

Application No. 16/00458/FULL

Grid Ref: 100550 : 283552

Applicant: Jenner Homes

Location: Action For Children
Crediton Area
Childrens Centre
Newcombes Crediton

Proposal: Erection of 3
dwellings and
associated
infrastructure
following removal of
existing nursery
building

Date Valid: 30th March 2016



AGENDA ITEM

**PLANNING COMMITTEE
5th October 2016**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

**16/00458/FULL - ERECTION OF 3 DWELLINGS AND ASSOCIATED
INFRASTRUCTURE FOLLOWING REMOVAL OF EXISTING
NURSERY BUILDING - ACTION FOR CHILDREN CREDITON AREA
CHILDRENS CENTRE NEWCOMBES CREDITON**

Reason for Report:

Update Report for 5th October Meeting

1. A report (plans list 1) was published for the Planning Committee meeting on the 3rd August regards this planning application. This Update report should be read in conjunction with the report published for the 3rd August meeting, a copy of which follows on (referred to as the report, hereafter).

2. The minutes of the meeting confirm that whilst the Area Planning Officer introduced the application scheme the recommendation as set which was to approve the application subject to conditions was not considered. Instead the Committee resolved that the application be deferred to allow further discussion to take place between the applicant, the Town Council and Ward Members with regard to design and access issues onto Jockey Hill and traffic generation.

This decision reflects the decision of Crediton Town Council who recommended objection when they first submitted their comments on the planning application. Please refer to consultation section of the report.

3. Following on from the Committee meeting on the 3rd August a site meeting was arranged for the 30th August to which all the ward members and members of the Parish Council were invited to attend. What was evident from the discussions at the meeting was how the site relates to it's context, both in relation Jockey Hill and the Newcombes estate, (including the new houses approved under LPA ref: LPA ref: 14/00979/MFUL and 14/02141/MFUL) given the site had been cleared. Following the discussions at this site meeting the Mayor and Deputy Mayor agreed that the plans showing the three houses should be re-presented to the Town Council's Planning Committee on the 14th September in order to reconsider their recommendation on the application.

Following further consideration at the meeting on 14th September Crediton Town Council are now supportive of the application scheme for 3 temporarily designed dwellings on the site with access from Jockey Hill. The resolution taken by the Town Council's is to recommend approval for the application.

4. The scope of your officers assessment regards the design of the houses and the means of access into the site are set out in the report under key issue 1) and 2) respectively. With regards to the matters in relation to the acceptability of providing access from Jockey Hill, as set out in the report the Highway Engineer from Devon County Council is supportive of the proposed changes to the adopted highway in order to provide access, not unlike other arrangements along Jockey Hill.

Given the support from the Town Council for the application scheme, it is recommended that the Committee consider and approve the recommendation as set out in the report. The report

is as originally drafted but with the description of development section corrected. If members do resolve to approve the recommendation as set out in the report, the following revisions/edits to conditions 4,7,8 and 9 are considered necessary to add clarity to the drafting for these conditions (and as reported to the meeting on 3rd August as a written update).

4. add the following sentence to the condition as drafted in the report:

Thereafter the development shall only be completed in accordance with the approved details, and thereafter retained.

7. add the following sentence to the condition as drafted in the report:

The approved details shall be retained as such thereafter.

8. replace the condition as drafted in the report with the following drafting:

Prior to the commencement of any work relating to the construction of the dwellings hereby approved, the site access shall be hardened and surfaced for a distance of not less than 6.0 metres back from it's junction with the public highway and drained, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

9. add the following sentence to the condition as drafted in the report:

The approved details shall be retained as such thereafter.

RECOMMENDATION(S)

Subject to the provision of a Section 106 Agreement grant permission.

PROPOSED DEVELOPMENT

The description of development set out by the applicant's agent is as follows:

The application site comprises the land that was formerly occupied by The Devon County Council Sure Start day centre which is at the rear of a new development comprising 10 dwellings on the site of the former Newcombe Resource Centre (LPA ref: 14/00979/MFUL and 14/02141/MFUL). The site is an irregular shape with a maximum width and depth of approximately 40 metres by 40 metres.

The proposed scheme is for 3 houses with a new access from Jockey Hill to be laid out in a cul-de-sac arrangement.

Each of the houses are designed as 4 bedroom detached dwellings with an attached garage, forecourt and back garden. The design is of a contemporary nature incorporating a feature chimney stack, with predominantly panels of thro render (reddish brown - light and dark panels) to form the walling and a standing seam zinc material and single ply membrane for the roof covering (s). The fenestration is large scale and random, with individual windows frames fabricated from UPVC with a grey finish. The houses range in size between 145 square metres and 173 square metres, excluding the garage. The maximum height of the units is 7.0 metres above the new ground levels which is to be remodelled to establish the proposed development area.

The design approach in terms of the palette of materials which is proposed has been amended since the application was first submitted to seek to respond to concerns that have been expressed.

Foul waters will be managed in the existing mains drainage system with a surface water drainage managed into existing systems and infrastructure already in situ (refer to drawing 1510-101).

The Sure Start facility has been closed for well over 18 months and it is intended that the building will be relocated to the Copplestone Primary School campus for continued use as an education resource in the locality.

APPLICANT'S SUPPORTING INFORMATION

Site Location Plan

Block plan

Proposed layout plans and elevations (revised plans received 16th May 2016)

Completed Unilateral Planning Obligation confirming financial contribution towards the provision of outdoor gym equipment at Newcombes Meadow Park - dated 18th May.

PLANNING HISTORY

08/01843/DCC Regulation 3 application for erection of single storey building for use as a children's centre issued by DCC on 10.12.2008

14/02141/MFUL Erection of 10 dwellings with associated infrastructure and parking (revised scheme following approval of Planning Application; 14/00979/MFUL). This development was approved by the Planning Committee on 10th September 2014.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR15 - Crediton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM25 - Community facilities

CONSULTATIONS

HIGHWAY AUTHORITY - 17th May 2016

The Highway Authority has reviewed the revised plans and have no objections and the plans should be conditional of any consent.

HIGHWAY AUTHORITY - 9th May 2016

The Highway Authority recommended that this site be considered under Standing advice and the Local Planning Authority has requested formal comments following consultation. The Highway Authority has no objection to the proposal subject to conditions and some amendments.

Access to the proposal is from Jockey Hill where the vehicles will cross the virtual cycle way and footway. The Highway Authority through its pre application advice seeks a widening of the footway over the frontage to 2.0 m. This in itself would provide suitable inter visibility for vehicles entering and leaving the site. The access width of 3.5m is adequate for the three dwellings which would generate 3 movements in the peak hour and is of a suitable width that would accommodate emergency vehicles if necessary.

The Footway width and visibility should be conditional of any consent. However the access should be set back a minimum of 3.5m and splayed at 45 degrees in order to provide sufficient pedestrian visibility, and swept path although 4.5m would be preferable. This would mean a relocation of the pillars either side, closer to the fence line. The gradient of the drive is at the maximum gradient accepted by the Highway Authority, and the applicant will need to ensure that there is positive drainage to prevent surface water entering the public highway. which can be conditional. Each plot

appears to provide 2 external spaces and one garage per plot and is in keeping with MDDC parking standards set out in the Local plan.

This is based upon the assumption that for plot 2 there is a space to the north of the unit and one to the west of the unit. b The external spaces meet the correct dimensions but the garages have short falls. The minimum internal dimensions for garaging adopted by DCC and MDDC is 3.0m in width and 6.0m in length Plot 2 and 3 comply with the width but the length is only 5.4 and falls short albeit this can be overcome by the installation of a roller door rather than up and over or conventional door opening. plot one is 5.8m in length and similar door details apply but is 2.8m in width and shy of the 3.0m. Notwithstanding the dimensional shortfalls the car parking is compliant.

Therefore the Highway Authority would seek amended plans and would seek the imposition of the following conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. No development shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before [the development is brought into use].

REASON: To ensure the layout and construction of the access is safe in accordance with paragraph 32 of NPPF

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 6.0 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. Off-Site Highway Works No development shall take place on site until the off-site highway works for the provision of footway widening to 2.0 m over the entire site frontage has been submitted to and approved by the Local Planning Authority and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access to provide inter visibility for vehicles taken from a point 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 43 m either side of the access and with no obstruction greater than 600mm, and that pedestrian visibility shall be provided on either side of the access within a splayed area 1.5 m by 1.5 m with no obstruction greater than 600mm.

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

CREDITON TOWN COUNCIL - 23rd June 2016 - Recommend Objection as the design still remains inappropriate for the area.

CREDITON TOWN COUNCIL - 21st April 2016 - OBJECT for the following reasons:

The design is inappropriate for the area. The unsympathetic design will adversely impact on the current street scene.

The exit onto Jockey Hill is narrow and lacks adequate visibility.

Please note: Crediton Town Council requests a meeting with Ward members and the Planning Officer to discuss the application further.

ENVIRONMENTAL HEALTH - 18th April 2016

Contaminated Land - See attached

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 - I have no objections to this proposal

Licensing - No comments

Food Hygiene - N/A

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.

Informative: There is a lack of information e.g. structural survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

Contaminated Land

1. Site Characterisation

As recommended in the Red Rock Geoscience Ltd phase 1 report, a basic Phase 2 intrusive investigation 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,
- archaeological 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.

NATURAL ENGLAND - 11th April 2016

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended).

The Conservation of Habitats and Species Regulations 2010 (as amended) Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

REPRESENTATIONS

Four representations have been received generally raising concerns about the scheme for the following reasons:

1. Design is unsympathetic with the 10 houses at the rear and to the general character of Jockey Hill.
2. The design is too industrial in character.
3. The access arrangements are considered to unacceptable in highway safety terms, in particular for pedestrian movements - access should through the existing housing estate.
4. An alternative use for the Sure Start building should have been sought.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

COR15 of the Mid Devon Core Strategy identifies Crediton as a small market town in the district where development is promoted to an appropriate scale, including new housing.

Therefore the application scheme is supportable in policy terms subject to consideration of the relevant matters as discussed below. The development is below the threshold in terms of affordable housing provision.

- 1. Layout, design, amenity and visual impact**
- 2. Highway and Parking Issues**
- 3. Other matters- Loss of a community facility air quality, open space, bin storage**

1. Layout, design, amenity and visual impact

The houses have been designed as a cluster of contemporary units set around in a courtyard style environment within a distinct character different from the more traditional brick and tile approach that was employed for the 10 new houses to the rear.

As stated above the Conservation Officer has provided advice to the applicant regards amending the palette of materials so that whilst the units remain contemporary in design, as described above but with a toning down of the palette so that the new houses will appear more managed and less eclectic in their design.

As set out above the design of the units have been amended accordingly, and drawing no 1510-103 revB, indicates how the units and the alterations at the site will sit within the street scene. Whilst their impact from Jockey Hill will be more noticeable than the existing low level building, the new units will sit below the ridge height of the more traditionally designed houses to the rear and adjacent to the north. This is achieved in part as a result of the design of house (minimal roofscape detail) and the proposed remodelling works to the site to form the development area. The palette of materials has been amended so that they will not be seen in such stark contrast with the thro render panelling sitting comfortably with the brick background to the rear.

The site is clearly important, sitting as part of the Jockey Hill street scene which includes a number of housing styles, To the south of the site the dwellings which have been constructed with rendered and tile hung walling front directly on to the highway, with the dwellings to the north backing onto the highway behind a strong boundary feature to the extent that you are not aware of the housing behind. The streetscape is further broken up with Longmeadows and Prince of Wales Road forming junctions with it to serve new housing estates.

Notwithstanding the scope of the changes to how the new houses will sit within the street scene, the Town Council remain concerned about the design echoing the comments of the four local stakeholders who have submitted representations about the design of the application scheme.

In terms of completing this part of the assessment of the application, local distinctiveness is sought in Policy COR2 through high quality sustainable design reinforcing the character and legibility of the built environment and creating attractive places.

Policy DM2 of the Local Plan Part 3 Development Management Policies sets out criteria in relation to the design of the proposed building which must be of high quality, based upon and demonstrating the following principles.

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the

proposed or neighbouring properties and uses, taking account of:

- i) Architecture
- ii) Siting, layout, scale and massing
- iii) Orientation and fenestration
- iv) Materials, landscaping and green infrastructure

In terms of how the proposed scheme will sit within its context an overview is set out below:

Whilst the form of the dwellings remains contemporary the palette of materials in particular for the walling has been revised so that it is more in keeping in visual terms with the typical crediton palette consisting of red brick with a tiled roof. Given the design approach for the houses a standing seam roof is considered acceptable given the form of the building blocks and now that the walling detail is less eclectic than originally proposed.

The landscaping to the boundary between the site and the highway has been strengthened since the application was originally submitted with new tree planting on the bank to continue the verdant character, and also soften the overall impact of the new built form.

From a massing point of view the houses remain below the ridge height of the new houses at the rear, and manage the step change between the houses above and below the site.

In addition to considering context and, street scene issues Policy DM14 also requires a review of the quality of the new housing for future occupiers and the relationship that it will have with any neighbours to the site. The space standards set out at policy DM15 have now been superseded by the Technical housing standards - nationally described space standard issued in March 2015 and which set a minimum size of 124sqm for a 2 storey, 4 bed.

The proposed dwellings all provide floor space that exceeds these minimum requirements, with flexible living spaces. The proposed plot boundary treatments are confirmed as follows:

Boundary to Jockey hill - 1.1m high timber post /rail and mesh fence to support new hedging/bushes on bank establish.

Boundary to new houses - 1.8m high double faced feather edged timber fencing with some climbers on trellis.

Boundary to higher side [north] - as rear cut in to ground, timber cribblock walling proposed which can be planted up.

Boundary to lower side [south] - existing brick wall to be retained approx. 1.2 m high together with existing vegetation.

Plot1: The side elevation of the house on plot 1 is located approximately 6.0 metres from the closest adjacent property in the new estate to the west, and although it has a large bathroom window at upper level which could have an outlook towards to the side elevation and part garden area of this property a condition is imposed to ensure that the glazing is obscured to manage privacy issues. The house has been designed so that there are a number of upper level windows at the rear but given the separation distance and change in levels to the house building directly to the north this relation is considered acceptable.

The scheme is designed so that the houses on plots 2 and 3 are a detached pair facing plot 1, with a separation distance of over 20 metres. The side elevation of the house on plot 2 is just over 20 metres from the closest property in the new estate to the west but with no upper level windows. The rear elevations of the houses on plots 2 and 3 are designed to include windows which have an outlook to the south, however given the change in levels to the doctors surgery immediately to the south (with residential properties beyond) the outlook from ground floor, upper floor and the respective garden areas is considered to be acceptable.

Whilst the development will be clearly be evident for the occupiers of the house plots on the other side of Jockey Hill adjacent to the site, given the separation distance and orientation of the respective dwellings, it is not considered that the proposals would adversely affect the amenities and/or living conditions for the occupiers of these properties to justify refusing planning permission.

In summary taking into account the proposed boundary treatments the insertion of three dwellings in

this location is considered to present an acceptable relationship with the surrounding houses and land-uses adjacent. Although the design is more contemporary than the estates that have traditionally been built out in Crediton, the scheme overall and the individual houses result in a scheme that is sympathetic to the street scene, and considered to be supportable by the relevant policies (COR2, DM2 and DM14).

2. Highway and parking issues

The existing access to the site is from Newcombe Hill. The houses will be accessed from a new access off Jockey Hill. Since the original submission the details have been amended so that the new means of access is acceptable in terms of the width of the new road (3.8 metres between entrance piers), gradient and visibility splays, which are now designed to satisfy the design standards set by the Highway Authority. The layout achieves a satisfactory level of on plot parking that meets the adopted standard at DM8, excluding the garages.

On the basis of the revised plans the Highway Authority raise no objection to the scheme. Whilst local residents have expressed concern about highway safety, existing users on the network and the proposed occupiers of the new houses, on the basis the concerns initially expressed by the Highway Authority have been satisfied, the proposal is considered to be in accordance with policy DM8 and COR9.

3. Other matters- Loss of a community facility air quality, open space, bin storage

The Sure Start facility has been closed for well over 18 months and it is intended that the building will be relocated to the Copplestone Primary School campus for continued use as an education resource in the locality. Given the range of community facilities that are provided in Crediton, a residential use on the site is considered acceptable in policy terms (policy DM25).

S106 issues: The applicant has completed a deed under section 106 of the Planning Acts and provided a contribution of £4,236.00 which will be spent on equipment at the Newcombes Meadow Park Play in accordance with policy AL/IN/3. Although, the site qualifies to make a contribution towards improving air quality within the Crediton AQMA under the terms of AL/CRE/8 given the trips on the highway generated by the Sure Start facility with 8 staff and 35 children, a contribution in this case is not considered necessary and/or justified.

Each of the properties has a large curtilage area and sufficient hardstanding area for bin storage. See also condition as recommended.

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, paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £18,504.00.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C or D of Part 1 of Schedule 2, relating to extensions, additions and alterations to the roof and porches shall be undertaken without the Local Planning Authority first granting planning permission.

4. Before the commencement of the development hereby permitted samples of the materials to be used for all the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority.
5. Before the commencement of the development hereby permitted working details of the new external doors/door frames/windows, including sections, mouldings and profiles, finishes and glazing shall be submitted to, and be approved in writing by, the Local Planning Authority. Installation of the doors/door frames/windows shall be in accordance with these approved details, and be so retained.
6. None of the dwellings hereby approved shall be occupied until plans have been submitted to and approved in writing by the Local Planning Authority confirming the refuse storage, and area/facilities allocated for storing of recyclable materials on plot and in terms of a collection point off plot. The details as shown on the approved plans shall be completed prior to the houses being occupied. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
7. The commencement of the development of the approved dwellings shall not take place until the construction of the access incorporating the provision of the visibility splay detail as shown on approved drawing 1510 -101B has been completed.
8. Prior to the commencement of any work relating to the construction of the dwellings hereby approved, the site access shall be hardened and surfaced for a distance of not less than 6.0 metres back from it's junction with the public highway and drained, in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.
9. No development of the dwellings shall commence until details of the off-site highway works for the provision of footway widening to 2.0 m over the entire site frontage have been submitted to and approved in writing by the Local Planning Authority and the approved details shall have been constructed and made available for use prior to the occupation of the dwellings.
10. 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.
11. Prior to the commencement of any development a Phase 2 intrusive investigation 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,
 - archaeological 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'.

12. Following the completion of requirements of condition 11 if necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.
13. 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.
14. The first floor window within the western elevation of the proposed house on plot 1 hereby approved, shall be obscure glazed and non-opening and retained as such unless otherwise agreed in writing with the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the size of the replacement dwelling reflects the requirements of Policy DM12 of the Local Plan Part 3 (Development Management Policies) and to ensure development makes a positive contribution to the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the new building is of an acceptable standard and makes a positive contribution to the visual qualities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To ensure the new building is of an acceptable standard and makes a positive contribution to the visual qualities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials, and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure the layout and construction of the access is safe in accordance with paragraph 32 of National Planning Policy Framework.
8. To prevent mud and other debris being carried onto the public highway.
9. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.

10. To ensure that the proposed development does not prejudice the amenities of neighbouring properties.
11. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
12. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
14. To protect the amenity of occupiers of the neighbouring property in accordance with Policies DM2 and DM13 of Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of three dwellings within the settlement boundary of Crediton, is considered to be supportable in policy terms. The dwellings are considered to be appropriately scaled and designed in a contemporary style which is considered acceptable in this case given the street scene and local context. The layout is considered acceptable in terms of the relationship with the surrounding properties with no significant harm to amenity arising. The new access will not result in highway safety concerns and it is not considered that the alterations would cause unacceptable harm to the character and amenity of the area given the various access points off of Jockey Hill. The proposal includes sufficient parking in accordance with policy DM8. The applicant has made satisfactory provisions to secure appropriate mitigation against the need to provide new open space off site (and/or maintenance of existing). The proposal is considered to be compliant with the requirement of relevant Policies: CO1, COR2, COR9 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM8, DM14 and DM25 of the Local Plan Part 3 (Development Management Policies), AL/IN/3 of the Allocations and Infrastructure Plan Document (Local Plan Part 2) and government guidance in the National Planning Policy Framework.

Contact for any more information

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File Reference

16/00458/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee