

Agenda for Planning Inspections Committee Friday, 5 September 2014; 11am



Members of the Committee:

Councillors: David Atkins, Roger Boote, Martin Gammell, David Key, Helen Parr, Geoff Pook, Peter Sullivan, Mark Williamson

Ward Member (not on Committee):

Councillors: Susie Bond

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#) ; [View public speaking arrangements](#)

Contact: [Hannah Whitfield](#), 01395 571542 (or group number 01395 517546): Issued 28 August 2014

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- 1 Minutes for 8 August 2014 (page 2 - 3)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are **no** items that officers recommend should be dealt with in this way.

Applications for determination

- 6 **13/2744/MOUT** (no site visit required) (page 4 - 39)

Ward: Feniton and Buckerell

Location: Land west of Hayne Lane, Honiton

Proposal: Outline application comprising residential development (up to 300 units 40% of which would be affordable) including a new access onto Hayne Lane, highway improvements, open space, allotments and drainage (access only to be considered at this stage)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 8 August 2014

Attendance list at end of document

The meeting started at 10.30am and ended at 11.10am.

***10 Minutes**

The minutes of the Planning Inspections Committee meeting held on 11 July 2014 were confirmed and signed as a true record.

***11 Declarations of interest**

There were none.

***12 Application referred to the Planning Inspections Committee**

The Committee considered the following application referred to it by the Development Management Committee.

The committee report, including recommendation, can be viewed at:

http://www.eastdevon.gov.uk/combined_dmc_agenda_290714.pdf

Seaton: 14/0927/FUL – Construction of two storey extensions to the eastern side of the property to provide new entrance and ancillary space on the ground floor and additional bedrooms on the first floor; construction of two storey extension to the north west side to provide additional bedrooms at Thornfield, 87 Scalwell Lane, Seaton EX12 2ST.

RESOLVED:

APPROVED as per recommendation subject to:

- Condition 4 being amended to require that Ward Members be consulted on the proposed landscaping scheme; and
- Condition 7 being amended to include that the window in the en-suite of bedroom 38 be obscure glazed in perpetuity.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Alan Dent

Martin Gammell

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Henry Gordon Lennox, Principal Solicitor
Gavin Spiller, Principal Planning Officer
Hannah Whitfield, Democratic Services Officer

Ward Members:

Peter Burrows
Stephanie Jones
Jim Knight

Chairman Date.....

		Committee Date: 05.09.2014
Feniton & Buckerell (GITTISHAM)	13/2744/MOUT	Target Date: 17.03.2014
Applicant:	Welbeck Strategic Land LLP	
Location:	Land West Of Hayne Lane	
Proposal:	Outline application comprising residential development (up to 300 units 40% of which would be affordable) including a new access onto Hayne Lane, highway improvements, open space, allotments and drainage (access only to be considered at this stage)	

RECOMMENDATION: Approval with conditions and subject to the prior signing of a Section 106 agreement

EXECUTIVE SUMMARY

This application was reported to the Development Management Committee on the 3rd April 2014 and was deferred for the Planning Inspections Committee to consider the sustainability of the location and the impact on the highway network. Having done so the Planning Inspections Committee resolved on the 25th April to approve the application subject to completion of a Section 106 agreement and two additional conditions. Following this resolution concerns were raised by the ward member and parish council among others that the report did not specifically consider Policy EN1 (Developments affecting Areas of Outstanding Natural Beauty) of the adopted Local Plan. A number of other concerns were also raised. The application was subsequently referred back to the Planning Inspections Committee on 11th July where, due to a number of last minute consultation responses being received which required further consultation to ensure that a fully considered decision could be made, was deferred at the request of the Development Manager. The matter has been brought back to the committee for re-consideration following amendments to the report that seek to address the concerns that have been raised, contributions that have been sought and the inclusion of the 2 additional conditions that have now been drafted and added to the recommendation. In so doing it is anticipated that the risk of any challenge to the decision will be minimised.

The site lies outside the built up area boundary of Honiton comprising an area of land measuring 11.95 hectares that is currently in agricultural use, the land is relatively flat although it slopes down from south to north towards the existing railway line and embankment by 8 metres. To the north of the site lies the main line railway, the fields slope down towards the railway which lies behind

embankments. Approximately 1 mile to the north west of the site lies the boundary of the Blackdown Hills AONB. To the east of the site is Hayne Lane beyond which lies an established residential housing estate (this marks the start of the built up area boundary of Honiton). To the south of the site lies the East Devon AONB, at its western end lies a farmhouse and associated agricultural buildings known as 'Hayne Farm' and to the south at its eastern end is open countryside. To the east there is further open countryside. There is currently very limited access to the fields being in agricultural use.

The five year land supply of the Council has through Inspector's decisions and the Council's own review been found to be short, the most recent figures have suggesting overall supply is still below 5 years. Taking into account the need to effectively be able to demonstrate a 6 year supply (5 years + 20% due to historical under delivery) there remains a shortfall throughout the district. In such instances the built up area boundaries should carry only limited weight and the presumption in favour of sustainable development applied. To a certain extent this means approving development without delay if relevant policies are out of date unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF.

The report highlights that there would be no significant adverse impacts on the surrounding countryside including East Devon AONB and Blackdown Hills AONB, residential amenity, archaeology, ecology, flood risk and trees. The concern initially expressed by the Highways Agency regarding impact on the Turks Head Junction has been overcome through negotiation between the applicant's highway consultant and the Highways Agency. While education contributions are sought these are not considered to be justified and the NHS have confirmed that they do not wish to seek funding for their services through this development. Therefore, without any significant adverse impacts being highlighted it is considered that the application constitutes sustainable development and should therefore be approved.

CONSULTATIONS

Local Consultations

Feniton And Buckerell - Susie Bond

This application is in my ward and my preliminary view is that it should be REFUSED.

This site is a reserve site under the draft Local Plan in the event that Honiton does not find sufficient land for their allocation within the plan period. As such, it is premature for this site to come forward at this time.

Building on this site will have a significant detrimental visual impact on both the AONB and its setting, given the rising ground on which the development would sit.

The site has severe restraints in terms of access which cannot be overcome, in particular, the extremely narrow bridge under which commuters will have to pass at peak times of day.

Development on this site would be in open countryside on agricultural land, which is contrary to policies in the NPPF and the emerging Local Plan.

As District Councillor for the ward, I call for this application to be heard at Development Management Committee.

However, I will reserve my position until all the facts are known and until I have heard full discussions at committee.

Parish/Town Council

The application site is located entirely within Gittisham Parish. Gittisham Parish Council (GPC) OBJECTS to the development proposed in this outline planning application.

Preamble

GPC has set out its position concerning developments within the parish in its Parish Plan (validated by EDDC in 2011) and in its responses to the EDDC Draft Local Plan 2006- 2026. The Parish Council is in favour of small scale developments within the area of the village, but opposed to large scale developments in areas remote from the village centre.

In terms of development in or near Honiton, GPC accepts the position of EDDC that there should be modest growth, limited to 450 units within the plan period (2006-2026). GPC agrees with the position of Honiton Town Council that residential growth should be employment-led and is concerned that local infrastructure, in terms of health facilities, schools and traffic, is already at capacity. It is also concerned that a good proportion of new housing should be affordable, meet local identified need, and be available for affordable rent.

The Parish Council is aware that dwelling completions within the Honiton BUAB since 2006 exceed 119 units and that current commitments with planning permission or under construction exceed 117 units (see Appendix C3 The New East Devon Local Plan 2006-2026). Furthermore a strategic land allocation for 150 residential units at Ottery Moor Lane is proposed within the New Local Plan within the Honiton BUAB. Gittisham PC agrees with Honiton Town Council that there is capacity within the Honiton BUAB for the 450 homes and that sufficient land will become available within the plan period for this target to be met.

Within this context GPC is convinced that there is no need to develop greenfield sites outside the Honiton BUAB.

Summary of key objections to the above application

1. The land associated with this application lies outside of the Honiton BUAB as shown on the existing and emerging Local Plan. This land was identified as a reserve site for Honiton in the emerging Local Plan following the public consultation in July 2012. Since then the number of residential units that have become available within the Honiton BUAB has indicated no need for the allocation/use of this reserve

site. GPC considers that the application seeks to exploit an unfortunate gap in local plan development but has no basis in housing need for Honiton. No market research appears to have been undertaken, and the application relies on untested district wide figures in the Local Plan which itself does not identify any overriding need in Honiton.

2. The built-up physical landscape of Honiton is highly visible from the south-western corner of the Blackdown Hills AONB, particularly so from Hembury Fort, one of Devon's most significant Iron Age sites. Additions to the Honiton BUAB will have significant detrimental visual affect on the AONB and its setting.

3. Sustainability of social, economic and environmental factors is not proven. The centre of the development is more than two miles from the centres of both Gittisham Village and Honiton. It is bounded by a railway line, a farm and a narrow C class road that passes through a narrow railway bridge between the proposed site and the centres of population. In the prime minister's words (BBC Countryfile interview January 2012) it is a "great big housing estate being plonked down from above" and is opposed by a large majority of parishioners, GPC and Honiton Town Council.

4. The highway under the railway bridge is only capable of single carriageway vehicle movements which will lead to congestion particularly at peak times. There is also a height restriction which will frustrate construction traffic and removal vehicles.

5. The scale of development proposed is greater than any of the villages in the vicinity of the site. There are no community facilities proposed and the inhabitants will be isolated from both Honiton town and Gittisham village. The development does not provide, in any respect, for a sustainable social community on the site. There is no community centre or social facility on the Heathfield estate, leading to the social isolation of an increasingly elderly population. There is no space in the plan for children and young people and no facilities for any isolated single parent families. It is the view of GPC that a necessary component of any development would be the provision of such a community centre together with opportunities to accommodate other facilities.

6. A development of 300 dwellings is likely, at peak times, to generate an additional 150-200 vehicle movements adding to congestion already experienced in the local area, particularly through the Heathpark Industrial Estate, the access onto the A30 and the notorious Turks Head junction.

7. Three hundred dwellings west of Hayne Lane will require significant improvements to existing transportation infrastructure which together with the need to meet affordable housing targets, will result in a viability dilemma and a development offering very little to address the existing infrastructure deficiencies elsewhere in Honiton. The development will only exacerbate the pressures currently apparent in Honiton - the proposed development lacks for viability and sustainability.

8. Having regard to the significant highway issues that arise (narrow lane, narrow railway bridge, access through a busy industrial estate and congestion at the Turks Head junction) it is considered inevitable, by GPC, that the developer will seek to gain permanent vehicular access to the application site via Old Elm Road. GPC

and Heathfield residents would oppose the opening up of Old Elm Road as a through route. Making Old Elm Road a through route to serve the proposed housing land will turn a quiet access road into a busy thoroughfare with a consequent negative impact on the residents of Heathfield and settlements further afield. The Heathfield residents were assured that this road would remain 'access only' at the time of the development of the estate.

9. The proposed temporary opening up of Old Elm Road onto Hayne Lane for construction traffic to gain access to the application site will result in heavy vehicular movements, over a long period of time, along Old Elm Road which will be detrimental to residential amenity and public safety. It is understood that Old Elm Road is not constructed to the standard necessary to support heavy construction vehicles.

10. The opening of Old Elm Road to through traffic will generate many additional journeys through roads that cannot adequately service the volumes that could obtain, for example: under the narrow railway bridge on Hayne Lane; through Turks Head to Exeter; or through Weston and Buckerell to the A373 and the M5.

11. Development west of Hayne Lane will jut prominently into open countryside beyond Honiton leading to a perceived threat of coalescence between Honiton and settlements to the west of Honiton.

12. Developments west of Hayne Lane will be on rising land and visually intrusive and detrimental to the setting of the adjoining AONB.

13. Flooding/Runoff/Drainage from the application site will add further to existing flood concerns in the area. The rising topography to the south of the application site gives rise to excessive surface water runoff during periods of heavy/persistent rain. The existing drainage system for the land to the South of the A30 is subject to blockages and pooling and needs frequent clearing to prevent build up of debris. We would consider that any development West of Hayne Lane between the A30 and Hayne Farm will need to comply with 'green drainage' requirements so that flood water is diverted into holding ponds and does not enter the existing drainage system.

14. The reserve allocation of housing land is on fields right next to an active dairy farm and farm shop. If housing is built there it will be subject to nuisance from necessary farming activities. The loss of valuable farming land could also threaten this thriving business.

15. The drawings supplied for the consultation are not to scale and provide a misleading impression as to housing density, provision of open space facilities, etc.

16. The Local Plan Inquiry into the New East Devon Local Plan is due to commence in February 2014. This development if permitted is not supported by the current Local Plan proposals and would therefore prejudice the emerging Local Plan and the spatial strategy for the District.

In conclusion, there is no exceptional/overriding need to bring forward this site for residential development at this point in time. The proposed development is contrary to the principles and policies for developments within the countryside, as specified in

the emerging New East Devon Local Plan and the National Planning Policy Framework. Furthermore the site does not meet recognised sustainability requirements.

Adjoining Ward Member - Cllr M Allen (Honiton St Michaels)

Thank you for this notification.

I ask that this application be considered by DM since it appears premature and is opposed by local parish and town councils.

I also note that the following message appeared on the website one day after notification was received, and that the interactive facility was closed for comments, rendering this process invalid.

Clearly this application may have serious strategic implications for Honiton traffic flows in my ward.

In the event that this application comes before the Development Management Committee I would reserve my position until I have heard all of the arguments for and against.

Adjoining Ward Member - Cllr P Halse (Honiton St Michaels)

Please note my total agreement with Councillor Allen's email.

My comments apply to the area within St Michaels Ward.

Councillor Allen wrote:

I ask that this application be considered by DM since it appears premature and is opposed by local parish and town councils.

I also note that the following message appeared on the website one day after notification was received, and that the interactive facility was closed for comments, rendering this process invalid.

Clearly this application may have serious strategic implications for Honiton traffic flows in my ward.

Quotation ends.

Further comment received 3.1.14:

Application 13/2744/MOUT

My comments are restricted to this application's effect on St Michael'sf Ward only since the owner of the land is a business customer.

Access through Old Elm Road should be refused. The large development bounding this road was allowed with the express condition that the road would never be connected at its western end.

The effect on the Turks Head junction would be immensely detrimental. The Committee will be aware of the current traffic build up and environmental issues caused by air pollution at this junction. Should this application be unwisely approved then a very large contribution to correcting the adverse effect on the Turks Head junction should be insisted on.

In the event that this application comes before the Development Management Committee I would reserve my position until I have heard all of the arguments for and against.

Adjoining Town/Parish Council – Honiton Town Council

The Town Council unanimously objects to this application on the following grounds:

- Policy and guidance - under the new Local Plan process this site has been identified as a reserve housing site. The Town Council considers that the Local Plan process should be duly followed and that any grant of planning permission at this stage would be premature
- Sustainability - the Town Council considers that the site is isolated from the town centre and is not easily accessible to public transport. The Town Council is concerned that these factors will generate increased car usage and dependency. The proposals with regard to cycle networks require close scrutiny with regard to whether these can be realised given the current cycle network in the town
- Infrastructure - the Town Council has serious concerns that, as yet, no deliverable scheme for improving Turks Head junction has been identified and there is no evidence that sufficient funding will be available to complete the work. The Town Council strongly recommends that an improvement plan be put in place prior to any grant of planning permission for this site
- Access and traffic - the Town Council has concerns over the suitability of Hayne Lane for the proposed increase in traffic given that the road is single track with soft verges. One access route will be through the AONB
- Flooding and drainage - the Town Council has concerns regarding flooding and surface water run off given the increase in impermeable land should planning permission be granted
- Loss of agricultural land - the Town Council is concerned over the further potential loss of agricultural land
- Affordable housing provision - the Town Council is concerned that the report states that an affordable housing provision of between 25-40% is subject to further discussion. The Town Council is of the view that, should planning permission be granted, provision of not less than 40% would be acceptable in line with the recommendation of the Housing Officer
- Boundaries - the Town Council notes that the entire site is in Gittisham Parish whilst the impact on infrastructure and services will fall on Honiton. Due to the East Devon District Council boundaries, Honiton Ward Members do not have full representation on proposals which will affect their Ward. The Town Council requests that consideration be given to re-drawing boundaries in this location to more accurately reflect the situation

Technical Consultations

County Highway Authority

The County Highway Authority understands that the Highways Agency has written to the LPA on 04.03.2014 explaining that although their direction of non-approval remains in place, they are working closely with the applicant and their agent to finalise remaining technical details which will enable them to replace it with a direction of suitably worded planning conditions to ensure the infrastructure

improvements are in place to safely accommodate the impact of the proposed development.

East Devon District Council, the Highways Agency, the Applicant and Agent and the County Highways Authority are working together to bring forward a design scheme for the Turks Head / Exeter Road junction that will improve the operating nature of this junction and it is hoped that a suitable scheme will be brought forward shortly and that capacity issues at peak hours will be eased.

Therefore the County Highway Authority can alter their previous recommendation for refusal because of interference with the implementation of the approved improvement scheme at the junction of Turks Head Lane / Exeter Road to one of recommended approval with conditions.

Environmental Health

I would not anticipate any environmental health impacts of this development once constructed, if approved. However there is potential for the construction phase to impact on existing residents and therefore I would require a Construction and Environment Management Plan to be submitted with any reserved matters application, should the outline be approved. The condition is:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Highways Agency

Directs conditions to be attached to any planning permission which may be granted.

Namely

No more than 50 of the dwellings hereby approved shall commence until such time as the improvement scheme to Turks Head Junction, as shown on WSP drawing no. 00954-PHL-06, or an alternative Turks Head Junction improvement scheme approved in writing by the Highways Agency on behalf of the Secretary of State for Transport, has been completed and open to traffic.

Devon County Archaeologist

I refer to the above application and your recent consultation. A geophysical survey has been undertaken of the area subject to this planning application. This has identified anomalies that may be associated with the, undated, agricultural building known as 'Hodges' in the western part of the proposed development and may indicate the presence of further associated buildings or enclosures. The proposed

development will have an impact upon this heritage asset and the associated geophysical anomalies.

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

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

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

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological investigation commencing with the excavation of a limited number of evaluative trenches to investigate the geophysical anomalies in the vicinity of 'Hodges' in order to understand the nature and significance of these heritage assets. The results of this first stage of work would enable, if required, a programme of archaeological investigation and recording to be implemented in advance of any construction work to ensure a record is made of these heritage assets - in accordance with para 141 of the NPPF - prior to their destruction. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Devon County Education

Historically there have always been more children living in the Honiton catchment than can be accommodated at the local schools; this has been exacerbated by a significant increase in parental preference for local schools not previously forecast. The forecasts for the primary schools supported by this development show that they will be over capacity as a result of the above development and for this reason Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The contribution sought is £852,112.50 (based on 75.00 x £11,361.50 DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

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.

Housing Strategy Officer Paul Lowe

We welcome this opportunity to provide much needed affordable housing.

If this outline planning application is approved then in accordance with current Planning Policy we expect that a minimum of 40% of the proposed development be affordable homes. All affordable homes to be constructed to at least Code Level 3 for Sustainable Homes and the Homes and Communities Agency Design and Quality standards, be tenure blind, remain affordable in perpetuity where appropriate, and are pepper potted throughout the proposed development. The affordable homes will be transferred to and managed by a Preferred Registered Provider.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 (revised Sept 2011) we expect to see a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as shared ownership or a similar affordable housing product as defined in the National Planning Policy Framework. Consideration should also be given to the provision of suitable affordable accommodation for older and disabled people, including starter flats for single / couples.

We also expect that a nomination agreement be in place that enables the Local Authority or a Preferred Registered Provider to nominate individuals from the Common Housing Registers. Priority will be given to those individuals who have a local connection to Honiton and Gittisham.

Environment Agency

We have no objections to the proposal providing development proceeds in accordance with the submitted 'revised' Flood Risk Assessment 9th December 2013.

NHS

As I have previously described the far east of Devon, of which Honiton and its hinterland is part, has a population profile that is equivalent to the expected population of England in 2042. The number of people, and importantly the percentage of the total population over 65 is significantly above the national average. This demography presents challenge to the commissioning of health services due to the additional complexity that older populations bring. The CCG has noted the significant increase in the number of developments that are specifically serving people in early retirement in East Devon.

If the development does go ahead we would, as a minimum, need to negotiate with EDDC to agree a section 106 contribution for additional infrastructure and revenue costs associated with accommodating this new population on existing sites, and mitigate the risk of increased populations needing to access sites offering health and wellbeing services.

The existing practices in Honiton have a list size of approx 16k patients. Our estimates would suggest that an additional 450 homes would result in an additional 1500 patients. An additional 1500 patients would require a minimum of a whole time equivalent GP and associated nursing and administrative staff. The existing premises from which the two partnerships operate is fit for purpose for the existing population but additional space would be required to accommodate additional practice and community staff and other non clinical spaces including, but not limited, to waiting rooms and administrative staff rooms. The practices are sensibly located in Honiton to serve the vast majority of the population. To date we are aware of no interest from either partnership to create an additional branch surgery to serve a new or increased population. Our preference would therefore be to extend the existing facility.

Given all of the above, the Clinical Commissioning Group (CCG) is unable to confidently say the proposed development would have no significant, nor material impact, on the current provision of health services in the area. Further discussion to understand the scope and intention of the development is required what mitigating actions would be required.

Further comment received:

I have now heard from the surgery and they have confirmed they did not wish to apply for section 106 funding.

South West Water

I refer to the above application and would advise that South West Water has no objection.

EDDC Waste & Recycling Manager Paul Deakin

The main comments I would make is that access for properties should be on roads capable of taking 26 tonne vehicles (adoption standard) and that the max distance that contractor will collect bins from properties is 25 metres. Similar to Cranbrook phase 2 we would be looking for a contribution of £50 per property towards the cost of bin provision.

East Devon AONB

This is a major development that will have a significant impact on the landscape character at this location. An extension to the urban boundary of Honiton, it extends sufficiently far west so as to present a concern over its impact on the AONB due to its proximity; in particular the three most westerly fields.

The National Planning Policy Framework (NPPF) calls for valued landscapes to be protected and enhanced (NPPF 109) with the greatest weight being given to conserving andscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) (NPPF 115). There is a presumption against major development in protected landscapes (NPPF 116) and careful consideration should be given to sites that whilst outside the AONB are in such close proximity so as to present a challenge to maintaining the character and scenic beauty of the landscape within the AONB.

If minded to approve, in order to address the need to have **due regard** to the AONB designation and to overcome issues of proximity and impact on the AONB, careful consideration should be given to moving/amending site boundaries away from the AONB and to significantly enhancing proposed landscaping measures and providing long term security from these measures.

Blackdown Hills AONB

As a location for major development within metres of an AONB and in close proximity to a second, this is a sensitive site that should have regard to conserving and enhancing the natural beauty of the nationally protected landscapes. As a principle, the Blackdown Hills AONB Partnership believes that a plan-led approach to development in or affecting AONBs is the best way to ensure that landscape and scenic beauty is conserved (as per NPPF para 115); to this end it is noted that this site was identified only as a reserve site for up to 300 houses later in the plan period if other sites do not come to fruition.

Far reaching, expansive views out of the Blackdown Hills AONB are one of the area's special qualities. These views are sensitive to development in the surrounding area that change their character - for example by increasing the amount of built form or the introduction of discordant features. I would consider that the extent of this urban expansion would adversely affect the balance of the visual relationship between Honiton and the two surrounding AONBs. It would impact on character as the urban built form begins to dominate the scene looking from the Blackdown Hills, detracting from the East Devon plateau backdrop.

If minded to approve this application, the detail to be considered at a later date will be critical to how successfully the scheme would be assimilated into the landscape, through layout, open space and planting, for example, as well as considering the impact of light pollution, which would exacerbate the urban influence on the wider landscape.

Paul Taylor Police Crime Prevention Officer

The layout on the indicative masterplan suggests many aspects of a favorable crime prevention design.

As this application is at outline stage, my comments will be limited.

I would request that I am involved in further stages at the earliest opportunity before any reserved matters application in order to consider specific details.

Point C - potential tunnel connection.

Poorly designed underpasses have the potential for attracting anti social behavior and graffiti, resulting in people not using the area due to a fear of crime. Various crime prevention design features will be needed to ensure the tunnel is safe and well used.

Provision should also be made for a suitable pedestrian link with appropriate lighting that will comply with SBD Section 4 to link the tunnel/paths and the adopted highway.

Footpaths

Multiple connections of footpaths leaving the development is a potential concern. In line with Safer Places guidance, it would be advised that the two proposed footpaths towards Hayne Lane share the single vehicular access. Footpaths should not lead to the rear of dwellings or car parking areas.

This will reduce potential escape routes for criminals and maximise surveillance and make use of street lighting for those using paths at night.

Public play areas

It is very re-assuring that there is so much space dedicated to this.

To maximise effectiveness, I would request that funding is sought for at least 2 separate areas for different age ranges of young people. If spaces are not defined and owned, tension can be created as older children monopolise the space. Funding for a youth shelter in one of the spaces further away from dwellings can help to minimise this.

Spaces dedicated for younger children should be closer to dwellings and maximise natural and informal surveillance to ensure that people feel as safe as possible.

Parking

Areas of parking that do not have sufficient natural surveillance or ownership can become mis-used and even suffer crime such as vehicle damage and thefts.

Parking courtyards are potential for concern. Where necessary, spaces should be low in number and close to nearby homes. Active rooms of these houses should overlook the parking and if necessary additional windows may be required. Suitable pole or on-building lighting should be provided to maximise 24/7 surveillance and make sure people feel safe using the area. If the courtyard is private, then locking gates and the single access point is strongly advised.

Secured by Design.

Any application for homes that will be seeking at least Part 2 SBD should be made at the earliest opportunity and should be viewed as part of the overall need to design out crime in the entire development and not be limited to dwellings security.

I would welcome a meeting with yourself and the architect prior to any further submissions

Natural England

Natural England has assessed this application and considers that it has the potential to result in a significant impact on the purposes of the designation of East Devon and Blackdown Hills Areas of Outstanding Natural Beauty (AONBs). It lies within 100m of the East Devon AONB to the south and 1.5km of the Blackdown Hills AONB to the north.

Natural England has consulted the East Devon AONB partnership regarding this proposal and concurs with the views expressed in their response of 28th June 2014:

- Whilst the application site is adjacent to the existing built-up area of Honiton it clearly separated from it by Hayne Lane and is currently very rural in character. *“Existing views towards the site are typically rural and tend to have*

high levels of visual amenity.” (LVIA 6.3.6) This development will affect the landscape character of this area.

- The site is visible from Roundball Hill to the East (in East Devon AONB) and views from this public landmark will be affected. (Saved Policy S5 “*adverse disruption of a view from a public place*”)
- The site is visible from the network of minor roads and PROW to the south and east of Awliscombe (partly in Blackdown Hills AONB), particularly the higher parts of the site and the western edge. From these locations the development will result in a significant intrusion of the built form into the rural landscape west of Honiton and the setting of the East Devon AONB.

Your authority’s own evaluation of the suitability of the site (given at Appendix A of the LVIA) concluded a ‘*moderate to significant adverse*’ impact on visual amenity and a ‘*moderate adverse*’ impact on landscape character in the short term which could be reduced to slight over time, if appropriate mitigation was put in place.

If your authority is minded to approve this application Natural England advises that the following measures should be incorporated to reduce the landscape and visual amenity impacts on the 2 AONBs:

- Exclude the western 2 fields from the development - The visual impact and intrusion into the rural landscape increases in magnitude as the site extends westward and on the higher parts of the site. It would therefore be possible to reduce the impact of the proposal if the westernmost parts of the site were excluded from the application or the layout changed to remove the built development from that part of the site.
- Enhancement/increase in the landscape mitigation proposed - The layout of the development should be planned to ensure that there is sufficient space to incorporate significant boundary and internal landscape planting to achieve adequate mitigation, as is required to screen the site, reducing the impact to ‘*slight adverse*’ in the shortest timeframe possible. Boundary planting alone will not achieve this; more substantial internal planting than currently indicated, planned specifically to relate to housing clusters and views of the site from surrounding countryside, would help to reduce the impact, particularly of housing on the higher slopes, from distant views. Property boundaries should not form part of the landscaping intended to provide mitigation of the landscape and visual impacts of the development as these cannot be relied upon to be retained in the medium to long term.
- Sensitive lighting - The change from rural to urban character will be even more pronounced at night with the introduction of artificial lighting into what is currently a dark, agricultural landscape. Therefore it is essential that sensitive, low level, directional lighting is incorporated into the proposals.

PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on protected species.

CPRE

We are pleased to see that this application has been returned to the PIC for reconsideration, but feel that ideally it should be returned to the DMC.

I am unable to attend the PIC on 11th July, and hope you will be able to take my comments into consideration.

I hope you will have the benefit of consultee responses from East Devon AONB & Blackdown Hills AONB as the effects of the proposed development on the setting of the AONBs have not been assessed. Policy EN1 (Developments Affecting AONB) of EDLP has not been fully considered.

The Applicant's LVIA discusses the landscape impact and the "Honiton – Evaluation - of Potential Strategic Allocations" – the EDDC Landscape Architect's assessment was that there would be moderate to significant impact on the visual amenity, also moderate adverse impact on the landscape character, and moderate adverse impact upon receptors in the surrounding landscapes including the limited views available from the AONB.

The development has not been assessed for the effect on the setting of heritage assets. These include various listed buildings including Grade 1 listed Combe House, and the ancient Monument of Hembury Fort. The recent Barnwell Manor case has emphasised that S66(1) Listed Buildings Act 1990 gives considerable importance and weight to the setting of heritage assets.

A full agricultural land survey has not been completed, but the applicant states the site is "predominantly best and most versatile land, of which the majority is Grade 3a" Therefore paragraph 112 of the NPPF, Policy EN14 of the EDLP and Policy EN13 of the emerging LP are relevant and development on the site should be resisted.

We also disagree with the assessment of sustainability in the Planning Officer's report. The distance from the main facilities in Honiton, and the lack of community facilities in or nearby the development make it unsustainable.

In summary, we feel there are several valid reasons for refusal and hope that the Resolution to Approve will be overturned.

Network Rail

If the proposed footpath to create a connection through the tunnel and underneath the railway line in the North East of the site is to be developed, it will require the involvement of a Network Rail Structural Asset Engineer and Asset Protection Engineer who will assess to see if the structure is fit for purpose and carry out the necessary approvals at the projects expense. In addition to this, Easement/wayleave is required for access under Network Rail land.

Development

Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.

Fencing

This development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, before any part of the development is occupied, a 1.8 metre high trespass resistant fence should be erected. The new fencing provided must be independent of existing Network Rail fencing and a sufficient distance should be allowed for between fences to allow for future maintenance and renewal.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Designs of the proposed water retention pond located in the north east of the application site will have to be accepted by Network Rail's Asset Protection team. The proposed water retention pond may cause embankment/cutting stability issues. Network Rail Asset Protection team will require a distance of at least 20 metres between the Attenuation Pond and Network Rail's boundary.

Landscaping

Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request.

As the proposed application site is adjacent to Network Rail's operational railway infrastructure, Network Rail requires the developer to contact AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site. Network Rail requires that the developer agrees a Basic Asset Protection Agreement with us to enable approval of detailed works.

The developer will need to complete a development questionnaire and submit design forms and supporting method statements for proposed works, particularly works which impose risks to Network Rail operations and assets. More information can also be obtained from our website at www.networkrail.co.uk/asp

Other Representations

180 objections have been received as a result of this proposal raising the following concerns:

- The development would spoil the character of the area;
- The infrastructure of Honiton won't be able to cope with the increase in population;
- Increased congestion throughout the area;
- The roads, particularly Hayne Lane, will be unsafe;
- The site lies outside the built up area boundary
- Unsustainable location;
- There are other more suitable sites in the area to accommodate the growth;
- The new local plan allocates sufficient growth for the town, the expansion should be
 - at Cranbrook;
- The proposal to develop the site would destroy all habitats;
- The rainfall on the site has been underestimated and causes more water;
- The site is very isolated from the town;
- Run off Hayne Lane is tremendous during periods of heavy rain;
- Hayne Lane is already used as a rat run, this will make it worse; and
- Loss of good agricultural land.

POLICIES

New East Devon Local Plan Policies

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 23 (Development at Honiton)
Strategy 43 (District Wide Affordable Housing Provision Targets)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
TC3 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
Strategy 43 (Open Space Standards)
Strategy 46 (Landscape Conservation and Enhancement and AONB's)
Strategy 47 (Nature Conservation and Geology)
EN14 (Control of Pollution)
Strategy 4 (Balanced Communities)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)
D1 (Design and Local Distinctiveness)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
EN6 (Wildlife Habitats and Features)
RE3 (Open Space Provision in New Housing Developments)
EN15 (Control of Pollution)
H4 (Affordable Housing)

Government Policy Documents

NPPF (National Planning Policy Framework 2012)
NPPG (National Planning Policy Guidance)

Background

This application was reported to the Development Management Committee on the 3rd April 2014 and was deferred for the Planning Inspections Committee to consider the sustainability of the location and the impact on the highway network. Having done so the Planning Inspections Committee resolved on the 25th April to approve the application subject to completion of a Section 106 agreement and two additional conditions. Following this resolution concerns were raised by the ward member and parish council among others that the report did not specifically consider Policy EN1 (Developments affecting Areas of Outstanding Natural Beauty) of the adopted Local Plan. A number of other concerns were also raised. The application was subsequently referred back to the Planning Inspections Committee on 11th July where, due to a number of last minute consultation responses being received which required further consultation to ensure that a fully considered decision could be made, was deferred at the request of the Development Manager. The matter has been brought back to the committee for re-consideration following amendments to

the report that seek to address the concerns that have been raised, contributions that have been sought and the inclusion of the 2 additional conditions that have now been drafted and added to the recommendation. In so doing it is anticipated that the risk of any challenge to the decision will be minimised.

It should be noted that among the late comments received prior to the Planning inspections Committee meeting on 11th July was a letter from the Department of Communities and Local Government directing the Council to refer the application to them in the event of a resolution to approve. This is so that they can determine if the application is of such significance that they would be minded to intervene.

ANALYSIS

Site Location and Description

The site lies outside of the built up area boundary within the open countryside to the west of Honiton. It currently comprises a number of agricultural fields surrounded by mature hedgerows and trees extending to 11.95 hectares. To the north of the site lies the main line railway, the fields slope down towards the railway which lies behind embankments. To the north west of the site approximately 1 mile away lies the boundary of the Blackdown Hills AONB. To the east of the site is Hayne Lane beyond which lies an established residential housing estate (this marks the start of the built up area boundary of Honiton). To the south of the site lies the East Devon AONB, at its western end lies a farmhouse and associated agricultural buildings known as 'Hayne Farm' and to the south at its eastern end is open countryside. To the east there is further open countryside. There is currently very limited access to the fields being in agricultural use.

Proposed Development

This application seeks outline planning permission for the erection of up to 300 residential units, open space, allotments, drainage, access and off site highway improvements. The only matter to be considered at this stage is the access to the site, with the scale, appearance, layout and landscaping all reserved for subsequent approval, however illustrative plans of the layout and sections through the site have been submitted to demonstrate that 300 houses can reasonably be accommodated on the site.

The development would comprise 40% affordable housing equating to:

180 no. open market dwellings;
84 no. social rented houses; and
36 no. intermediate houses.

Assessment

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- Strategic Housing Market Assessment (SHMA) update;

- Access to services and sustainability
- The illustrative plans;
- Loss of agricultural land;
- The wider landscape impact;
- Highways and Access issues;
- Impact on trees;
- Impact on residential amenity;
- Impact on archaeology;
- Impact on ecology;
- Flood risk; and
- Section 106 matters: affordable housing provision, education contributions, health contributions and open space.

The principle of the proposed development

The development plan for the District is the East Devon Local plan 1995-2011 including all the saved policies following the Secretary of State's Direction in 2009. The site is located outside of the built up area boundary of Honiton as defined within the Local Plan and is therefore identified as countryside for the purposes of Policy S5 of the Local Plan. This policy will only allow development in the countryside where it is in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of development;
2. Important natural and man made features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings; and
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Within the housing section of the Local Plan there is not a policy that would explicitly permit housing on this site outside of the established built up area boundary. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a Departure by virtue of Regulation 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

However, The Council is now working on the production of a Draft Local Plan for East Devon for the period 2006 - 2026. The intention is that the draft Local Plan will build on and supersede work that has gone into the (past) LDF Core Strategy. In terms of the next stages, a Local Plan Inspector is currently conducting an examination into the proposed plan; the results of the examination will not be published for some time.

The draft Local Plan reiterates Policy S5 but also allocates the application site, under the Development Management policies section (Strategy 23), as a reserve site for residential development of up to 300 dwellings. This allocation followed consideration of the site as part of earlier SHLAA (Strategic Housing Land

Availability Assessment Review) reviews considering that the site is acceptable for residential development should the other allocations for Honiton not come forward during the plan period.

It has been raised by the Ward Members that this proposal is premature pending the results of the examination into the new local plan. However, approving this application would not undermine the strategic intent of the new local plan, and in the absence of a five year land supply, as will be explained below, potential housing development sites are encouraged to be brought forward early in accordance with the National Planning Policy Framework and approved without delay providing there are no substantial adverse impacts from the proposed development that would outweigh the benefit of increased housing numbers.

The draft Local Plan is though still some way from adoption and the NPPF advises that decision- takers may give weight to relevant policies in the emerging plan according to:

1. The stage of preparation of the emerging Plan (the more advanced the preparation, the greater the weight that may be given);
2. The extent to which there are unresolved objections to relevant policies (for less significant and unresolved objections, the greater the weight that may be given); and
3. The degree of consistency with the relevant policies in the emerging Plan to the policies in this framework (the closer the policies in the emerging Plan to the policies in the framework, the greater the weight that can be given).

Whilst the draft Local Plan is currently going through an examination by an appointed Inspector and is still some way from being adopted. There are also objections being raised through the pre-submission consultation stage to the allocations covering the site.

The NPPF advises Local Authorities to revise their Plans to take into account the policies within the framework policies can only apply to decision taking if they accord with the framework.

The NPPF advises that the "golden thread" running through Planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the Development Plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate that development should be restricted.

The NPPF also requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

The five year land supply of the Council has through Inspector's decisions and the Council's own review been found to be short. The most recent figures as reported to Audit and Governance Committee in June 2014 are in the region of 3.51 to 3.83 years based on the Sedgefield approach whereby past under supply is accounted for in the next 5 years. The Sedgefield approach to calculating 5 year land supply figures has gained most support when considered by planning inspectors and thus should now be used, however the council has historically used the Liverpool approach whereby past under supply is accounted for across the entire plan period. Under this methodology the figure would now be 6.02 years, however this is not considered to be a defensible figure as the Liverpool approach is no longer widely supported. It should also be noted that the figures reported to Audit and Governance Committee in June were based on consent having been granted for this development at Hayne Lane. Taking into account the need to effectively be able to demonstrate a 6 year supply (5 years + 20% due to historical under delivery) under the Sedgefield approach there remains a shortfall throughout the district.

The development is considered to be deliverable and any permission granted would significantly assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

The NPPF also advises that housing applications should also be considered in the context of the presumption in favour of sustainable development. To a certain extent this means approving development without delay if relevant policies are out of date (see comments in the above para. relating to five year land supply), unless any adverse impacts would significantly and demonstrably outweigh the benefits or conflict with the NPPF.

Strategic Housing Market Assessment (SHMA) update

Members will be aware that the Council has recently received the draft SHMA figures which are a component part of objectively assessing the housing needs of the district and surrounding districts. It is against these figures which the Council can determine whether or not they have an up to date five year land supply. The work that has been produced so far is modelling based on establishing a picture of what has happened in the past and saying that if those trends continued into the future what the population would look like. This provides a useful baseline figure but not an objective assessment of need. Before the final figures can be formulated there are a number of factors that need to be taken into account, these include:

- Definition of the housing market area;
- Understanding household projections;
- Addressing market signals;
- Addressing housing backlog;
- Measuring affordable housing need;
- Future employment and economic growth assumptions and aspirations.

Further to this consideration of the ability, capacity and suitability of East Devon and all other authorities in the market area to accommodate growth and development needs to be made. It may also be appropriate or desirable for one or more of the authorities to accommodate development within their area that others cannot reasonably or appropriately accommodate.

Therefore, at this stage, it cannot reasonably be determined what the final figure of housing need will be and therefore the draft figures carry very limited weight in the decision making process.

Access to services and sustainability

The site lies outside the existing built up area boundary approximately 1,900 metres (1.2 miles) from the town centre of Honiton, approximately 745 metres (0.46 miles) from the nearest supermarket and 123 metres (0.07 miles) from the nearest employment area, 200 metres (0.08 miles) from the nearest bus stop, 1,600 (1 mile) to the nearest primary school and 2,100 metres (1.3 miles) to the nearest secondary school. Therefore it can reasonably be concluded that the site lies in a sustainable location close to essential services and infrastructure and sole reliance on the private motor vehicle would not be required for occupants of the development to access these services in accordance with Policy TA1 of the EDDC Local Plan.

This site was assessed during the Strategic Housing Land Availability Assessment (SHLAA) process when the emerging local plan was being formulated to assess its suitability to accommodate some of the housing needs of Honiton. Whilst a sustainability assessment was undertaken as part of this process, the considerations at that stage would have been from a strategic point of view and based on it being a parcel of land without details of access points, numbers of houses or the benefit of a landscape and visual impact assessment. The proposed development has been accompanied by a suite of bespoke reports on a range of issues and constraints facing the site to assess and inform the potential impacts of the development to enable a thorough assessment of sustainability to be carried out.

There are three dimensions to sustainability as identified by the NPPF as economic, social and environmental. The acceptability of this development rests on whether it is considered to be sustainable when regard is had to these 3 dimensions. The following assessment will consider the key issues affecting the sustainability of the site and then draw these together under the 3 dimensions by way of a conclusion.

Illustrative plans

The plans submitted with the application indicate a layout that would feature significant areas of open space with a development that would assimilate well within its open countryside setting and the adjacent housing estate to the east. Whilst the individual dwellings are not numbered on the layout plan, the applicant's agent has confirmed that it does illustrate 300 residential units.

Loss of agricultural land

Paragraph 112 of the NPPF states that:

'Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality'

This is also echoed in draft local plan policy EN13. The land subject of this application falls within Grade 3 agricultural land which is not considered to be of the highest quality, furthermore, the majority of other agricultural land surrounding the settlement is also Grade 3 with pockets of higher Grade 2 remaining in agricultural production. Therefore, the loss of agricultural land in this location would not be contrary to the guidance set out in the Framework.

Wider landscape impact

The site lies to the north of the East Devon Area of Outstanding Beauty (92 metres at the closest point) therefore an assessment of whether the proposal preserves or enhances the character of the area and respects traditional local built form must be made in accordance with Policy EN1 of the East Devon Local Plan. A landscape and visual impact assessment has been submitted with the application. The site is relatively flat compared to the large slopes to the south of the site, although it does slope down from south to north towards the railway line with a fall of 8 metres over a distance of 175 metres. There would be limited view points from the south being from public footpaths and minor public highways and would look down onto the development, whilst the site would be seen as a clear extension to Honiton, overall it would be viewed as a natural extension to the settlement with a layout similar to the existing settlement pattern and estate immediately to its east which also lies in close proximity to the AONB. Due to the natural topography of the land sloping up to the west, the development would not be readily visible from this direction. The East Devon AONB Team have been consulted on this application and raise concerns regarding the proposed development in terms of its close proximity to the AONB considering that three of the western most fields should be removed from the proposal. However, they acknowledge that if the development is to be approved, the boundary treatment and enhancement of the existing landscape would be key together with a method for securing the landscaping into the future. These comments have also been made by Natural England and as a result must carry greater weight for their endorsement by a statutory consultee on protected landscapes. The concerns raised are noted and have been considered in detail by officers but ultimately they are matters of detail and it is considered that through appropriate landscaping these concerns can be adequately addressed and the impact on the setting of the AONB appropriately mitigated.

The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 1,750 metres (at the closest point) to the north of the proposal site. Views of the development from the north would be limited as the railway line embankments and associated mature trees upon it would screen the majority of the development and due to the distance involved from potential vantage points the proposal would be read as part of the already linear settlement of Honiton. The Blackdown Hills AONB

Partnership has commented but has not formally objected to the proposal and has noted that consideration of any subsequent detail will be critical to assimilating the scheme into the landscape. As with the East Devon AONB Teams concerns it is considered these can be addressed through appropriate detailed landscaping proposals.

The site does not lie within either the East Devon AONB or Blackdown Hills AONB but it is a further requirement of Policy EN1 of the adopted Local Plan that developments that are close to or clearly visible from these landscape designations should only be permitted where they would not damage the natural beauty or public enjoyment of them. The site would be visible to varying degrees, from the surrounding Area of Outstanding Natural Beauty (AONB) to the north, south and east, however as noted above the proposal is not considered to be out of scale with its surroundings or create a dominant feature that would undermine the purpose of the AONB and as there is other built form to the east of the proposal site that lies closer to the boundary of the East Devon AONB it is considered that there would be no significant additional harm over and above the existing built form in the settlement.

Therefore, based on the illustrative plan it is not considered that the proposed development would impact unreasonably on the existing landscape character or be out of scale with the existing settlement pattern and would preserve the overall landscape character of the area. It is however again acknowledged that detailed landscaping proposals will have to have regard to the concerns raised with regard to the setting of the AONB's and ensure that appropriate mitigation is included at the reserved matters stage. There is however adequate space to incorporate the necessary mitigation and this there is adequate information available at this stage to conclude that the landscape impact would be acceptable.

Highways and access

The existing public road serving the site (Hayne Lane) would be accessed from the Heathpark Industrial Estate to the north east of the site. From its junction with the industrial estate road running south Hayne Lane narrows under the railway bridge and beyond to its proposed access point. The proposal seeks to re-configure this highway by widening it (apart from under the bridge) and create a right turn priority into the site. Improvements would also be proposed at the junction of Hayne Lane and the industrial estate road.

Objections have been raised by a number of local residents regarding the use of Old Elm Road (which runs through the adjacent estate) to serve the development. However, it is not proposed to use this access (which is currently gated and only used for emergency access) other than for pedestrians to walk to the nearby supermarket; this gated access will remain as such. Notwithstanding the long term use of this access, the applicants have stated that should abnormal loads of a certain size not be able to access under the railway bridge the gated access may be required on a very infrequent basis during the construction period. These details would need to be provided as part of the Construction and Environmental Management Plan (CEMP).

From a more strategic point of view as the development would increase the amount of traffic using the Turks Head junction the Highways Agency are seeking a contribution to the cost of the overall junction improvements which would also be funded by other recent development affecting it in Honiton. The Highways Agency initially objected to the proposed development and issued a holding direction that permission was not to be granted for a period of six months, however, following discussions with the applicant's transport consultant the Highways Agency have removed their direction and raise no objections to the proposed development subject to conditions.

Devon County Highways Engineer raises no objections to the technical aspects of the proposed development in terms of the layout, gradient and alignment of the proposed access, but originally shared the Highways Agency's concerns regarding the Turks Head Junction, now that the Highways Agency have removed their holding direction, Devon County Council recommend approval.

Impact on trees

An arborocultural survey has been submitted with the application which identifies very limited arborocultural impacts, there are only two trees which lie within the proposed developed parts of the site which are worthy of retention (trees T13 and T14), these would be protected during the development and retained.

The arborocultural report submitted with the application recognises the benefits of retaining the boundary planting in providing screening for/of the development and considers that this could be achieved. The accompanying tree constraints plan indicates that root protection areas are relatively linear and do not extend significantly beyond the hedgerows themselves, due to the size of the individual trees identified it is not considered that these represent any significant above ground constraint by virtue of shading or dominance.

Notwithstanding the retention of important existing trees and hedgerows there are opportunities for compensatory planting elsewhere within the site. Any approval of development though should include a requirement for a Tree Protection Plan and Arborocultural Method Statement.

Impact on residential amenity

The proposal site lies adjacent to existing residential development to the east. Development of the site would clearly alter the character of the site and increase both activity adjacent to existing properties and traffic movements to and around the site. The indicative layout indicates units set back from the highway with a distance in excess of 30 metres from the nearest property to existing properties, however layout is a reserved matter. It is recognised that the existing properties are set at a similar site level and subject to appropriate consideration of layout and fenestration arrangements at Reserved Matters stage, together with the retention of existing boundary planting it is considered that a development of the scale proposed could be achieved without any significant impact on residential amenity.

The dominant noise source on the site is the existing railway line to the north, a noise assessment has been submitted with the application which includes mitigation measures of enhanced glazing and mechanical ventilation systems to ensure occupiers of the units closest to the railway line are not unreasonably impacted upon. Network Rail have been consulted on the application and raise no objections.

A further potential source of nuisance has been identified adjacent to the site in the form of Hayne Farm which lies immediately to the south of the site and has open fronted agricultural buildings facing the site, mitigation measures of enhanced glazing and passive ventilation would be required on the units on this part of the site, although the layout at the reserved matters stage would need to ensure the farm was not compromised operationally as a result of the dwelling being built, but in principle there is no objection to units on this part of the site.

The Council's Environmental Health Officer raises no objections subject to conditions.

Impact on archaeology

An archaeological assessment has been submitted with the application, Devon County's Archaeologist has been consulted raising the following concern:

'A geophysical survey has been undertaken of the area subject to this planning application. This has identified anomalies that may be associated with the, undated, agricultural building known as 'Hodges' in the western part of the proposed development and may indicate the presence of further associated buildings or enclosures. The proposed development will have an impact upon this heritage asset and the associated geophysical anomalies'

He recommends that the standard archaeology condition be imposed for investigation works to be progressed prior to commencement of any other development.

Ecology

An ecological assessment report has been submitted as part of the application which confirms that there would be no need for any additional surveys unless the indicative site plan were to change and that there would be additional breaches in the hedgerows. Specifically the survey comments as follows:

Bats

There were no buildings or tree roosting opportunities within the application site other than 3 trees which are proposed to be retained during the development. The majority of bats using the site or its surroundings forage along the trees on the railway line embankment or along the trees adjacent to the small brook on the site. The features that bats use are all to be retained together with enhancement through the planting of new trees.

Reptiles and amphibians

A small population of slow worms was recorded in the ruderal vegetation and long grass on site, however this is in an area where no development is proposed.

Badgers

No evidence of badgers using the site was found, an old disused sett was found. However due to the transient nature of badgers the report recommends that a check for badgers is undertaken prior to works commencing and that construction works take account of the potential for badgers.

Dormice

The survey found records of a dormouse using the hedge to the north of the site, this is proposed to be retained and managed as part of the proposed development.

The proposed development is not considered to detrimentally impact on protected species providing it is carried out with the mitigation and enhancement measures outlined in the ecological assessment report.

Flood risk

The site lies in flood zone 1 as defined by the Environment Agency's flood risk maps, it is proposed to provide attenuation ponds, underground tanks and filters to provide treatment of the run off from the site before discharging to a nearby watercourse being limited to green field run off rates. The flood risk assessment (FRA) does not attempt to provide a final design but an outline strategy to deal with water from the site, the final design would be provided at reserved matters stage. The Environment Agency raise no objections providing the development proceeds in accordance with the submitted FRA.

S106 matters

Over the life of the application, Officers have been negotiating with the applicant over the proposed Section 106 agreement. The following basic Heads of Terms have been submitted.

1. Provision of Affordable Housing as follows:-
 - (a) 40% (120) units of Affordable Housing will be provided by the Developer as part of the development of 300 units in total.
 - (b) 70% of the 120 units (84) will be offered as social rent and 30% of the 120 units (36) will be offered as intermediate housing.

2. Contributions:

(a) Education:

Devon County Council Education Department have sought a contribution of £852,112.50 towards the cost of extending primary schools in the catchment area of the proposed development. However, the contribution requested is contrary to Devon County Council's guidance document on when contribution should be sought. The guidance indicates that the current capacity of schools together with forecasting for the next 2 years should be taken into account when calculating a contribution, if any, to mitigate the impacts that the proposed development may have. In this instance the 'number on roll' and 'capacity' figures produced by Devon County Council indicate that the primary schools in Honiton would not be at capacity until 3 or 4 years from now. Traditionally contributions are usually only based on whether a development would lead to an immediate shortfall in places based on current capacity. While it is acknowledged that some forward projecting can be considered the further ahead the county project the more unreliable the evidence base becomes. There is therefore significant concern that the evidence base for requesting the contribution in this case is unsound by virtue of projecting so far forward and that this combined with the fact that the request does not comply with DCC's own published methodology means that it would not stand up to scrutiny at an appeal. Therefore, it is considered that it would be unreasonable to seek any contributions from the proposed development towards education.

(b) Health facilities

The National Health Service (NHS) as a strategic authority had originally requested a contribution towards the expansion of surgeries within the town to accommodate the increase in population provided by the proposed development. However, following discussions with the local surgery most likely to be impacted upon by the proposed development, the surgery have confirmed that they do not wish to apply for Section 106 funding.

(c) Open Space:

A contribution of £488,328 is required under the Council's Open Space Strategy for off site open space provision

Additionally the applicants are offering an area of allotments within the site

(d) Off site highway works:

A financial contribution to be determined by the Highway Agency towards the cost of works for improvements to Turks Head.

Provision of a footpath/cycleway on Old Elm Road

Off site highway improvements along Hayne Lane and the industrial estate road.

(e) Submission of a travel plan

(f) Monitoring fee to cover the cost of monitoring the requirements of the S106 agreement in a sum to be agreed.

Conclusion

Bringing this analysis back to the 3 dimensions of sustainable development the following conclusions can be reached:

Economic

In respect of the economic role, one of the key elements is to ensure that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

In part this has been recognised by the Local Planning Authority in its reserve allocation of the site for residential development adjacent to the proposed allocation of employment land immediately to the north. The building of 300 houses would also support the local economy and local businesses through the jobs that would be created both directly and indirectly by the construction work and in the future through spend in the local economy.

Social

The proposal would provide 40% affordable housing equating to 120 units which are much needed within the district and Honiton itself. A number of allotments would also be provided, something which there is a need for within Honiton. Whilst there is considerable local opposition to the proposal these issues will be discussed in the report and will need to be weighed against the benefit of a significant boost in houses, 40% of which would be for affordable occupation creating a mixed development.

As has already been discussed while the concerns of DCC Education are noted there is not a clear evidence base to justify a conclusion that education services cannot accommodate the proposed development while the NHS have not sought a contribution. These comments support a conclusion that the proposed development is socially sustainable.

Environmental

The development would not contribute to the loss of high grade agricultural land. Furthermore, there would be a number of environmental benefits to the proposal including creating of open space, enhancements to existing wildlife features and the planting of numerous new trees and hedgerows. These benefits will need to be weighed up against the impact of the development on its surroundings and nearby Area of Outstanding Natural Beauty (AONB), this will be discussed later in the report in more detail.

Therefore in terms of sustainability, it is considered that the three elements of economic, social and environmental would be achieved through this development and therefore the presumption in favour should be applied.

RECOMMENDATION

APPROVE subject to the prior signing of a section 106 agreement to secure the following matters:

- Provision of 40% affordable housing
- Provision of on site allotments
- Open space contribution
- Off site highway works
- Travel plan
- Monitoring fee

and 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 external 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. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority (hereinafter referred to as Local Planning Authority). The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - to ensure the development proceeds in a properly planned way and to limit any unacceptable impact on the locality.)
4. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)

5. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)

6. No development shall commence until details of the new junction onto Hayne Lane, (including all off site highway works), access roads within the site, visibility splays, and of the layout, construction and surfacing of the proposed access, internal driveways, parking areas for the store and provision for turning vehicles within each phase of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the scheme as may be permitted unless otherwise agreed in writing with the Local Planning Authority.

(Reason - In the interests of highway safety in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)

7. No occupation of any building within the development hereby permitted may occur until the access road junction with the county highway, including the visibility splays, has been completed and made available for use in accordance with the plans hereby approved. The access thereafter shall remain open to the public at all times until the access is dedicated as highway.

(Reason - In the interests of highway safety in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)

8. No development shall take place until the applicant (or their heir or successor in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.)

9. Prior to the commencement of each phase of the development, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs and ground surface materials 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, unless otherwise agreed in writing with the Local Planning Authority..

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

10. Prior to the commencement of development full details including construction details of all boundary and retaining walls and fences including the intended external finishes of those features shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

(Reason - in the interests of the visual appearance of the development and the character of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

11. Prior to the commencement of any part of the residential development hereby permitted a detailed Design Code for the whole of the residential element of the development shall be submitted to and agreed in writing with the Local Planning Authority. The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on dwellings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of verges and open areas to the front, rear and side of all dwellings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

(Reason - to ensure that the development is planned as a whole in a cohesive manner, to avoid piecemeal development displaying differing design ethics, and to ensure that the resulting development is of high quality as required by Local Plan policies and in line with government guidance in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

12. The development shall not proceed other than in strict accordance with the Flood Risk Assessment received 16th December 2013.

(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework).

13. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment received 16th December 2013.

(Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

14. The development shall not proceed other than in strict accordance with the recommendations and mitigation measures as outlined in the Noise Assessment received 16th December 2013.

(Reason -To ensure the development takes account of existing noise generating development close to the site in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

15. The landscaping scheme approved at the reserved matters stage 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 - 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 D4 (Landscape Requirements) of the East Devon Local Plan)

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

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

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

D) The street lighting for the 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;

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)

17. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

18. No more than 50 of the dwellings hereby approved shall commence until such time as the improvement scheme to Turks Head Junction, as shown on WSP drawing no. 00954-PHL-06, or an alternative Turks Head Junction improvement scheme approved in writing by the Highways Agency on behalf of the Secretary of State for Transport, has been completed and open to traffic.

(Reason – In the interests of highway safety and the efficient operation of the strategic road network in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)

19. No development shall commence until a highways agreement has been entered into in respect of off site highway works including the provision of a footpath underneath the railway bridge on Hayne Lane and if required any approval from Network Rail has been obtained.

(Reason - To ensure that the rail network is not detrimentally impacted upon as a result of this application in accordance with Paragraph 41 of the National Planning Policy Framework)

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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.

Approved Plans

7331PL001REV B	Location Plan	16.12.13
MASTERPLAN INDICATIVE 7331PL002	Proposed Site Plan	16.12.13

7331PL003
INDICATIVE

Sections

16.12.13

List of Background Papers

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