

**Ward** Woodbury And Lympstone

**Reference** 16/1249/OUT

**Applicant** Mrs Evernnett, K D Homes

**Location** Land Adjacent To Trederwen Town Lane  
Woodbury

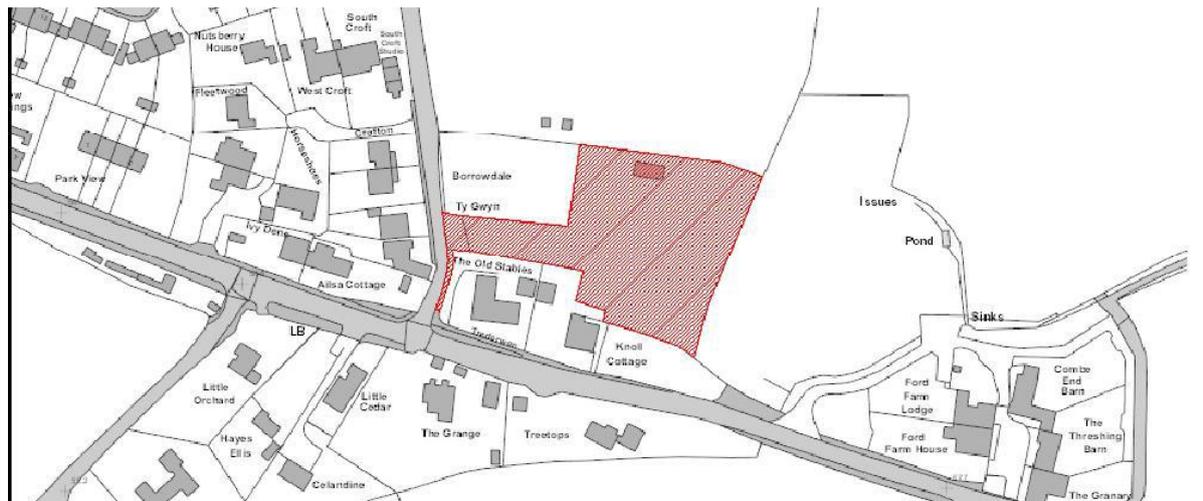
**Proposal** Outline application with all matters reserved for  
the construction of 5 no dwellings

**RECOMMENDATION: Approval with conditions**

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**Committee Date: 31st October 17**

**Woodbury And**

**Lympstone**

**(WOODBURY)**

**16/1249/OUT**

**Target Date:**

**26.07.17**

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**Location: Land Adjacent To Trederwen Town Lane**

**Proposal: Outline application with all matters reserved for the  
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**RECOMMENDATION: Approval with conditions**

**EXECUTIVE SUMMARY**

This application is before Members as the officer recommendation differs from the view of a Ward Member.

The application site refers to land adjacent to a property known as “Trederwen”,

which is located on the edge of the settlement of Woodbury. There have been two

previous applications on this site. In 2011, planning approval was granted for an

affordable housing exception proposal of 15 dwellings, 10 of which would be affordable. This consent has now lapsed. In 2014, when the Council could not

demonstrate a 5-year supply of housing land, planning permission was granted for the construction of 11 dwellings, 50% of which were to be affordable. The proposal included the parcel of land to the west of the site and this consent can still be implemented and was not consented as an exception site. It is now proposed, in outline with all matters reserved, the construction of 5 dwellings. In terms of the principle of development, it is considered that to some extent this has already been agreed through the previous planning approvals. However, one issue that weighed heavily in favour of those previous proposals was the provision of affordable housing because the site was outside of the village development boundary with the 2011 application being approved as an affordable housing exception site.

On the 22nd February 2017 Full Council approved the publication of the East Devon Villages Plan. The decision included agreement to a recommendation that the BUAB's in the DPD '...be used as primary policy for development management instead of the boundaries on the inset plans included in the previously adopted Local Plan.'

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It is therefore considered the boundaries shown as the BUAB can be used for the purposes of decision making, albeit not having full weight due to objections to this site allocation and the DPD not being adopted. As the site has now been included with the BUAB for Woodbury within the Villages DPD, and given that there is a consent for residential development on part of the site, the proposal is considered to be acceptable in principle. As only 5 dwellings are proposed this has removed the requirement for affordable housing.

It is accepted that the development could be argued to affect the character of the setting of Knoll Cottage (a Grade II Listed Building) owing to the number of dwellings proposed and the present open countryside character and appearance of the site immediately behind it. However, the setting of this property has arguably already been impacted to a degree by the development of Trederwen between it and Town Lane and residential properties on the opposite side of Broadway to the south and as such, as with the previous decisions, there is not considered to be any harm to the setting of the listed building.

**The County Highway Authority consider the access and footway to be acceptable.**

**In addition, the proposal would represent a less intensive use of the site and it is**

**considered the application would be acceptable in this regard.**

**Given these considerations it is considered that the principle of development is**

**acceptable and given the above, the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Woodbury and Lymptone – Cllr R Longhurst**

28.09.16

Currently this application refers to land OUTSIDE the Woodbury BUAB. Previous applications have been made on an exception basis - this application is not made on this basis and must currently therefore be refused.

The evolving Neighbourhood Plan and Villages Plan will determine the eventual status

of this land vis a vis the BUAB. Until these have been Made and certainly at least approved by EDDC this application must be refused or withdrawn.

Further comments:

Following the lead from the PC - I will continue to object to your recommendations (nothing personal of course). This piece of ground has a very long history and whilst I agree your stance a regards the village boundary the emerging Neighbourhood Plan

puts this ground outside the development area.

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Parish Council

24.08.16

Support in principle development on the site but the Parish Council would favour single

storey buildings due to the rising ground and ask that existing agricultural hedgerows are preserved and maintained. Concerns were also raised regarding possible surface

water run-off to nearby properties and the proposed access to the site is considered unsuitable

Further comments:

Not supported - the Council do not believe adequate adjustments have been made to

provide safe access to the site

### **Technical Consultations**

Natural England

#### **EUROPEAN WILDLIFE SITES**

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC), the East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and

Ramsar site<sup>1</sup>, which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

Exe Estuary SPA and Ramsar Site

The application site is approximately 1.3km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA and 3.3km from the Exe Estuary Special Protection

Area (SPA) and Ramsar Site. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to

arise in the absence of appropriate mitigation.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment

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which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment.

Please note that Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. Clarification from the applicant regarding any mitigation they propose to offer, whether contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.

2. For any SANGS which is to be delivered as part of the mitigation package, whether

by the applicant or your Authority, a site must be identified and confirmed as suitable and

deliverable prior to granting of permission.

3. A condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided (i.e. a

Grampian

Condition).

**SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)**

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the

East Devon Pebblebed Heaths and the Exe Estuary.

**PROTECTED LANDSCAPES**

The proposed development site is approximately 450m from a nationally designated landscape, namely the East Devon Area of Outstanding Natural Beauty (AONB).

Natural England advises that the planning authority uses national and local policies,

together with local landscape expertise and information to determine the proposal.  
We

also advise that you consult the East Devon AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

The policy and statutory framework to guide your decision and the role of local advice

are explained in Appendix 1.

#### 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.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

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#### OTHER ADVICE

We would expect the Local Planning Authority (LPA) to assess and consider the other

possible impacts resulting from this proposal on the following when determining this application:

local sites (biodiversity and geodiversity)

local landscape character

local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above.

These

remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the

proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside](#) link.

#### SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w).

Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website.

## APPENDIX 1: Protected Landscapes - Policy and Statutory Framework

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Where available, a local Landscape Character Assessment can also be a helpful guide

to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose

in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Conservation

### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

SY 08 NW WOODBURY THE BROADWAY (north side), Woodbury 2/76 Knoll (formerly listed as Knowle Cottage) 11.11.52 - II Detached house. Early C19. Brick; 2 span gabled-end slate roofs. Double depth plan with principal room on either side of entrance hall and rooms at back which has separate parallel roof span. Front:

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symmetrical 3-window range; rusticated quoins, the central window bay under a gable

with fancy bargeboarding; round-headed, 2-light casement window to attic in gable wall. 1st floor windows with hornless sashes, 16-panes to outer windows, 12 to centre.

12-pane sash windows flank central door. Pretty verandah with tent- shaped roof, with

peaked centre with ridge tiles, with fancy bargeboarding; verandah with decorative fascia supported on simple posts. Listing NGR: SY0136486735

### HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The proposal is for the development of 5 dwellings with a mixture of both single and two storey dwellings each with a double garage on the elevated site adjacent to Town

Lane and in close proximity to Knoll Cottage, a detached early C19 house, which has historically enjoyed a rural setting in an area of previously undeveloped land. The site

would be to the east of Town Lane, the character of which is currently open countryside

with little or no development, bounded by hedging, fencing and some mature trees.

A previous proposal 97/P0210 for housing on this site was refused and dismissed at Appeal. The main issues raised by the Inspector at that time were the character and

appearance of the area in general and in particular the setting of the listed building, Knoll Cottage, and highway safety/traffic generation. It appears that with regards to these two issues nothing has changed since that time

However, permission has been granted under 11/2490/MFUL (15 dwellings) and 14/1380/MFUL (11 dwellings) to which objections were raised by the Conservation Team and others. I would therefore re-iterate the view that development on this site is

unacceptable and the previous comments still stand. It is noted that the area of the site has been reduced and only includes the access and land to the east. It is not clear

why the size of the site has been reduced or is now not included:

- o Historic England continues to publish guidance on setting and this makes it very clear that setting is wider than the curtilage of a particular listed building and will generally be more extensive.

- o It is understood that Knoll Cottage owned the land the subject of this application and the historic OS maps clearly show this area has always been open and rural in character. The proposed development is unacceptable and will compromise the open

rural character of the land, would be prominent in the landscape and extend beyond the existing built up area.

- o Knoll Cottage is a detached house in close relationship to the open countryside. Additional dwellings in such close proximity to the dwelling would completely alter this

relationship and it would no longer be isolated but one of many, its setting therefore being completely eroded.

- o With regards the development itself, other than a layout and some brief notes in the D & A, there are no details of the actual overall design, elevations etc. The dwellings are laid out at the end of an access road grouped around the end of the turning space with garaging and frontage parking, similar to the 2014 approval. These

appear to be mainly large detached dwellings and not necessarily appropriate within the context of the site and adjacent listed building.

- o The development will have an impact on the setting, character and appearance of the listed building, which will be compromised by the development.

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Conclusion: In the light of the above, the proposed residential development would be detrimental to the open character of the site, the special qualities and characteristics of the land to the east of Town Lane and erode the setting of the listed building, Knoll Cottage.

County Highway Authority

Observations:

The site is situated to the east of Town Road which is an unclassified county road which is narrow in places and does not for its majority, contain any connected footway

provisions. This road is subject to a 30mph speed restriction and runs along the south

eastern edge of the village connecting to the village centre and Woodbury C of E Primary School in Castle lane. My estimation of the traffic speeds along this road is in

the order of 30mph for traffic going south.

A previous application 11/2490/MFUL contained a speed survey taken in January 2012, where 85th percentile speeds of 21mph in the northbound direction and 26mph

in the southbound direction in Town Lane have been recorded. This evidence is sufficient to accord with the proposed visibility splays as shown on the attached Squirrel Design drawing, where the proposed visibility splay to the north of the proposed access onto Town Lane is 2.4 metres by 33 metres and the proposed visibility splay to the south of the proposed access onto Town Lane is 2.4 metres by 27 metres.

The provision of a connecting footway to the south joining with those on Broadway is acceptable and would hopefully promote the use of public transport, although the nearest bus stops are at the Arch which is approximately 700m from the site.

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 402.1.100B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6

metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and

the visibility distances along the nearer edge of the carriageway of the public highway

(identified as Y) shall be 27 metres in a Southern direction and 33 metres in the other direction.

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

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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 20 metres back from its junction with the public highway

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

3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hard standing, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved

in writing by, the Local Planning Authority and retained for that purpose at all times

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

4. 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  
Devon County Council Education Dept

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 5 family-type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £13,680 (based on the current DfE extension rate of £18,241 per pupil for Devon) which will be used to provide education facilities for those living in the development. DCC would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Exmouth Community College. The costs required are as follows: -

1.00 primary pupil

£2.65 per day x 190 academic days x 5 years = £2,517

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.

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Other Representations

8 letters of representation have been received raising issues of:

- Objection to this application is that it falls outside of the current village 'building boundary'
- It is within the proposed district council boundary, fails on their primary criteria of being bounded by a major physical feature i.e. a road, river or existing dwelling. This plot is outside of the 'Town Lane' easterly boundary which runs all the way down to Orchard Close and is a pure greenfield site.
- Amount and speed of traffic in Town Lane and the access into Town Lane from The Broadway.
- Town Lane is already a 'rat run' for vehicles avoiding the centre of the village and does not have the capacity for additional traffic.
- Additional traffic will increase the risk of incidents involving pedestrians, pets and other vehicles:
- Town Lane is used by numerous children going to and from Woodbury Primary School and from bus stops to other local schools.
- Don't see how 5 new large houses meets the need of the village as opposed to the original application for 15 affordable houses.
- The affected land and fields further up Town Lane are notorious for flooding.
- Building on the land will both reduce its capacity to absorb rain and channel water into drains unable to cope with current run off.

- Will harm the setting of Knoll Cottage which is grade II listed.
- Will overlook Knoll Cottage and be set higher
- Affordable housing was the factor alone that meant that the village boundary issue, highway safety concerns and the impact on the setting of a listed building were discounted
- what is being done about flood risk
- How will development be managed

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

TC7 (Adequacy of Road Network and Site Access)

TC2 (Accessibility of New Development)

EN6 (Nationally and Locally Important Archaeological Sites)

EN22 (Surface Run-Off Implications of New Development)

Strategy 6 (Development within Built-up Area Boundaries)

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D3 (Trees and Development Sites)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **Site Location and Description**

The application site comprises an open field extending to 0.57ha located on the eastern side of Town Lane, and to the north of two existing properties, a modern bungalow and Knoll Cottage, a Grade II listed building.

These properties are served by a shared driveway off Town Lane with the adjacent land to the north and east within the site elevated above the level of the drive.

The land, which rises gently from Town Lane to the east, is largely bound to the north

and east, and in part to the south, by established hedges. Further open fields lie beyond the northern and eastern boundaries. The residential curtilages of Trederwen and Knoll Cottage and ancillary outbuildings back directly onto the remainder of the southern boundary and the existing driveway referred to above, the proposed access point onto Town Lane is approximately 70 metres to the north of its junction with Broadway.

There are no landscape or other designations or constraints that are material to consideration of the application proposal that apply to the site itself.

## **Proposal**

The proposed development is in outline for the construction of 5 dwellings. All matters

of access of layout, scale, appearance and landscaping are reserved. The indicative site plan shows the 5 dwellings in the form of a cul de sac. The Design and Access statement says that the properties would be a mixture of two and single storey. The access drive would serve as the access to the proposed properties.

## **ANALYSIS**

Issues and assessment

The main issues to consider are in terms of the principle of the development having regard to the built up area boundary of the village; its location in terms of sustainably and access to village services and facilities; the impact that the development would have on the character and appearance of the area bearing in mind its edge of village

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location and proximity to a listed building; the suitability of the access; trees and ecology issues, drainage issues, and any impact on neighbouring amenity.

History of the site

Planning permission was granted in 2013 (application 11/2490/MFUL) for 15 dwellings

on the application site. Consent was granted as an exception site with 66% affordable

housing (10 units). This consent has now lapsed.

A further application was submitted in 2014 (14/1380/MOUT) for 11 units including the

land to the west of the current site. This application was granted at a time when the Council could not demonstrate a 5 year supply of housing land and as such consent was not granted as an exception site. Policies at the time did however require the provision of 50% affordable housing as the site was outside of the BUAB.

Since then, in 2016, the Local Plan was adopted and as part of this, the East Devon Villages Plan would form part of a series of documents that set out policies and proposals for land use planning in East Devon. Taken together these documents comprise the 'development plan', which guides where development will go and how planning applications will be determined. All of the documents in the development plan

must be broadly in line with the Government's planning policies, which are set out in the National Planning Policy Framework.

Current application and Principle of Development

When the application was submitted on 11<sup>th</sup> August 2016 the site fell outside of the boundary of the village and the provision of 5 market dwellings was considered not to

comply with planning policy.

On the 22<sup>nd</sup> February 2017 Full Council approved the publication of the East Devon Villages Plan for 6 weeks and that this be submitted for examination afterwards. The decision included agreement to a recommendation that from the date of the meeting the BUAB's in the DPD '...be used as primary policy for development management instead of the boundaries on the inset plans included in the previously adopted Local Plan.'

It is therefore considered the boundaries shown as the BUAB can be used for the purposes of decision making. Whilst the Plan has not been through its examination, is not adopted, and as there have been objections to the sites inclusion within the BUAB, the DPD cannot carry full weight. However, the boundaries are based upon work from Planning Policy identifying sites that are sustainably located following work

to establish walking distances, relationships to services etc. As such, even though the

Villages DPD cannot be given full weight, it is considered that the proposal is sustainably located.

It is also material to consideration of the current application that there is planning

permission on the site for 11 dwellings that can be implemented.

On this matter, the Ward Member has stated that the site does not form part of the draft Woodbury Neighbourhood Plan and has excluded this site from the proposed Agenda page 295

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built up area boundary. It is considered on this point, the Neighbourhood Plan is at a very early stage. The plan has not passed any formal consultation stages and it is therefore considered that it can only be attributed little weight. The villages plan has progressed much further (it is due to be examined next month) and it is considered that this carries more weight, despite its objections. Arguably of more weight however,

is the fact that there is planning permission on the site that can be implemented.

In addition, the site has long been considered to be a sustainable location for new development and the draft Woodbury Neighbourhood plan would need to have very good reason to depart from the Villages Plan which is at Inspection.

In summary, it is considered in policy terms that this site has been affected by shifts in

planning policy, both at the local and government level. It is considered that the policy

position for the proposal is that given the consent on the site for 11 dwellings, and the

weight that can be attributed to the Villages DPD and the evidence behind it, development of the site can be considered to be acceptable in principle.

Even if a decision on this application were deferred pending the outcome of the Villages DPD (which is not recommended as planning applications should be determined in light of the current planning policy position), the site benefits from planning permission and as such this weighs in favour of the proposal regardless of the outcome of the Villages DPD Examination which is unlikely to be known until early

next year.

**Affordable Housing**

In this location current Government policy means that no affordable housing contribution can be secured from developments of 5 units or less.

It is proposed to construct 5 dwellings on the site which originally had approval for 15 dwellings (the lapsed permission) and has consent for 11 dwellings and as such no affordable housing provision or contribution is due on this proposal.

The most recent planning permission which included the land to the west of the site for the construction of four dwellings, has been excluded from the current proposal and is in another person's ownership.

Given that the previous consents on the site have related to different areas of land, and previously more dwellings have been proposed on the current application site, officers have been concerned that the site has been artificially sub-divided to engineer

a position whereby only 5 dwellings can be provided on the site therefore avoiding affordable housing.

On this subject, on 29th March a report went to Strategic Planning Committee which stated that "Where sites are subdivided so that developments fall below the thresholds

at which contributions will be payable the Council will consider the site, and infrastructure/mitigation required, as a whole. This will prevent a situation arising

where a series of applications on a given site or land area, each fall below policy thresholds but collectively exceed thresholds".

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However legal advice has been taken, and given the different ownership issues of the

wider site, it is considered that it would be very hard to substantiate that the site has been artificially subdivided, particularly as there is no longer any national minimum density standard.

Whilst there are concerns that the proposal would not give rise to affordable housing, given the policy position and the advice taken from the legal department regarding land ownerships, it is not considered that a sustainable planning objection could be raised to the subdivision of the site and lack of provision of affordable housing as part

of this current application. Whilst it is recognised that this is disappointing in terms of the loss of the affordable housing, it is considered that the proposal is policy compliant.

Impact on character and appearance of the area

The application is submitted in outline, with only matters of access being considered, however an indicative layout has been submitted which demonstrates that 5 dwellings

can be accommodated on the site.

In terms of wider impact of the proposed development upon the character and appearance of both the landscape and landscape setting of the settlement, there are very limited views of the site from outside of the village from any significant distance. Due to the fall in the land from east to west very little, if any, of the proposed development would be visible from the B3179 on approach from the east from the direction of Woodbury Common. As such it is not considered that the proposal would cause any material harm to the rural landscape character of the area or the wider setting of the village overall.

There would however be close range views available of the site from Town Lane itself,

and concern has been raised that the proposal would introduce new development beyond the existing built form, and the road which forms a strongly defined edge to this part of the built-up area of the village and represents a clear boundary between the

settlement and the adjacent open countryside. There is concern that development in this location would set a precedent for further development on the eastern side of Town Lane.

Whilst these quite legitimate issues are understood, the site is relatively well screened

by the existing hedgerows and trees that form the east and northern boundary.

Further

the principle of development of this site in terms of its landscape impact has been established though the previous permissions granted on the site, where whilst there were other issues to be considered, no significant objection was raised on landscape or visual impact grounds. Concerns have been raised regarding potential boundary treatments and it is considered that this can be appropriately conditioned.

Impact on Setting of Knoll Cottage

The impact of development on the setting of Knoll Cottage which is a Grade II listed

building was considered under the previous proposal, where it was found that the layout and design of properties would not have an unacceptable impact on its setting,

particularly bearing in mind the presence of a modern bungalow to the west of the  
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protected property, and the garaging that has been erected to the rear of Knoll Cottage.

As with the previous applications, it is considered that there would be no harm to the heritage asset. Design, Appearance and Layout are reserved matters and as such it is considered that a sympathetic design could be reached at that stage that ensures protection of the heritage asset.

#### Highways

The site is situated to the east of Town Road which is an unclassified county road which is narrow in places and does not for its majority, contain any connected footway

provisions. This road is subject to a 30mph speed restriction and runs along the south

eastern edge of the village connecting to the village centre and Woodbury C of E Primary School in Castle lane. The highway Officers estimation of the traffic speeds along this road is in the order of 30mph for traffic going south.

A previous application 11/2490/MFUL contained a speed survey taken in January 2012, where 85th percentile speeds of 21mph in the northbound direction and 26mph

in the southbound direction in Town Lane have been recorded. This evidence is sufficient to accord with the proposed visibility splays as shown on the attached Squirrel Design drawing, where the proposed visibility splay to the north of the proposed access onto Town Lane is 2.4 metres by 33 metres and the proposed visibility splay to the south of the proposed access onto Town Lane is 2.4 metres by 27 metres.

The provision of a connecting footway to the south joining with those on Broadway is acceptable and would hopefully promote the use of public transport, although the nearest bus stops are at the Arch which is approximately 700m from the site.

As noted previously the reduction in the number of dwellings would likely result in a less frequent use of the proposed access, and given that 11 and 15 dwellings have been found to be acceptable it is not considered that an objection could be raised to 5

dwellings on the site.

#### Trees

The application is accompanied by an arboricultural survey report that concludes that no trees of any significant amenity value would be lost as a result of the proposed development. It also proposes the retention of existing trees close to part of the southern boundary and to the east of Knoll Cottage. This together with additional planting to supplement the existing, and appropriate tree protection measures during the construction period is considered to be acceptable.

#### Ecology

The application is accompanied by an Ecological Appraisal prepared by Richard Green Ecology, as an update to previous assessments. These conclude that, subject to the implementation of recommended measures, including the installation of bird (including barn owl) and bat boxes on/in any new buildings on the site, and planting

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native plants and trees on the site, including the filling of gaps in the northern and southern hedge boundaries with additional hedge planting using native species, and the methodology detailed in the Reptile Mitigation Strategy to protect any slow worms

found on the site, the proposed development would have no significant adverse ecological impacts, and would provide ecological enhancement.

**Drainage**

Some concern has been raised that the proposed development of this site will increase

surface water drainage problems. Whilst this is appreciated, detailed drainage proposals would be submitted as part of a reserved matters application. The application proposes that a soakaway will be employed, the details of which would form part of the reserved matters application. The Highway Authority will also require details of the access drainage proposed as a condition on any approval. Bearing this in mind, it is considered that there is no objection to the proposal in terms of surface water drainage.

**Residential Amenity**

Given the distances from the neighbouring properties, the layout of the proposal and the single storey nature of all but one of the proposed dwellings, it is not considered that the proposed development will have any significant impact on the amenities of neighbouring residents in term of loss of outlook, privacy or visual intrusion.

Any development of the site will result in an increase in the current levels of noise and

activity using the access road and within the vicinity of the site, however the increase in the levels of activity arising from 5 dwellings (where there has been approval for 11),

in terms of vehicular and pedestrian activity is not considered to be such that it would result in a material loss of amenity for the occupiers of Trederwen or Knoll Cottage, such that a refusal of permission would be reasonable or sustainable.

A detailed consideration of impact on privacy and neighbouring amenity will take places as part of any reserved matters application.

**Contributions**

The Community Infrastructure Levy Regulations 2010 (as amended) allow for a CIL charge to be levied on any type of development where a net increase in floor space exceeding 100m<sup>2</sup> is created. However, for residential development creating a new dwelling the charge can be levied on any net increase in floor space.

At the outline stage because the floor space has not yet been determined the CIL additional form cannot be completed - this requirement would be met at reserved matters stage.

CIL would also cover the education requirements of Devon County Council.

Further, Natural England have advised that an appropriate assessment may be required. In this instance, CIL is considered to cover the additional demands placed

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on the pebble bed heaths and exe estuary protection zones and an appropriate assessment does not need to be undertaken.

**Conclusion**

The site has a complex planning history and is proposed to be included within the

BUAB for Woodbury. Given this, and given that there is consent on the site for 11 dwellings that can still be implemented, it is considered that the principle of development is acceptable.

Officers have been concerned that a development of 5 units has been submitted to purposely avoid the provision of affordable housing but given current policy and land ownership matters, it is not considered that a strong case can be made to justify refusal of permission on this ground.

Given the previous consents on the site it is not considered that the proposal would impact upon the setting of the adjoining listed building and it is considered that a suitable access and layout can be achieved that will protect the amenity of adjoining residents and the visual amenity of the area.

The proposal is therefore considered to be acceptable with no harm identified.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

3. Prior to any work above damp course level a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - The details are required at an early stage to ensure that the materials are sympathetic to the character and appearance of the area in accordance

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with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. Prior to any landscaping works a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason -The details are required at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan.)

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 402.1.100B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 27 metres in a Southern direction and 33 metres in the other direction.

(Reason: To provide adequate visibility from and of emerging vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

6. 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 20 metres back from its junction with the public highway.

(Reason: To prevent mud and other debris being carried onto the public highway in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

7. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hard standing, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

8. Prior to installation 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 in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

9. a. There shall be no burning of any kind on site during construction, demolition or site preparation works.

b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.

c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .

d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

(Reason - To protect adjoining occupiers from excessive noise and disturbance and in accordance with Policies D1 (Design and Local Distinctiveness) and

EN14(Control of Pollution) of the East Devon Local Plan.)

10. No development shall take place until details of the method of attenuation of surface water from the site in the form of a suitable Sustainable Urban Drainage System have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.

(Reason - To ensure the details are considered at an early stage to avoid pollution of the environment and/or flooding in accordance with policy EN22(Surface Water Run Off Implications of New Development) and Policy EN14 (Control of Pollution) of the East Devon Local Plan.)

11. The development hereby permitted shall be carried out in accordance with the recommendations and tree protection measures contained within the Arboricultural Survey and report undertaken by Advanced Arboriculture and dated 23 May 2016.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

12. Prior to commencement of development details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and

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approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the development and the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

13. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Appraisal undertaken by Richard Green Ltd dated May 2014, and Reptile Mitigation Strategy dated June 2014 and survey update dated 1 June 2016.

(Reason- In the interests of ecology in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Ecological Assessment 03.06.16

Arboriculturist Report 26.05.16

LP402\_1B Location Plan 22.09.17

List of Background Papers

Application file, consultations and policy documents referred to in the report.

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