

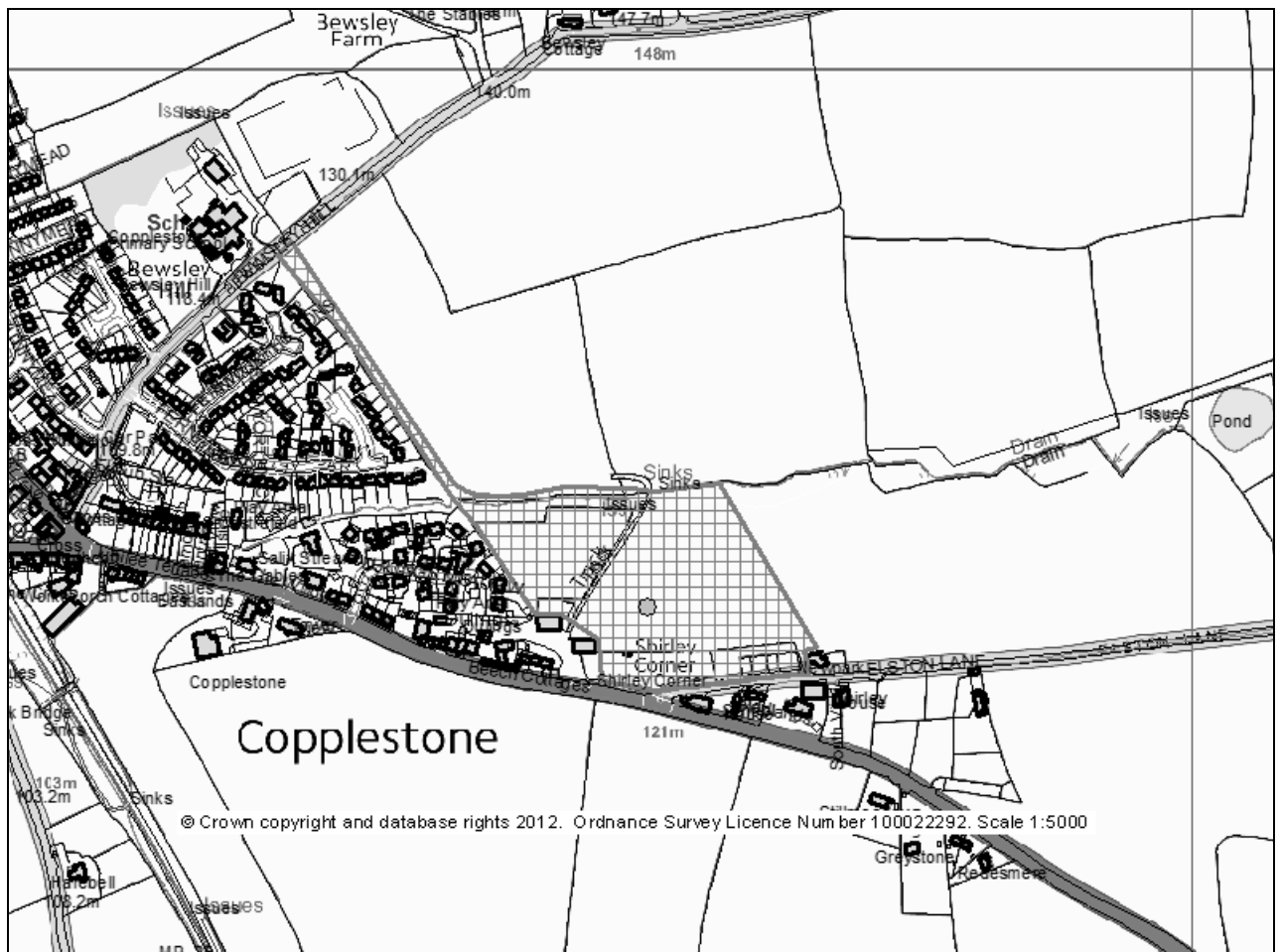
**Grid Ref:** 277744 : 102582

**Applicant:** Mr L Dulling

**Location:** Land and Buildings at  
NGR 277744 102582  
(East of Dulings  
Farm) Coplestone  
Devon

**Proposal:** Outline for the  
erection of up to 60  
dwellings and means  
of access

**Date Valid:** 20th June 2016



## **Application No. 16/00924/MOUT**

### **RECOMMENDATION**

Grant permission subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions.

Section 106 agreement to include:

1. Affordable Housing: 35% affordable housing on-site.
2. A primary school contribution of £170,422, to be used at Copplestone Primary School.
3. A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust.
4. A financial contribution of £247,666.00 towards the enhancement of the existing sports field and associated facilities in Copplestone.
5. Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill - adjacent to Copplestone Primary School - (as indicated on plan number 141102 L 02 02 (Illustrative Layout)).
6. A financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.
7. Monitoring and Legal costs.

### **PROPOSED DEVELOPMENT**

This description of development provided by the applicant as the application was initially submitted was for the erection of approximately 60 dwellings, a Doctors' Surgery, and means of access with all matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The applicants agent confirmed that (24th October 2016) the terms the application proposals were to be amended to remove the Doctors Surgery from the scope at the application scheme, with the description of development amended as follows: Outline for the erection of up to 60 dwellings and means of access.

The site lies sandwiched between the A377 and Bewsley Hill and adjacent to the existing housing estates along Fernworthy Park and Dulings Meadow and the Dulings farmyard, which includes the farm shop and parking and two buildings. The application site is located just beyond the settlement boundary for Copplestone.

The site is agricultural land (classified as grade 2), measuring approximately 3.81 hectares, and slopes from both north to south and south to north, with a water course running across the site within the shallow valley that is created as part of the natural land form. The development area broadly comprises two field areas with a public right of way running across it (north to south).

The new vehicular access is proposed just beyond the junction between the A377 and Elston Lane. In addition a 10.0 metre strip section (running parallel to the site boundary) of the field to the north is included as part of the red line area, in order to deliver a footway/cycleway that links the development area back up to Bewsley Hill.

An indicative layout showing how the 60 dwellings could be arranged across the site has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

## **APPLICANT'S SUPPORTING INFORMATION**

Draft Heads of Terms (dated 16 June 2016) as amended on 30th November 2016.  
Planning Statement prepared by PCL Planning: dated June 2106 with detailed reference to appeal case APP/Y1138/W/15/3025120- land at Uffculme Road and the Hopkins Judgement  
Waste Audit Statement and Carbon Reduction Strategy prepared by PCL Planning  
Design and Access Statement prepared by Clifton Emery Design: dated June 2016GJR Architects  
Level 2 Flood Risk assessment Report prepared by Teignconsult V2 25.05.2016, and addendum report dated 25th May 2016.  
Transport Assessment and Framework Travel Plan prepared by PCL Planning dated 9th JuneAWP Consulting  
Heritage Desk Based Assessment prepared by Costwold Archaeology: dated December 2015.  
Landscape  
Protected Species Report prepared by Engain: dated 26 May 2016. Ecological Survey - Extended Phase 1 habitat Survey Summary & Phase 2 Reptile Survey prepared by PLAMECO  
Environment Noise Assessment Report Prepared by Ian Sharland Ltd

Plans & Drawings:

Location Plan, Illustrative Layouts - drawing 02F and 03  
Site Access Junction Option Rev F.

## **PLANNING HISTORY**

None

## **DEVELOPMENT PLAN POLICIES**

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

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

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

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

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

DM1 - Presumption in favour of sustainable development

## **CONSULTATIONS**

**COPPLESTONE PARISH COUNCIL** - 25th July 2016 - Coplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within MDDC's local plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. If the application was to go ahead, it would be considered to be over development It is felt that the application should be refused on this ground.
- c. The Highways structure is not sufficient for such a development.
- d. It is understood that local businesses would suffer nuisance and disturbance from the proposed development.

Copplestone Parish Council also wish to note that a significant number of objectors have consulted with the Parish Council on the above application.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School. For the above reasons, Copplestone Parish Council cannot support the application.

**COPPLESTONE PARISH COUNCIL - 7th December 2016**

Copplestone Parish Council have met again and discussed the above planning application following the removal of the GP's Surgery. Copplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within Mid Devon District Council's Local Plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. The value of the MDDC local plan is questioned when national policy requiring a 5yr land supply takes precedence over your local plan which does not provide for a 5yr land supply.
- c. If the application was to go ahead, it would be considered as over development. Copplestone has increased in size by 60% over the past 15 yrs. It is felt that with this increase in population due to new developments, the infrastructure of the village has not been proportionately improved and developed by Highways and respective utility companies to handle the increase in population. It is felt that the application should be refused on this ground.
- d. The Highways structure is not sufficient for such a development.
- e. It is understood that local businesses would suffer nuisance and disturbance from the proposed development. Local business owners have attended Parish Council meeting expressing their concerns on the detrimental impact this development would have to their business.

The Parish Council also wish to comment on the following:

Flooding - Despite comments from the Flood and Coastal Risk Management Team of the 16th August, it is felt that flooding has not been adequately considered. Residents have raised issue relating to Salix Stream and the effect of inadequate drainage that already exists stemming from Dulings Meadow as now built. With the continual flood risk increasing within Copplestone, to not have a detailed permanent surface water drainage management plan for this application appears to be perverse. Real fears exist that the existing flood issues within Copplestone will be significantly increased if this development is approved.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School and the figures that are stated within the education report are disputed. It is also noted that due to the concerns of the residents, further consultations are to be had between Copplestone's District Councillor and the education department at DCC over these figures.

It appears that S.106 money for the agreement would be diverted to the Clean Air and Open Space budget for Crediton. With such a large proposed development, why is the money from the development not being passed to Copplestone in fair manner?

For the above reasons, Copplestone Parish Council cannot support the application.

**HIGHWAY AUTHORITY - 15th September 2016**

Further to my previous comments I can confirm that the Local Transport scheme is as per the plans submitted by Email on the 14/9/2016 and that the estimated cost of the scheme is £100,000.00.

I can also confirm that there is an error in the condition for offsite works and that it should read Elstone Lane and not Dullings Lane.

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works for the construction of the access and realignment of Elstone Lane have been designed and approved in writing by the Local Planning Authority, 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

13th September 2016

The applicant has submitted a revised plan showing the necessary road width and indicative relocation of the 30mph limit. and drawing "REV F. revised road markings and Signs" indicates the appropriate road widths and footways. These are acceptable to the Highway Authority albeit there may be changes to the signs and lines to reflect the current County Policies and terminal signs in Dullings lane are to be finalised.

However these are matters for the Highway Authority legal agreement under section 278 of the highways act and do not affect the planning application.

The Highway Authority therefore would recommend the following conditions should planning consent be granted and would also seek the provision of a contribution towards the provision of a footway identified through Local transport plans in Bewsley hill Such provision should be subject to a legal agreement under the Town and Country Planning act. The estimated cost of the Amount of contribution is to be determined and will be forwarded to the Planning Authority in due course.

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 20.00 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. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Dullings lane have been designed and approved in writing by the Local Planning Authority, 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.

#### **LEAD LOCAL FLOOD AUTHORITY - 17th August 2016**

Following my previous correspondence (FRM/744/2016, dated 11th July 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted an Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev.dated 20th July 2016), which is acceptable.

Assuming that the pre-commencement planning condition outlined below is imposed on any granted planning permission, I am happy to confirm that we have no in-principle objection to the proposals, and that we do not require any additional information at this stage.

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

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

12th July 2016

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information now, as outlined below, in order to demonstrate that all aspects of the surface water drainage management plan have been considered.

Section 2.6 of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) states that during infiltration testing, groundwater ingress was noted in some of the test pits. Due to

this, and because the proposed attenuation ponds are located above, and adjacent to, existing dwellings, we require the attenuation ponds to be lined. This will remove the infiltration component from the attenuation ponds, thus requiring a resizing of the proposed surface water drainage management system.

The applicant will then be required to provide long term storage to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres / second/hectare.

Furthermore, in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control features across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (i.e. the two attenuation ponds). Examples of these source control features could include underdrained permeable paving, formalised tree pits or other bioretention features such as rain gardens, as well as green roofs and filter drains.

The applicant must also submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

I would be happy to provide a further substantive response when the applicant has provided the information requested above.

**ENVIRONMENT AGENCY** - 11th July 2016 - Environment Agency Position

We confirm that we have no in principle objections to the proposal given that the proposed properties would all be built on Flood Zone 1 - where there is lowest risk of flooding.

**Flood Risk Sequential Test - general advice**

The application site lies partly within Flood Zone 3 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

1st August 2016 - We have no further comment on the application as the addendum deals with the disposal of surface water which is now commented on by Devon County Council in its role as the Lead Local Flood Authority.

**HIGHWAYS ENGLAND** - 22nd June 2016 - No objection.

**ENVIRONMENTAL HEALTH** - 6th July 2016 - Contaminated Land - Satisfied with the information supplied with this outline application and have no objections.

Air Quality - Satisfied with the information supplied with this outline applications and have no objections

Drainage - No objection

Noise & other nuisances - No objection

Housing Standard - No comment

Private Water Supplies - Not applicable mains water supply assumed

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

**HOUSING ENABLING & BUSINESS SUPPORT MANAGER** - 22nd June 2016 - Extract from Devon Home Choice for Coplestone, including applicants living, working or lived in area.

Count of Bedroom	Column Labels						
Row Labels	1	2	3	4	5	6	Grand Total
Band B 2	2		1			5	
Band C 2	6		2	1		11	
Band D 7	4	2	3			16	
Band E 13	19	8			1	41	
Grand Total	24	31	10	6	1	1	73

**HISTORIC ENGLAND** - 28th June 2016 - Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

**Recommendation**

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

**NATURAL ENGLAND** - 28th June 2016 - No comments

**DEVON, CORNWALL & DORSET POLICE** - 22nd June 2016 - The Police have some concerns at the location of the doctors surgery as buildings on corners of junctions are the most vulnerable to crime, also there seems to be a lack of parking. Once staff have parked it would be limited if any for patients that would mean patients abandoning their vehicle on the road or residents parking spaces causing potential community friction.

**DEVON COUNTY EDUCATION** - 8th July 2016 - The proposed 60 family-type dwellings, will generate an additional primary pupils 15 and 9 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £170,422 (based on the current DfE extension rate per pupil of £11,361.50) which will be used to provide education facilities in the Coplestone area.

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

9.00 secondary pupils  
£2.80 per day x 9 pupils x 190 academic days x 5 years = £23,940

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.

Additional Comments received 17th November 2016



As you are aware, Copplestone Primary does not have sufficient capacity to accommodate additional pupils and as a result we have requested a contribution towards additional primary places to mitigate the impact of the proposed development.

The primary school currently has one class per year group, which is considered to be effective in terms of organisation as year groups don't need to be mixed. Although it might not be desirable to expand the school, it is considered that this is achievable, or there may be alternative options, in order to mitigate the impact of the development. As there are solutions to mitigate the impact of the development, we do not consider that it would be reasonable to object to the planning application and consider the previous response remains justified.

**HISTORIC ENVIRONMENT SERVICE** - 27th June 2016 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

## **REPRESENTATIONS**

The application has been subject to two rounds of consultation and notification, with a second process undertaken following the change to the application scheme as set out above.

In response to the first round of consultation 59 objections to the application scheme have been received. A summary of the key concerns expressed is set out below:

1. There has not been a proven need for the Doctors Surgery. There have also been positive comments supporting the Doctors Surgery and also raising the need for a Village Hall
2. Concern as to the impact on the numbers of pupils attending the Village school, and how they will get to the school in terms from a safety point of view.
3. Negative impact on the village with addition strain on all services, including public transport provision, and further congestion on the A377 as the residents commute to work.
4. Concerns about flooding in the locality given additional hardscape that is proposed.
5. Reference to an online petition with 100 signatories objecting to the development.
6. The site is outside the development boundary for Copplestone, and is considered unsustainable.
7. The site form part of larger area that was considered through the SHLAA process as an unacceptable site for new housing.
8. The existing public footpath will be affected.
9. The attenuation ponds will present a danger/risk for local children.
10. The proposals should include a local shop or petrol station.
11. Negative impact on the character of the Village.
12. The new housing proposed for the Old Abattoir site is sufficient to meet the needs in the village.
13. Loss of farm land
14. Impact on wildlife and the rural character of the locality.
15. The visual amenities of the area will be adversely affected.
16. Fernworthy Park and Gardens was built out in 1988/89 and not 2004 as referred to in the planning statement. Also the farm shop and local stores have both been closed for some time as opposed to the suggestion in the Planning Statement
17. Concern that the Sewage Infrastructure in locality will not be able to cope with the extra demand from 60 new houses.
18. The footpath link is a good idea but it use as part of the highway would not be supported if were to become a road existing onto Bewsley Hill.
19. Concern that if permission is granted for this application it will set a precedent to redevelop the agricultural field to north of the application site.
20. The alteration on the highway to form the entrance to the housing estate, and the level of traffic arsing, will make it more difficult to travel down this lane to access the residential and

- business addresses along it.
21. There is no formal car parking area to serve the train station in the village.
  22. How will Copplestone benefit, is the developer going to contribute to local infrastructure. .
  23. Dog walking will be made harder as a result of the loss of open space.
  24. Community and play facilities are much needed in Copplestone.
  25. There is a general view that Copplestone, as small rural village is already at capacity

Following the second round of consultation undertaken following the amendment to the description of development as referred above a further 19 comments have been received maintaining a position of objection to the application scheme.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issued in the determination of this application are:

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

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

The application scheme is for up to 60 houses and is not being proposed for 100% affordable housing. The scheme is proposed on agricultural land outside of the Copplestone defined settlement boundary. Copplestone has a number of local services and facilities. It has good public transport connections, and is considered to be a village that is a sustainable location for the limited development of additional housing as promoted at COR17. However as the application scheme is beyond the settlement boundary of the village it is considered to be contrary to policies COR18 and COR17 of Mid Devon's adopted development plan.

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

In terms of determining how much weight can be given to the fact the application site is not as a matter of principal supported by development plan policy members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to

date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

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. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

The applicant in their planning statement makes reference to the recent appeal case at Uffculme where the Inspector resolved to grant outline planning permission for up to 60 houses on land beyond the settlement boundary, as is the case with the current application. In recommending to grant outline planning permission the Inspector on the Uffculme case, at paragraphs 98-100 of his report, concluded as follows:

98. To conclude, the proposal would be in conflict with Policies COR 17 and COR 18 of the CS. However, the development plan is inconsistent with the policies of the Framework by reason of its failure to properly identify, and plan for, the full objectively assessed need for housing in the District. Moreover, the Council has been unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 49 of the Framework deems that relevant policies for the supply of housing should not be considered up-to-date. I have therefore attached limited weight to the policies upon which the Council has sought to rely in refusing planning permission.

99. The proposal would bring important social benefits in terms of delivering market and affordable housing and it would also promote economic activity. I attach considerable weight to these matters, in light of the Council's current housing land supply position and the need for economic growth. No environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and the submitted S106.

100. Accordingly, it is my view that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. There are no specific Framework policies indicating that development should be restricted. I therefore consider that the proposed development should be regarded as sustainable. This is a significant material consideration sufficient to outweigh the development plan conflict.

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

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

The application scheme is an outline application and proposes a maximum of 60 dwellings across a gross site area of approximately 3.81 hectares. Approximately on a quarter of the site it is proposed to accommodate open attenuation basins set within a remodelled and landscaped zone as shown on the indicative block plan layout has been provided in support of the application.

The southern boundary of the application area is formed by a mature hedgebank to Elston Lane. There is a single property to the south east that shares a boundary with the application site. There is also a cluster of residential properties and car garage on the southern side of Elston Lane with a single dwelling on the northern side adjacent to the site in the south east corner. There is no formal field division along the eastern boundary. The western boundary abuts the existing suburban edge of the settlement adjacent to the houses at Dulings Meadow, Fernworthy Park and Fernworthy Gardens back onto the site. The western boundary is formed by a low tree lined hedgerow, to the south and taller hedgerow with more frequent mature trees to the north. To the north the application area adjoins Bewsley Hill.

The design and access statement sets out a series of supporting principles, and based on the principles as set out an illustrative masterplan layout to set out how the site could be developed. A number of the key principles are set out below:

- o Proposed development fronting Elston Lane will need to consider a suitable buffer to existing properties.
- o Provision of a 10m landscape buffer running the length of the western boundary and generous areas of open space will reduce the potential impact upon the existing development.
- o Development will be kept to the Southern area where topography raises no issues.
- o Habitat corridors including the stream corridor and hedgerows will be retained, protected and enhanced with additional planting. All mature trees and will be retained, enhanced and protected during the construction and operational phases of the development.

A illustrative masterplan has been submitted to support the application, and it shows a housing mix includes that 1 and 2 bedroom apartments, 2, 3 and 4 bedroom houses. The illustrative layout is configured so that all the buildings are a maximum of two storeys and provides a parking arrangement of 1.8 spaces per dwelling. The development area sits away from existing houses on the western boundary but would form an area of new frontage to Elston Lane, and a new hedgerow arrangement is proposed to contain the development on the eastern boundary. This layout is not for approval at this stage as the detailed layout would be approved at the reserved matters stage, along with the layout, appearance and landscaping details.

The Mid Devon landscape character assessment identifies the application area and the northern edge of Copplestone within Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. A summary of the key characteristics of this type of landscape:  
The key characteristics of this area are:

- o This is a gently rolling and strongly undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills.
- o Characterised by a tightly rolling, medium to small scale landform. The landscape has generally been carved away by tributaries of the River Exe, Taw, Creedy and Culm to create smooth convex slopes with a uniformity of slope angle and scale of the resultant hills.
- o The drainage patterns within this landscape are defining characteristics key to both the resultant landform and vegetation patterns. The sources of rivers create a lush damp character with rushes in the valleys and lower slopes. The stream channels emerging from the valley heads are small in scale and are little more than field ditches that are seasonally wet.
- o Woodlands are mixed with dense scrubby undergrowth, giving a well wooded character. Where this well-wooded characteristic is found there is a strong sense of enclosure. Towards the south and west of the district, woodland cover is extensive.
- o Hedgerows are well-managed and dense bounding regular and irregular shaped, medium to large-scale enclosures of pasture.
- o This is primarily a pastoral fertile farmland, predominantly improved pasture with some arable. The more improved and intensively managed areas have undergone field amalgamation, disrupting the intimate scale of this landscape.
- o Much of this landscape is characterised by the Red Devon Sandstone giving great soil fertility for arable farming.
- o Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- o There are a mixture of buildings styles present from traditional cob render, slate or thatched roofs to Victorian and modern.

The site itself appears to display characteristics outlined in the above bullet points. Historic hedgerow boundaries have been removed and fields enlarged to create larger agricultural pastures. The more established hedgerows lining the roads and lanes have been well-managed and tightly clipped. Sporadic mature trees are established along the stream corridor.

The site's character is therefore informed by its current pastoral use, boundary hedgerow conditions, adjacent development and roads, as well as its position in the wider landscape character area. Although the appearance of the site would change, it is considered that the development of the site for new homes could be brought forward in a respectful manner to the local landscape character of the area integrating landscaping features across the development, area including the area to accommodate the SUDs scheme, and the footpath link to Bewlsey Hill. Given the local topography the visual impact will be restricted to a local impact and sitting as an extension to the existing residential housing estate.

The level of development equates to approximately 20 dwellings per hectare which falls below the range promoted at Core Strategy policy COR1.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the sitting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement including the guiding principles it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 60 houses) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

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

There are a number of aspects to consider under this part of the assessment at this stage as follows. The applicant has submitted a Transport Assessment to inform the assessment process, and comments have been received from the Highway Authority as set out above. Key points to note:

The site is directly adjacent to the village boundary.

Pedestrian access from the site to the village shop, pub and train station beyond is achievable at present, and would be improved once the 'proposed works' to the corner of Bewlsey Hill and the A377 have been completed which the applicant has agreed to contribute £100,000 towards the completion of at the request of the Highway Authority

Pedestrian access from the site to the Primary School on Bewlsey Hill would be facilitated along the new footpath / cycleway (design details to be agreed to reflect adoptable standards) proposed as part of the application scheme, in addition to the improved route along A377 and Bewlsey Hill as referred above.

The number 5 bus services runs between Exeter and Copplestone and onto North Tawton and Oakhampton with a frequent daily Service which runs directly past the site.

There is an hourly train service between Copplestone to Crediton, Exeter and Exmouth beyond and Copplestone to Barnstaple, with a pedestrian connection from the site as referred above.

Based on traffic generation data the proposed development mix would add a total a of 55 additional vehicular trips in the am peak and 50 in the pm peak. The new junction arrangements at the A377 and Elston Lane on the Shirely Corner have been remodelled and designed to reflect the advice of the Highway Authority in addition to Manual for Streets 2 in terms of width of highway corridor proposed in order to be able safely manage the additional traffic. The new arrangement will allow for two way traffic to pass comfortably whereas at present Elston Road narrows significantly beyond the junction with the A377 and therefore presents a risk. The setting and access arrangement for the residential dwelling on the corner of Elston Lane would also be improved.

A travel framework is proposed to manage travel associated with the residential development.

With regards to Air Quality, policy AL/CRE/8 is relevant given the site location in relation to the Crediton Air Quality Management Area. In response to the requirements of this policy the applicant has agreed to make a financial contribution of up to £172,926 to be provided towards supporting initiatives to manage air quality within the Crediton AQAMA. A schedule of costings for the initiatives as set out below have been provided by Devon County Council to include the following: Upgrade the existing bus stop infrastructure adjacent to the site, provision of secure, sheltered cycle parking at Copplestone railway station, car club provision in Copplestone and bus subsidies to improve frequency of bus services to/from Copplestone.

In summary the proposals to access the development site are considered acceptable by the Highway Authority and therefore there are not considered any reasons on highway safety and/or capacity ground to refuse the application. The scope of additional infrastructure proposed directly as part of the application site, and off-site, will enable safe and convenient pedestrian access to key services and facilities within the village. On this basis the proposals are considered to be in accordance with policies COR8 and COR9.

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

Following discussions with your officers, the applicant has agreed to the following Section 106 package for consideration as part of the application proposals as set out below. The scope of off-site highway works and education related contributions reflect the comments and advice provided by Devon County Council in their role as statutory consultee on these matters. The scope of the off-site contributions towards open space and air quality initiatives have been calculated using the formula set out in the respective Supplementary Planning Guidance Notes to support AL/CRE/8 and AL/IN/3 but excluding the affordable houses in terms of calculating the contribution towards managing air quality within the Crediton AQMA, as set out below:

- Affordable Housing: 35% affordable housing on-site which would equate to a maximum of 20 units.
- A primary school contribution of £170,422, to be used at Copplestone Primary School - see also other issues section.
- A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust, Crediton Public Open Space.
- A financial contribution of £75,000 towards the enhancement of the existing sports field and associated facilities in Copplestone will be made, or £1250.00 per residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- A financial contribution of £172,926 will be provided towards supporting initiatives to manage air quality within the Crediton AQAMA, or £4434.00 per market residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill is provided - adjacent to Copplestone Primary School - as indicated on plan number 141102 L 02 02 (Illustrative Layout).
- Provide a financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.

In summary the package as outlined above delivers a scheme that would be compliant in terms of policies AL/DE/3, AL/IN/5, AL/IN/3 and AL/CRE/8, and in terms of the section 123 of the CIL regulations which require that each obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fair and reasonably related in scale and kind of development

With regards to the tenure of the affordable housing the Housing Options Manager, on behalf of the Head of Property Services has confirmed that the affordable housing should be provided on an affordable rented tenure (100%) and with the following split on house type: 30% x 1 bed units, 55% x 2 bed units and 15% x 3 bed unit. It is recognised that 100% affordable for rent is at odds with the provisions of AL/DE/2 but is commensurate with current market conditions and current demand as indicated on the Devon Home Choice data base.

Finally it is noted when the indicative layout plan indicates an area to be provided for recreational open space within the area of the blue line area toward the boundary with Bewsley Hill. However following discussions, and reflecting on submissions made by local stakeholders the applicant has agreed to meet this provision by offering an off- site contribution in accordance with the requirement of AL/IN/3 which could be utilised to complete the delivery of the project authorised under LPA ref: 14/00747/FULL for the erection of a sports, village and community centre building which although permitted under the above LPA reference remains unimplemented.

The detailed heads of terms for each obligation would be drafted accordingly reflecting the recommendation as set at the start of this report. **As members will note the recommendation seeks to maximise the contribution towards assisting with the delivery of the sports, village and community centre building which would maximise the benefits to the local community. Therefore it is recommended that the scope of this contribution is increased in lieu of the contributions to redress the requirements of policy AL/CRE/8.** This is considered to be an acceptable balance to the package of Section 106 contributions given the scope of the off-site and on site highway works that are proposed (identified at points 5 and 6) of the recommendation section which will secure significant improvements in terms of improvements to the transport network in Copplestone and to the benefit to all.

## 5. Other Matters

**Contaminated Land Issues:** There are no concerns regards the suitability of the site to accommodate the proposals given concerns regards the site suffering contamination with by condition.

**Flood Risk Issues:** The development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding. The comment from the Environment Agency reflects the fact that part of the wider site, directly adjacent to the water course is classified as land within Flood Zone 3. However there is no requirement to apply the sequential test given the development area is contained within a flood zone 1 location.

**Surface Water Drainage Issues:** Development of the site will lead to an increase in impermeable area, which could have a consequential impact on the existing site runoff rates of the site as a greenfield location. The Level 2 Flood Risk assessment Report, as amended in part by the addendum report dated 25th May 2016 sets out a framework for the detailed design of the proposals to mitigate the impact of increased surface water off. The scheme will include two retention ponds as shown on drawing FRA4A which will then discharge into the existing watercourse (Salix Stream) in a controlled manner. The calculations and supporting information demonstrate that there is sufficient land within the application site area to accommodate the development and the scope of the SUDs proposals that has been outlined. Devon County Council, as lead Flood Risk Authority have confirmed that subject to the terms of condition as recommended that they have no objections to the planning application proposal. A further condition is also recommended to redress the surface water drainage impacts of the construction phases of the project. In summary based on the evidence provided it has been demonstrated that subject to the scope of mitigation provided in terms of the SUDs scheme that the development as proposed would not generate surface water run-off conditions into the Salix stream that are over and above green field run off rates. This has been accepted by the Lead Flood Authority in advising your officers regards this part of the assessment.

Concern has been raised by a number of local stakeholders regards the ponds that are proposed in that they will present as safety hazard. Although the provision of open drainage ponds are a common feature within many new housing projects, this is considered to be a valid point and further details will be required to address this point will as part of the reserved matters process.

In addition to the above concerns a number of local residents and the Parish Council have voiced concerns that the existing conditions lead to flooding issues further down stream to the application site. Your officers understand that this is as result of the culverting arrangements that are in place down stream of the application site. If surface water run-off rates are maintained as per greenfield run-off rates then the existing flows would not be affected. Therefore as part of the flood mitigation proposals further investigation of the arrangements downstream will be required. Measures will need to be put in place that to seek to resolve the inadequacy of the existing arrangements to which the development area is to benefit from, as without the ability to discharge into this watercourse the

development would not be acceptable.

**Ecological Impacts:** On behalf of the applicants, Engain consultants have undertaken a series of surveys across the site as set out in the report submitted to support the application dated 26th May 2016. The results of the survey indicated that whilst the land close to and adjacent, (incorporating a number of trees) to the stream provides habitat (permanent and/or foraging) for a variety of protected species, the development area as arable crop fields is of little ecological value. Measures to protect these areas during construction will also be required as part of the construction management plan.

In terms of impact the application scheme, the proposals result in the loss of two sections of hedgerow along Bewsey Hill to form the footpath connection, and approximately 45.0 metres of hedgerow to the southern frontage with the A377/ Elston Lane. Although the hedgerows provide a typical habitat for dormice none were found to be present during the survey period. Subject to the removal of these sections of hedgerow being undertaken in accordance with the recommendations in the report no adverse impact should be caused. Additional areas of habitat would be provided within the new section of hedge to be planted to the eastern boundary of the development area.

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

**Heritage Impact:** The heritage resource within the site comprises remains associated with enclosures based on medieval agricultural fields, incorporating hedgerows along the field boundaries. A desk and field based assessment of how the application scheme would affect the setting of designated heritage assets has been undertaken with a report submitted to accompany this application. It is acknowledged that there are a number of heritage assets within the wider environs to the site and whilst there is visual connection with a number including the Grade II Listed Bewsey Cottage, Denver Cottage, Beers Farmhouse and the Grade I Listed Church of St Andrew within Colebrooke, because of the separation distance between them and the proposed development area, the impact is not considered to be overriding and/or damaging. Both the Archaeologist at Devon County Council and Historic England have considered this evidence base and assessed their own records. They have advised your officers that there would be no harm to the significance of any designated heritage assets within the surroundings of the site. In summary, a sympathetically designed development would not result in either substantial, or less than substantial harm to designated heritage assets.

**Cumulative impact on Coplestone:** Concern has been expressed by local stakeholders and the Parish Council as to the impact that the proposals will have on Coplestone given that there the site referred to as the Old Abattoir is proposed to accommodate up to 30 houses. This proposal has now been submitted for outline planning permission under LPA ref: 16/01888/MOUT with the following description of development: Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Coplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure.

It is accepted that the delivery of this site for new development has been brought forward in order to specifically redress the shortage of sites (5 year land supply), with the decision to bring forward the site allocation (first proposed in the Local Plan Review 2013-2033) taken on the 7th August 2015 by the Cabinet (ref: minute 51). Although this decision was taken to seek to accelerate the delivery of housing on the Old Abattoir site, the delivery of development on this site would not be a justified reason to refuse this current planning application. The correct policy framework for the assessment of this application is outlined at section one above.

The other significant issue raised by stakeholders, including the Coplestone Parish Council, is the impact that the application scheme will have on day to day life in the village, in particular how the primary school will manage to accommodate additional pupils and the lack of community facilities in village. These issues are considered further below.

1. With regards to the impact on the Primary School, the school is a popular one form intake with a capacity of 210 and with 199 pupils currently on the roll. Taking into account the need arising from permitted developments for small windfall sites in the locality and forecasted localised increases, the



residual capacity at the school would be taken up. The consultation response from DCC this application would generate the need for an additional 15 primary school places which in addition to the other planned development at the Old Abattoir site would require a total of a further of 23 places to be provided on the roll rising to 25 if permission is granted for 40 houses on the Old Abattoir site. This would be equal to the provision of an additional 4/5 pupils per year group across the school roll. The applicant has agreed to make a contribution towards funding improvements that are required to accommodate any additional capacity to serve the development, in accordance with the supplementary planning guidance published by Devon County Council.

The guidance clarifies that the County Council will require contributions from developers where pupils arising from the development cannot be accommodated within existing capacity and/or where development places an additional burden on home to school transport. Additional facilities will either be provided through the expansion of an existing provision or through the development of a new provision. This will be determined by the circumstances of the nearest provision and the scale of the development on a case by case basis, taking account of wider development allocations.

In summary the Education Authority have assessed the application against their published guidance and have confirmed the level of mitigation that would be required in terms of an off-site contribution, as opposed to recommending refusal for the application. Notwithstanding, local residents and the Parish Council remain very sceptical as to the legitimacy of the published guidance which the Education Authority apply in the determination of planning applications and the specific advice that they have provided regards the determination of this application.

2. The applicant has agreed to make a reasonably significant contribution towards facilities off site which could be used to assist the delivery of the Sports Village on the site adjacent to the primary school on Bewsley Hill. The scheme retains the existing public right of way through the site and the field beyond and includes a further landscaped link through to Bewsley Hill adjacent to the Primary School.

Following on from the view expressed by local stakeholders the proposal to include the Doctors Surgery has now been removed.

Strategic Housing Land Availability Assessment (SHLAA): Reference has been made to the fact that the site was considered as part of the SHLAA process and was set aside at that time given concerns about flood risk and in terms of the impact on the primary school. This is correct, however it is noted that this application site is for a much smaller site with a lower level of housing. Matters in relation to managing flood risk and the demand for places at the primary have been considered as part the assessment of this application as set out above with no objections raised by the statutory consultee for each issue.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (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 £370,800.00 (plus an extra £7,000.00 for the affordable homes).

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

The overall thrust of Government policy as set out in the NPPF is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Your officers consider that the test as outlined at paragraph 14 of the NPPF, and as set out under section key issue 1, is capable of having being met by this application proposal.

The development would provide up to 40 open market and up to 20 affordable dwellings which could provide economic and social benefits for Copplestone in accordance with the thrust of guidance in the NPPF.

It is also recognised that there is significant local objection to the proposals which appears to be founded on the fact that the site falls outside the existing settlement boundary and will therefore sit as an isolated development, and also given the overall lack of any focused community facilities in the village at this current point in time. There are concerns as to the impact that the occupiers of the new development will have upon existing services in the village in particular the primary school. The Parish Council do not consider that the application could be considered to be sustainable development because the scheme would add to the population of the village notwithstanding its village status and the lack of infrastructure to support additional growth over and above the level that is proposed in the emerging development plan for the period (2013 -2033).

In terms of the assessment of the application at this outline stage it is not considered that the development would harm the overall character and visual amenities of the area and it is considered that a detailed scheme could be designed for the development area would sit comfortably and be respectful to its neighbours. Alterations to the A377 and Elston Lane are proposed to form an acceptable access into the site, whilst improving highway conditions in the village. A pedestrian link is proposed as part of the application scheme that will form a direct link back to the northern part of the village, and importantly provide an off road direct route to the Primary School.

Other benefits for the locality include financial contributions towards enhancing the range of existing sports and community facilities on the Bewsley Hill community playing field site, towards the education facilities that would be required at the Village primary school and towards securing improvements at the junction of A377 and Bewsley Hill. The highway improvements would assist existing and proposed residents in Copplestone to travel more safely and more sustainably. These factors are all considered to carry some weight towards justifying the application scheme and officers have made reasoned judgements as to how much weight should be afforded to these matters in the assessment of the planning application.

The impacts of the development have been considered very carefully reflecting on the advice provided by the range of statutory consultees and no specific harmful impacts have been identified that are not capable of being satisfactorily resolved in terms of on-site or off-site mitigation. Furthermore it is recognised that the amount of weight that can be afforded to the provisions of policies COR17 and COR18 is reduced given the circumstances relating to the supply of land for housing and the delivery of new housing across the district. Taking into account the site location with village access to both bus and rail travel and the scope of off-site contributions which the applicant has agreed to the application scheme is considered to be a sustainable form of development in transport planning terms. It is also considered that the planning application proposals in terms of the proposed Section 106 package could help accelerate the delivery of new community facilities in the village.

Therefore it is considered by officers that on balance a case could be made to support this application proposal, notwithstanding the development plan policy position. However in order to seek accelerate the delivery of the scheme and therefore make a positive contribution towards addressing the supply of housing across the district the timescales for approval of all reserved matters and for the development to commence will be reduced from the standard terms.

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 18 calendar months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or within 6 calendar months of the date of the approval of the last of the reserved matters, whichever is sooner.

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

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

6. No development shall take place on site until drawings of the off-site highway works for the construction of the access and realignment of Elston Lane have been submitted to and approved in writing by the Local Planning Authority and such works shall have been constructed in accordance with the approved details, and be available for use thereafter.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, rains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development in relation to the construction of the dwellings hereby approved shall be commenced until:
  - A) The access roads into the site have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 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.
9. 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 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.
10. 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 and the section of Salix stream which the surface water flows will be discharged into, have been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plans will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

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.

11. 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.
12. The development shall take place only in accordance with the recommendations in section 6 of the Engain Protected Species Report dated 12th May 2016.

## **REASONS FOR CONDITIONS**

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.

5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. 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).
11. 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).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## **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, affordable housing, and general off-site infrastructure provision carrying significant weight when set against the site specific changes that would arise. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and the amenities of local residents within locality. Financial contributions are to be provided to assist with the delivery of improvements to public open space and community facilities, education facilities, on site and off -site works to facilitate pedestrian movement between the site and other facilities in Coplestone and the development attracts the payment of a New Homes Bonus.

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



