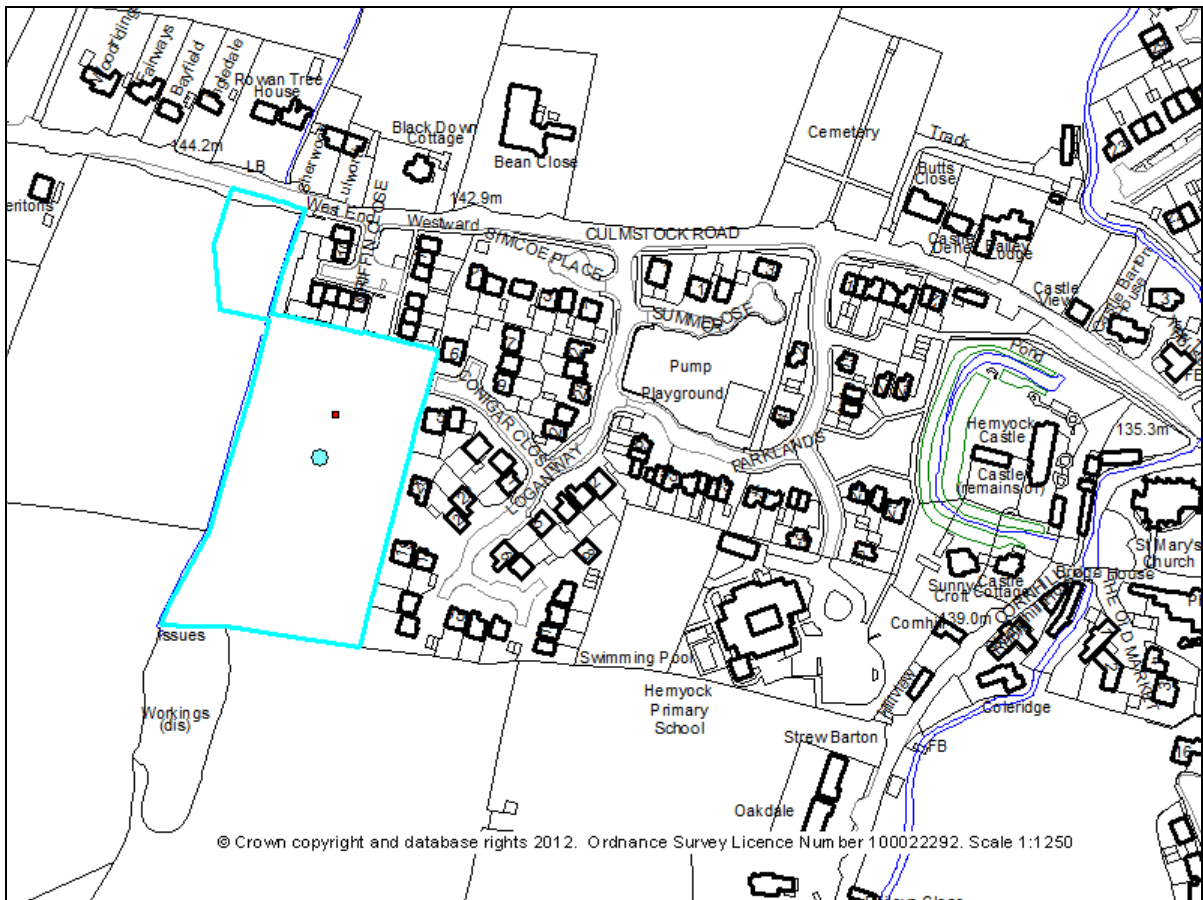
**Grid Ref:** 113301 : 313224

**Applicant:** Upper Culm  
Community Land  
Trust Ltd &

**Location:** Land at NGR 313224  
113301 (West of  
Conigar Close)  
Culmstock Road  
Hemyock Devon

**Proposal:** Outline for the  
erection of 22  
dwellings

**Date Valid:** 20th June 2016



**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**16/00918/MOUT - OUTLINE FOR THE ERECTION OF 22 DWELLINGS  
- LAND AT NGR 313224 113301 (WEST OF CONIGAR CLOSE)  
CULMSTOCK ROAD HEMYOCK DEVON**

**Reason for Report:**

To determine the planning application.

**RECOMMENDATION(S)**

Grant subject to conditions and S106 in respect of:

1. the provision of 8 affordable dwellings on site;
2. a financial contribution of £26,510 towards improvements to Higher and Lower Millhayes open spaces; and
3. a financial contribution of £73,495 towards additional secondary education infrastructure and secondary education transport costs

**Relationship to Corporate Plan:**

The Corporate Plan priorities: homes, economy, community and environment.

**Financial Implications:**

None.

**Legal Implications:**

None.

**Risk Assessment:**

None identified.

**Consultation carried out with:**

1. Environmental Health
2. DCC Archaeology
3. Devon and Cornwall Police
4. Devon County Education
5. MDDC Tree Officer
6. Natural England
7. Devon County Flood Risk Management

8. Blackdown Hills AONB
9. Hemyock Parish Council
10. Highway Authority

## **1.0 PROPOSED DEVELOPMENT**

The application seeks outline permission for the erection of 22 dwellings (14 market and 8 affordable) on 1.23 hectares of agricultural and to the west of Conigar Close and to the north of a recently completed development at Griffin Way, off Culmstock Road, Hemyock. Access and layout are to be determined under this application with scale, appearance and landscaping being reserved to be determined at a later date under reserved matters application(s).

The site is a greenfield site on the edge of the village, outside the defined settlement boundary and within the Blackdown Hills AONB. The development is described by the applicant as being “Phase 2” of the existing Community Land Trust development at Griffin Close (12 dwellings, 100% affordable) which is now totally occupied.

The proposal is to provide 22 dwellings (8 affordable), the dwelling mix to be 3, 4 and 5 bed market housing and 1, 2 and 3 bed affordable housing. Each dwelling is to have 2 parking spaces (excluding garages) and private amenity space.

Access is to be via an existing turning head in Conigar Close. Dwellings are to be arranged around the central access road with a turning head at the southern end of the site. The site slopes up to the south from the rear of Griffin Close. The site has strong boundary hedges and trees which are to be retained. The layout also provides for a pedestrian footpath which will lead from Culmstock Road through Griffin Close and the proposed site to connect into Conigar Close.

A SUDS system will be provided for surface water drainage which includes an attenuation pond with maintenance access off Culmstock Road.

## **2.0 APPLICANTS SUPPORTING INFORMATION**

Planning statement  
Preliminary ecological appraisal  
Tree report  
Flood risk assessment and drainage strategy report  
Transport statement  
Archaeological survey  
Carbon reduction statement  
Heads of terms  
Landscape and visual assessment

### **3.0 PLANNING HISTORY**

The site is an undeveloped agricultural field and is not allocated for housing. The parcel of land to the immediate north of the site was granted planning permission for 12 affordable dwellings under planning permission reference 12/01334/MFUL and is described by the applicant as “Phase 1” of the development, the current application forming “Phase 2”.

### **4.0 DEVELOPMENT PLAN DOCUMENTS**

Mid Devon Core Strategy (Local Plan Part 1) - COR1, COR2, COR3, COR9, COR17, COR18

Allocations and Infrastructure Plan Document (Local Plan Part 2)

AL/DE/2, AL/DE/3, AL/DE/4, AL/DE/5, AL/DE/6, AL/IN/3

Mid Devon Local Plan Part 3 (Development Management Policies) - DM1, DM2, DM8, DM29

National Planning Policy Guidance

SPD on parking

SPD on public open space

SPD on meeting housing needs

### **5.0 CONSULTATION RESPONSES**

**Environmental Health** - 12th July 2016

Contaminated land - Due to the proximity of a disused area of quarrying in the adjacent field the following conditions will need to be included:

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

### **DCC Archaeology - 5th July 2016**

The proposed development site lies in an area of archaeological potential to the south of an area where recent archaeological investigations have revealed the presence of an 8th century AD iron smelting site. The undertaken geophysical survey of the application area has not identified any archaeological deposits associated with the nearby iron smelting site and, as such, no further archaeological work is required to support and inform this planning application. However, there is the potential for the site to contain archaeological and artefactual deposits associated with the known iron extractive and pottery industries that operated in Hemyock in the medieval and post-medieval periods, and any such deposits will be affected by the development of 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 a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of 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.

**Devon and Cornwall Police** - 22nd June 2016

The only concern if this is indicative of the actual layout that plots 15 and 17 should have some defensible space between the parking and their curtilage.

Weekends and school holidays could potentially cause community friction with ball games against these two dwellings.

**Devon County Education** - 8th July 2016 - Devon County Council would request an education contribution to mitigate its impact.

The proposed 22 family-type dwellings, will generate an additional 5.5 primary pupils and 3.3 secondary pupils.

There is currently capacity at the nearest primary likely to be generated by the proposed development and therefore a contribution towards improving primary education infrastructure would not be sought.

Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The secondary contribution sought is £60,195 (based on the current DfE extension rate per pupil of £18,241) which will be used to provide education facilities at Uffculme School.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Uffculme School. The costs required are as follows: -

4.00 secondary pupils

£3.50 per day x 4 pupils x 190 academic days x 5 years = £13,300

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

#### **MDDC Tree Officer - 25th July 2016**

- 1) The Tree Schedule has not included Trees 13 and 14, they are shown on the plan but not mentioned in the schedule. They are both good Oaks.
- 2) Plots 16 and 17 will end up with 2 large Oak trees at the back of a relatively small garden so this might need re thinking. Plots 8, 9 and 10 will have large trees at the rear of the garden but the gardens themselves will be bigger. Perhaps the overall layout could be tweaked, the trees are all at the perimeter of the site.
- 3) Trees 1,2, 3, 4, 5 and 6 are in the adjacent field, 4, 5 and 6 have been adversely affected by the development of Griffin Close. It is important to minimise any soil damage to the west of these trees. T6 is an Oak in a state of decline. The plan show an attenuation pond, this should be created the correct distance from the trees to avoid creating anaerobic rooting conditions for the trees on this side. (not sure if the pond already exists. An access is also shown, this is existing as a field access. If this is to be enhanced, consideration needs to be given to trees 1, 2, 3 and 4.
- 4) It is shown that all the trees can have the full recommended RPA, and that there is no need to enter the RPA. The fencing must be erected as specified in the arboriculture method statement, although the protective fencing does not show the more usual scaffold supported fencing but a mesh security panel type suggested for use in moderate to low construction pressure, I wonder whether this site would benefit from the more default specification of scaffold framework with welded mesh fencing.
- 5) It is critical that all service runs, any excavation work etc. is kept outside of the RPA's. Once the fencing is up it should remain up until any construction is totally completed, drainage plans/service plans etc. should be closely checked to ensure they do not run through the RPA's.
- 6) There is a high probability that there is Ash dieback in this area, I saw some suspect trees in Hemyock and T9 on the site. I looked on the FC website and Hemyock is adjacent to a confirmed area but not actually marked yet.

**Natural England - 27th June 2016**

Landscape - further information advised

The proposal is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). From the information available Natural England is unable to advise on the potential significance of impacts on the AONB.

Given the location of the proposal, Natural England's advice is that more information, via a Landscape and Visual Impact Assessment (LVIA) or similar assessment, is necessary to understand the potential impacts of the proposal on the special qualities of the AONB and allow your Authority to make a properly informed decision.

Such an assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20132. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

We would strongly advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development further informed by an LVIA will help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

Natural England - 29th July 2016

Based on the submitted information and further to Natural England's advice of 27th June 2016 (ref: 188888), we have the following additional comments.

Landscape

The proposed development is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), a nationally designated landscape.

Based on the additional information available Natural England is unable to advise on the potential significance of impacts on the AONB. The Landscape and Visual Impact Assessment (LVIA) submitted (Peter Smith Design Service Ltd June 2016) does not appear to be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20132.

We strongly advise that you consult and give weight to the Blackdown Hills AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.



Natural England also advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. The presumption in favour of sustainable development does not apply within designated landscapes (NPPF paragraph 14 footnote 9).

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

#### Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

#### **Devon County Flood Risk Management - 11th July 2016**

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of the Mid Devon Local Plan (Part 3) (Development Management Policies), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

The applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. Indeed, although section 11 of the Design and Access Statement makes brief reference to the surface water drainage, no further information has been provided in this regard. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems.

The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

I would also note that the aforementioned document makes reference to underground storage. However, these underground crates cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

For clarity, I would also note that for outline planning applications, we require the following information for review:

Description of the type of development;

Location plan at an appropriate scale with a grid reference, showing geographical features, street names, watercourses or other water bodies in the vicinity;

Site plan showing the red line boundary and any land under the applicants' control;

Site survey showing the existing topography;

Assessment of all existing flood risks to the site, including from sewer networks, groundwater, overland surface water flows, reservoirs, ponds, canals, and other watercourses;

Calculations of the current surface water runoff for the site;

Calculations of the proposed surface water runoff for the site;

Calculations of the surface water attenuation storage volume required for the 1 in 100 (+40% allowance for climate change) year rainfall event;

Evidence that the site has an agreed point of discharge;

Evidence that the drainage hierarchy has been followed, providing robust evidence as to the viability or otherwise of:

1. Discharge into the ground (infiltration);
2. Discharge to a surface water body (with written permission);
3. Discharge to a surface water sewer, highway drain, or other drainage system (with written permission);
4. Discharge to a combined sewer (with written permission).

Explanations of the proposed flood risk mitigation measures;

Non-technical summary of the proposed surface water drainage management system;

Plans of the proposed surface water drainage management system, demonstrating that the proposed system fits within the proposed site layout, and is practical and sustainable;

Outline operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development.

## **Devon County Flood Risk Management - 9th August 2016**

Following my previous correspondence (FRM/746/2016, dated 11th July 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Section 2.13 of the submitted Flood Risk Assessment and Drainage Strategy Report (Report No. FRA01, Rev. -, dated May 2016) states that information prepared in support of the Phase 1 development confirms that the use of infiltration techniques for discharging surface water is feasible. However, the applicant will be required to submit this information in order to justify the use of infiltration devices on this site.

Depending on the nature of this information, the applicant may be required to submit details of an alternative, purely attenuation-based, surface water drainage management system, which could be utilised if infiltration is later demonstrated as being unfeasible on this site.

Furthermore, section 6.7 of the aforementioned document states that the proposed surface water drainage management system will be designed to the 1 in 100 year (+30% allowance for climate change) rainfall event. However, following the publication of the Flood Risk Assessments: Climate Change Allowances document (dated 19th February 2016), the applicant will be required to use a climate change uplift value of 40%.

I would also note that it is proposed to discharge the highway surface water runoff to an attenuation pond, with an outfall to an existing ditch, as presented in the Drainage Strategy Plan (Drawing No, 2103/500, Rev. /, dated May 2016). The acceptability of this arrangement will need to be confirmed by my colleagues in Highways.

## **Blackdown Hills AONB - 19th July 2016**

The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

PD 4/A

Support initiatives that provide affordable housing to meet identified needs for local people in locations with access to employment and local services, ensuring that developments conserve and enhance natural beauty, particularly by respecting landscape and settlement character and avoiding impacts on nature conservation and historic interests.

On the principle of development, Paragraph 115 of the NPPF confirms that great weight should be afforded to conserving landscape and scenic beauty in AONBs, which have the highest status of protection.

We would also consider this scheme to be major development in the local context and as such Paragraph 116 applies, which confirms that such developments should only be approved exceptionally, where it can be demonstrated as being in the public interest and subject to three 'tests'.

I note that the application material references the appeal case at Uffculme, and so we highlight that Footnote 9 of the NPPF relating to Paragraph 14 confirms that the presumption in favour of sustainable development does not automatically apply in this case due to the AONB designation.

Where significant housing development is proposed at villages in the AONB, we consider that it is best dealt with through a plan-led approach which ensures that impacts on the AONB can be properly considered and the relative merits of different sites around a settlement can be soundly assessed.

It does not appear that landscape and visual impact have been considered (although perhaps the entire site was assessed at the time of the Griffin Close application). One of the special qualities of the AONB is the way that settlements and buildings blend harmoniously with the surrounding landscape, and also long views are a particular characteristic of the AONB. The site rises southwards up from Culmstock Road and I am not convinced that this development will not be evident in the wider landscape, leading to a sense of the village expanding outwards along the Culmstock Road, changing the perception of Hemyock as a nucleated settlement.

We believe that where housing schemes such as this are developed in the AONB, they should be exemplars in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced. Matters of detail therefore require careful consideration and the integration of the site with the village is essential.

#### **Blackdown Hills AONB - 4th August 2016**

Thank you for advising of additional information, in respect of landscape and visual assessment.

This application is a major development, outside settlement limits, in the AONB. As a general principle therefore we would expect an appropriate LVIA to help assess the impact of development on the AONB. This may be proportionate to the scale of development, but nevertheless should be based on good practice - i.e. Landscape Institute and Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2013, 3rd edition).

Concerning development in Hemyock a key consideration in terms of landscape and visual impact is the expansive views over the settlement from the north/higher ground (such as approaching the village down Combe hill) and the perception of the village expanding outwards along the Culmstock Road, as noted in our original response. It will be important to consider settlement character and street scene as well as landscape and visual impact in terms of impact on the AONB, its character and special qualities.

## **Blackdown Hills AONB – 12<sup>th</sup> August 2016**

Earlier this week I discussed this application and the AONB comments with the applicant. This was specifically on the issue of whether there is a need for a further LVIA. I have also revisited the AONB response to the related application 12/01334/MFUL (Griffin Close). Being in Hemyock, I am familiar with the site and surroundings, as is the applicant. We discussed the fact that landscaping and detailed design are matters to be considered at the reserved matters stage.

With all this in mind I accepted that the landscape and visual impact of this development is not likely to be significant and can be addressed at full application stage through consideration of details such as use of materials (e.g. favouring stone/brick rather than render); retention of mature trees and boundary hedges; ground levels and heights of dwellings.

Therefore, if you are content that you have the information you need to determine the application, the AONB would not be pushing for any further landscape assessment. All other comments remain valid.

I hope this is helpful to your considerations.

## **Hemyock Parish Council - 21st July 2016**

It voted not to support the application and makes the following comments:-

The application is not supported for the following reasons:- the development is outside of the village settlement limit, there are already issues with access to school, there would be an increase in traffic increasing the danger to children accessing the play area, it is on a green field site, construction traffic is a concern, no jobs are created and carbon emissions are increased, the public transport is limited to the No 20 bus which cannot get you to and from Taunton for normal working hours, the roads are narrow and winding, access to medical services will come under increased pressure, consultation with South West Water is vital as it is believed that the sewer cannot cope with any more development, ratio of open market to affordable contravenes policy DM9.

## **Highway Authority - 6th July 2016 - Observations:**

The proposed development is an extension to an existing development and access and visibilities are acceptable to the Highway Authority. The Local planning Authority is advised of the need to get approval from the lead Flood Authority over the drainage proposals and there maintenance and suitability. However should consent be granted the following conditions should be imposed.

The Local planning Authority and the Applicant is advised of the limited pallet of materials acceptable to the Highway Authority and the use of Tarmac in both carriageway and footway is acceptable but that maintenance audits no longer support other materials without commuted sums.

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 proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway;

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out;

C) The footway on the public highway frontage required by this permission has been constructed up to base course level;

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

3. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with policy.

## **6.0 REPRESENTATIONS**

7 objections (and 1 representation) summarised as follows:

- Concern regarding access roads, traffic and congestion
- Roads are in poor condition and badly maintained and there is little room for large vehicles to pass each other on the country lanes
- The development would increase traffic to unacceptable levels especially considering these roads are used to access the school and park
- Consideration should be given to improving the main roads and providing traffic calming in Logan Way and Conigar Close
- The development will exacerbate existing traffic problems at school time – there is already a well-known informal one-way system in operation on local roads to allow safe transport of children.
- The roads are not suitable for construction traffic
- The site is within the AONB where every effort should be made to protect the landscape
- The development will cause overlooking and loss of visual amenity for existing residents
- There is no up to date housing needs survey for the village, expressions of interest do not constitute a proven need
- Market housing on an exception site is not acceptable

- There is no need for additional housing in Hemyock – there are a number of houses for sale/rent in the village
- The development will affect infrastructure such as the doctor's surgery and education facilities
- There will be a loss of wildlife
- The proximity of the attenuation pond to housing makes it dangerous for young children

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in determining this application are:

1. Principle of development, including 5 year land supply
2. Layout and scale
3. Access and parking
4. Landscape and effect on the AONB
5. Ecology and trees
6. Heritage
7. Drainage
8. Effects on neighbouring residents
9. Section 106 and other financial considerations
10. Planning balance

#### **1. Principle of development, including 5 year land supply**

Policy COR17 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits and permitted on allocations outside settlement limits. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside of the Hemyock defined settlement boundary. The site is not allocated and is not being proposed for 100% affordable housing. The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.

Policy AL/DE/6 of the AIDPD permits development of 100% affordable housing to meet the needs of the local community on exception sites adjoining existing settlements.



Policy DM9 of the Local Plan 3 Development Management Policies permits cross-subsidy of affordable housing with market housing on exception sites where there is evidence of local need for affordable housing and the amount of market housing is lower than the affordable housing and at the lowest proportion that will ensure the delivery of significant affordable housing. The proposed development is not for 100% affordable housing.

The CLT carried out a housing needs consultation in February 2016, advertising in the parish magazine and sending a leaflet to 700 households in the village. 31 households expressed an interest in affordable housing, only 7 of which were on the previous register. The survey indicated that there was the following need:

Family of 6	1
Family of 5	4
Family of 4	4
Family of 3	7
Family of 2	2
Couple	7
Individual	6

This is a joint application between the Community Housing Land Trust that previously developed the adjacent 100% affordable housing development at Griffin Close, and a local developer. The applicant has set out in its planning statement the history behind the site coming forward in two phases, phase 1 being for 100% affordable housing and phase 2 including some market housing to cross-subsidise the affordable housing.

If the current application is considered to stand alone then the proportion of affordable housing to be provided stands at approximately 35%. This would accord with the requirement for 35% affordable housing under policy AL/DE/3 of the AIDPD, which would apply if the site was an open market housing site (e.g. within settlement boundary or allocated for market housing).

However, the applicant is arguing that the application should be considered as phase 2 of the Griffin Close development and that the 12 affordable dwellings already built should be added to the mix when calculating the percentage of affordable housing. The percentage would then be approximately 60% affordable dwellings, lower than the amount of market housing. No viability figures have been provided in order to support the cross-subsidy requirement for it to be demonstrated that the level of market housing is the lowest possible to ensure the delivery of the affordable housing over the two phases.

The development would therefore not accord with policy AL/DE/6 of the AIDPD.

However, Members will also be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be out of date. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

The footnote to paragraph 14 of the NPPF gives examples of where development should be restricted, including within Areas of Outstanding Natural Beauty.

The NPPF contains a presumption in favour of sustainable development. It requires local authorities to "boost significantly the supply of housing" and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible. However, the NPPF also states that development should be restricted within AONBs and gives a number of criteria which need to be met (see Landscape and the effect on the AONB below).

Hemyock has a number of local services and facilities and is considered to be a village that is a sustainable location for the limited development of additional housing, albeit development being restricted by the need to preserve the special landscape qualities of the AONB.

The following paragraphs consider the impacts of the development and finally weigh in the balance the benefits of the proposal against identified harm.

## **2. Layout and scale**

Layout and scale are to be determined through the current outline application. The proposal is for 22 dwellings set around a new estate road with turning head. Each dwelling will have two parking spaces and a private garden. The layout has been improved following discussions, however, your officers still have concerns about the proximity of plots 14 and 15 to two large Oak trees on the boundary which are to be retained, as these will shade the small gardens and there will be pressure to fell the trees in the future. Otherwise the layout is considered to be acceptable, with parking well-related to the houses and, for the most part, reasonable size gardens.

Scale, appearance and landscaping will be determined upon the submission of reserved matters. Concern has been raised in relation to the designs of the dwellings and the palette of materials, particularly in relation to the AONB. This will be considered as part of the reserved matters application(s).

### **3. Access and parking**

Access is to be from an existing turning head in Conigar Close. Concern has been raised with regard to the suitability of local roads to take additional traffic, particularly as Conigar Close is off Logan Way which leads to the primary school. Concern has also been raised that access into Hemyock itself is restricted by the nature of the surrounding country lanes which are not suitable for additional traffic. Concern has also been raised regarding access for construction traffic.

A Transport Statement has been submitted and the Highway Authority has been consulted. The Highway Authority has commented that the proposed scheme is an extension to an existing development and access and visibilities are acceptable to them. They have recommended a number of conditions relating to construction of the estate road and drainage. Your officers also recommend a condition relating to compliance with a detailed construction management plan to control traffic during the construction period in order to minimise the impacts on existing residents during the construction period.

Whilst it is recognised that there are perceived problems with traffic flows at peak times, the Highway Authority has not recommended additional traffic calming or other road improvements in order to make the development acceptable. The proposed development is considered to be in accordance with policies COR9 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies with regard to development in accessible locations and the provision of a suitable and safe access. The provision of a footpath from Griffin Close to Conigar Close will aid pedestrian movement, particularly from Griffin Close to the school.

The submitted layout plan shows the provision of 2 parking spaces per dwelling, with the exception of the 2 x 1 bed units where 1 parking space is provided. There are also 3 additional visitor spaces. The parking is well-related to the development and is considered to be in accordance with policy DM8 of the Local Plan 3 Development Management Policies and the SPD on parking.

### **4. Landscape and effect on the AONB**

The site is within the Blackdown Hills AONB. Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape and to protect the setting of the Blackdown Hills AONB. Policy DM2 of the Local Plan Part 3 Development Management Policies requires development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and make a positive contribution to local character.

Policy DM29 of the Local Plan 3 Development Management Policies states that major developments within the AONB will only be permitted in exceptional cases. This policy reflects the NPPF which states that the highest status of protection should be given for the landscape and scenic beauty of AONBs. Great weight should be given to conserving landscape and scenic beauty in these areas. The application is for major development and Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission.

Paragraph 16 of the NPPF states that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Taking these criteria in turn:

#### *Need for the development*

A need for additional affordable housing in the village has been identified through the CLT's survey and it is expected that the market housing will also be in demand as there has been limited development in the village in the past.

Whilst approving or refusing the application would not have a significant impact on the local economy, there are clearly some economic benefits to be had through the construction work and the occupation of the dwellings would provide support for local business and services.

As far as national considerations are concerned, the NPPF seeks to "boost significantly the supply of housing". Mid Devon's lack of a 5 year housing land supply is considered to be a material consideration carrying significant weight in determining the application. However, in your officer's opinion, significant weight can also be given to paragraph 16 of the NPPF restricting development in the AONB and to policy DM29 of the Local Plan 3.

Case law identifies that, in the context of decision-taking, restrictive policies such as those protecting an AONB will continue to be relevant even where relevant policies are out of date. This does not mean that development plan policies that are out of date are rendered up to date by the continuing relevance of the restrictive policies. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out of date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision.

The emerging Local Plan Review seeks to allocate a brownfield site within Hemyock for 10 dwellings but no other housing land. Hemyock is considered to be a sustainable location for limited additional housing growth, having the facilities and services required for the day to day needs of the residents.

It can therefore be argued that there is a need for the development to satisfy the first bullet point of paragraph 16.

#### *Meeting the need in some other way*

It cannot be argued that housing could not be developed outside the designated area due to the scope or cost of doing so.

However, the need for housing in Hemyock could not reasonably be met by development elsewhere outside of the AONB and it is reasonable to assume that the second bullet point of paragraph 16 can be satisfied.

#### *Effect on the environment*

A limited landscape and visual impact assessment has been provided as part of the application. Natural England and the Blackdown Hills AONB team have both commented that a full LVIA should have been provided, Natural England referring to the requirement to obtain advice from the AONB.

The site is within Character Area LCT3A Upper farmed and wooded valley slopes. The character area is characterised by convex hills and rounded ridges with fertile smooth slopes running into small-scale views. Extensive tracts of medium-scale permanent pasture are grazed with some slopes and flatter hilltops cultivated for arable crops. Well-managed dense hedgerows bound regular medium to large pasture fields. Isolated farms, rural cottages and farm buildings tend to be visually prominent in the landscape with long views from one hilltop to another. The site is within this character area but there are few long views in or out of the site.

The AONB acknowledged in a later consultation response that whilst the standard of the submitted LVIA was substandard, they accept that the landscape and visual impact of this development is not likely to be significant and can be addressed at reserved matters stage. The importance of thorough consideration of details such as use of materials (e.g. favouring stone/brick rather than render), retention of mature trees and boundary hedges, ground levels and heights of dwellings is emphasised. The AONB considers that if Mid Devon is content that there is sufficient information available to determine the application, the AONB would not be pushing for any further landscape assessment. Whilst the submitted information is considered to be sufficient to establish the principle of development, a more robust LVIA will be required at reserved matters stage.

The site is well screened within the landscape and the proposed development would abut existing development on two sides, appearing as a natural extension to the village's built form. Strong boundary hedges and trees and the enclosed nature of the landscape minimise the impact of the development on the landscape. Further consideration can be given to appearance, scale and landscaping at reserved matters stage. Your officer's consider that the site represents a logical extension to the village with minimum landscape impacts.

Whilst the lack of appropriate landscape assessment is regrettable and may in other circumstances weigh against approval, in this case due to the limited visibility of the site within the landscape and the nature of the site itself, your officers consider it is possible to make a recommendation based on the submitted details.

The limited landscape and visual impact of the proposed development, coupled with good design through approval of reserved matters, is considered to moderate the impact on the environment to an acceptable degree, in order to satisfy the third bullet point of paragraph 16.

## **5. Ecology and trees**

There are several good trees on the boundary of the site which are to be retained. The layout has been amended in the light of the tree officer's comments. However, there is still the potential for conflict between use of the new dwellings and the large Oak trees on the boundary of the gardens of plots 14 and 15, although the gardens have been made larger to minimise shading of the entire gardens. It is recommended that compliance with the tree protection plan and arboricultural method statement is conditioned.

The ecology report recommends protection of hedgerows during construction and a 2m buffer zone retained to ensure hedgerows can continue to be used by wildlife, e.g. bats and badgers. The ecology report also recommends a management plan be put in place for the hedges to ensure they are managed for biodiversity. External lighting is also to be restricted. The report recommends strategies to protect dormice and reptiles, habitat enhancement measures for bats and nesting birds and design of the attenuation pond to benefit wildlife. It is recommended that compliance with the ecology report is conditioned.

Subject to conditioned, it is considered that biodiversity will be conserved and enhanced in accordance with policy DM29 of the Local Plan 3 Development Management Policies which seeks to protect biodiversity in protected landscapes such as the AONB.

## **6. Heritage**

The proposed development site lies in an area of archaeological potential to the south of an area where recent archaeological investigations have revealed the presence of an 8th century AD iron smelting site. The undertaken geophysical survey of the application area has not identified any archaeological deposits associated with the nearby iron smelting site and, as such, no further archaeological work is required to support and inform this planning application. However, there is the potential for the site to contain archaeological and artefactual deposits associated with the known iron extractive and pottery industries that operated in Hemyock in the medieval and post-medieval periods, and any such deposits will be affected by the development of the site. For this reason, Devon Historic Environment Records Services has recommended further work which should be secured by condition.

There are no listed buildings in the immediate vicinity of the site. Hemyock Castle, a Scheduled Ancient Monument and St Mary's Church, a Grade II\* listed building and the Grade II\* castle gatehouse and walls lie approximately 225 metres to the east of the site. However, the area between the site and these heritage assets has already been developed and it is not considered that a limited additional number of dwellings will have a material additional effect on the settings of these heritage assets.

The development is considered to be in accordance with policy DM27 of the Local Plan 3 Development Management Policies which seek to protect heritage assets and their settings.

## **7. Drainage**

A Sustainable Urban Drainage Scheme is proposed which drains into an attenuation pond to the north west of the site. The submitted drainage strategy has been amended following consultation with the Lead Local Flood Authority. The applicant has provided further information to address the concerns of the Lead Local Flood Authority and your officers are

awaiting their confirmation whether the strategy is now acceptable. Members will be updated with their response. A response from the Highway Authority is also awaited as to whether the outflow from the attenuation pond can be discharged into the highway drainage system. Again, Members will be updated with the response.

A condition is recommended in respect of submission of the final drainage details for approval, together with details of the ongoing management and maintenance of the surface water drainage system. Concern has been raised with regard to the potential dangers of an attenuation pond close to residential development. The attenuation pond will need to be designed to comply with safety requirement and also to be shallow gradient to provide the biodiversity enhancements recommended in the ecology report. An additional condition to deal with surface water run-off during the construction stage is also recommended, in accordance with Lead Local Flood Authority advice.

Subject to final confirmation, the SUDS system is considered to be acceptable and is in accordance with policy DM2 of the Local Plan 3 Development Management Policies which requires the provision of a SUDS system where possible.

## **8. Effects on neighbouring residents**

Concern has been raised that the proposed development would cause overlooking and loss of visual amenity for existing residents. Whilst the appearance of the dwellings will not be agreed until the reserved matters stage, it can be seen from the layout plan that the development has been designed to minimise impacts on the amenities of existing residents. Dwellings along the boundary with Conigar Close have been designed to be side-on to existing dwellings and windows in the side elevations can be controlled through conditions if necessary at the reserved matters stage. The hedge along the boundary will be retained and there is a reasonable distance between existing and new development.

There is potential for some loss of privacy for the existing residents of Griffin Close and the dwellings in plots 16-20 will be need to be designed to minimise any potential for overlooking. However, there is a separation distance of approximately 20 metres between existing and new dwellings which is adequate to provide a reasonable level of privacy and amenity. Subject to detailed design, the development is considered to be acceptable in terms of its potential impact on the privacy and amenity of existing and future residents and in accordance with policy DM2 of the Local Plan 3 Development Management Policies in this respect.

## **9. Section 106 and other financial considerations**

Policy AL/DE/3 of the AIDPD sets an affordable housing target of 35% for open market developments (e.g. within settlement boundaries and on allocations). Policy AL/DE/6 of the AIDPD permits development of 100% affordable housing to meet the needs of the local community on exception sites adjoining existing settlements, outside defined settlement boundaries.

Policy DM9 of the Local Plan 3 Development Management Policies permits cross-subsidy of affordable housing with market housing on exception sites where there is evidence of local need for affordable housing and the amount of market housing is lower than the affordable housing and at the lowest proportion that will ensure the delivery of significant affordable housing. Policies AL/DE/4 and AL/DE/5 set criteria for the occupation, design and location of affordable dwellings.

The applicant has agreed to enter into a Section 106 Agreement in order to provide 8 affordable dwellings on the site. These will comprise 4 affordable rent dwellings, 3 shared ownership dwellings and 1 starter home. The mix has been confirmed as acceptable by the Housing Enabling Manager.

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling, or if more appropriate, an equivalent financial contribution. The applicant has agreed to make a financial contribution of £26,510 towards improvements to Higher and Lower Millhayes public open spaces.

Policy AL/IN/5 provides for new development to cover the cost of additional education provided required to meet the needs of the development. Devon County Council has requested a financial contribution of £73,495 towards the extension of existing secondary education facilities and also towards the provision of secondary education transport. The applicant has agreed to make this financial contribution.

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £152,496.

## **10. Planning balance**

The NPPF contains a presumption in favour of sustainable development and requires local authorities to boost significantly the supply of housing. This presumption is considered to carry significant weight. The development would provide 14 open market and 8 affordable dwellings which would provide economic and social benefits for Hemyock.

The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The site is within the AONB where major development is restricted in accordance with paragraph 116 of the NPPF and this needs to be read in conjunction with the presumption in favour of sustainable development.

The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs.



The application is for major development and the NPPF states that major development in AONBs should be refused unless there are exceptional circumstances to warrant approval. Your officers consider that the criteria to be met under paragraph 16, as set out under section 4 above can be met. Of particular importance, is the fact that the site is well-screened and would blend well into the existing settlement, having existing residential development on two sides. Subject to detailed design at reserved matters stage, it is not considered that the development would harm the special landscape qualities of the AONB and for this reason the presumption in favour of refusal of major development in AONBs is considered to carry less weight.

Other benefits include contributions towards public open space and education and the New Homes Bonus which are considered to carry some weight.

Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission in accordance with policies DM29 of the Local Plan 3 Development Management Policies and paragraph 116 of the NPPF.

On balance and taking all the above into account, your officers consider the benefits to outweigh the harm and therefore recommend approval.

## **CONDITIONS**

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings and the landscaping (including the attenuation pond area) (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin 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 latter.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development, and a Landscape and Visual Impact Assessment assessing the impacts of the proposed detailed development within the landscape.
5. No development shall begin until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, (whether or not it originates on the site), which shall have been previously submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings produced and submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:
  - (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

6. Should the report required by condition 5 require remediation to take place, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by Local Planning Authority before development begins.  
The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
7. The remediation scheme approved under condition 6 (if required) shall be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 6, which is subject to the prior approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by Local Planning Authority in accordance with condition 7.
9. No development shall begin until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the Local 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 Local Planning Authority.
10. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic arrive at and depart from the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
- (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
- (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.

Construction shall take place only in accordance with the approved details.

11. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
12. The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the approved details:
  - a) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - b) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - c) The cul-de-sac visibility splays have been laid out to their final level;
  - d) The street lighting for the main road, cul-de-sac and footpaths has been erected and is operational;
  - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - g) The street nameplates for the cul-de-sac have been provided and erected.
13. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the approved details.
14. No development shall begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme, have been submitted to and approved in writing by the Local Planning Authority.

Once agreed, the development shall be constructed in accordance with the approved scheme, and the approved SUDS scheme shall be fully operational before any of the proposed dwellings are first occupied. Once provided, the approved SUDS scheme shall be permanently retained, managed and maintained in accordance with the approved details.

15. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.
16. No development shall begin until a detailed tree/hedge protection plan to supplement that submitted under this outline application has been submitted to and approved in writing by the Local Planning Authority. Such supplemental tree/hedge protection plan shall include an Arboricultural Method Statement and three constraints plan showing canopies and roof protection areas for all trees on the site and its boundaries. The development shall be carried out only in accordance with the approved details.
17. The development shall take place only in accordance with the recommendations in the Conservation Action Statement within the Preliminary Ecological Appraisal by Blackdown Environmental dated June 2016 and the Tree Schedule, Impact Assessment and Arboricultural Method Statements by Blackdown Environmental dated 16th May 2016.
18. Any external lighting installed on site shall be in accordance with a sensitive lighting plan that shall have been submitted to and approved in writing by the Local Planning Authority before any external lighting is installed.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan part 3 (Development Management Policies).
9. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the NPPF.
10. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).
11. To ensure that adequate information is available for the proper consideration of the detailed proposals.
12. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).
13. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
14. To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
15. To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and in accordance with guidance contained within the DEFRA document 'Non-statutory technical standards for sustainable drainage systems'.
16. To ensure retained trees and hedges are protected before and during construction in order to safeguard the special landscape qualities of the Area of Outstanding Natural Beauty in accordance with policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM29 of Mid Devon Local Plan Part 3 (Development Management Policies).
17. To ensure protected species are not harmed by the development and the hedges and trees contribute towards the visual amenities of the area and the setting of the Blackdown Hills AONB, in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).

18. In accordance with the recommendations in the submitted ecology report in the interests of protecting bats and to preserve the setting of the Blackdown Hills AONB, in accordance with policies DM2 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).

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

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing and affordable housing, carrying significant weight against the limited terms identified to the special landscape qualities of the Blackdown Hills AONB. Subject to mitigation and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and local residents. Financial contributions are to be provided in respect of improvements to public open space and education infrastructure and the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with policies COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM8, DM27 and DM29 of the Mid Devon Local Plan part 3 (Development Management Policies) and the National Planning Policy Framework as a whole. The proposed development is considered to be contrary to policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the AIDPD as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However, as stated above the benefits of the scheme are considered to outweigh any harm and the development is considered to be in accordance with the National Planning Policy Framework as a whole.

<b>Contact for any more information</b>	Tina Maryan (01884) 234336
<b>Background Papers</b>	None
<b>File Reference</b>	16/000918/MOUT
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of Planning Committee