

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Applicant:	Persimmon Homes (SW) Ltd	Application No:	15/0442/MOUT
Address:	C/o Agent	Date of Registration:	30 January 2015
Agent:	Boyer Planning Ltd	Date of Decision:	26 January 2016
Address:	Mr Elliot Jones 1B Oak Tree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS		
Proposal:	Outline application (access to be considered) for the construction of up to 75 no. dwellings including up to 25% affordable housing, new access onto Lyme Road, open space, landscaping and drainage		
Location:	Land East Of Axminster - Southern Area (East Of Lyme Road) Axminster		

The Council hereby refuses permission to carry out the development described in the application and the plans attached thereto for the following reasons :

1. The proposed development, by reason of:
 - The submission of an unacceptable masterplan that has not been subject to meaningful stakeholder engagement and that does not adequately justify the proposed development in isolation from the delivery of the wider site allocation and fails to ensure full provision of a viable development across the whole allocation and delivery of the North South relief road in full together with all requirements of the strategic land allocation section of Strategy 20 of the Emerging New East Devon Local Plan;
 - Proposing development extending outside of the mixed use allocation without providing sound justification for departing from the allocation outside the built up area boundary;
 - Failure to provide an acceptable level of affordable housing;
 - Failure to adequately justify the acceptable provision of improved public transport provision;

- Failure to adequately justify that the new development will have an acceptable impact on the River Axe; and

- Failure to adequately demonstrate that the visual impact of the development upon the countryside will be acceptable

is contrary to Policy S5 (Countryside Protection) of the East Devon Local Plan, Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 20 (Development at Axminster) of the Emerging New East Devon Local Plan and guidance within the National Planning Policy Framework. As such the adverse impacts from the development significantly and demonstrably outweigh the benefits.

2. The application proposes affordable housing at a level of 25%, a proportion of the built form as proposed would lie outside the allocation area as defined by Strategy 20 of the Emerging New East Devon Local Plan, accordingly on these parts of the site the level of affordable housing should contribute a level of 50% affordable housing in accordance with Strategy 34 of the Emerging New East Devon Local Plan. In the absence of a suitable viability appraisal, the application fails to justify the proposed level of affordable housing and therefore adequately mitigate the impact of the development in accordance with Strategy 34. The proposal is therefore considered to be contrary to Strategy 34 (District Wide Affordable Housing Provision Targets) of the Emerging New East Devon Local Plan.
3. A new access would be formed from Lyme Road initially through a new 'T' junction and eventually through a changed priority junction that would form the southerly junction for the whole allocation as defined by Strategy 20 of the Emerging New East Devon Local Plan. The application fails to satisfactorily demonstrate that the proposed junction layouts are of sufficient gradient and diameter to accommodate the size of vehicles likely to use them. Furthermore, insufficient information regarding the safety of the proposal (no Stage 1 Road Safety Audit) and the impact on the wider highway network. The proposal therefore fails to demonstrate that a safe and suitable access can be achieved without severe impacts upon the transport network contrary to Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, Policy TC7 (Adequacy of Road Network and Site Access) of the Emerging New East Devon Local Plan and Paragraph 32 of the National Planning Policy Framework
4. The proposed development has the potential to impact upon the strategic highway network, specifically the A35 trunk road to the south of the site. There are two junctions that have the potential to be impacted upon and insufficient information has been submitted to indicate the level of anticipated traffic. In the absence of this information the application fails to determine that there would not be a detrimental impact on high way safety or traffic flows on the trunk road through the eastern junction. As such the proposal is contrary to Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, Policy TC7 (Adequacy of Road Network and Site Access) of the Emerging New East Devon Local Plan and Paragraph 32 of the National Planning Policy Framework
5. The application, by virtue of a lack of information, fails to demonstrate that the proposal would not have a detrimental visual impact on the quality and appearance of the historic landscape and wider landscape character. As such the proposal is contrary to Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan, Policy D1 (Design and Local Distinctiveness, Strategy 7 (Development in the Countryside) and Strategy 46 (Landscape Conservation and

Enhancement and AONBs) of the Emerging New East Devon Local Plan and guidance in the National Planning Policy Framework.

6. Insufficient information and no appropriate mechanism has been submitted or secured to ensure that sufficient and appropriate contributions towards the provision of affordable housing and necessary infrastructure (including provision towards open space, education, public transport and foul water drainage) to serve the demands of the proposed dwellings would be forthcoming. As such the proposal would be contrary to Policies, S7 (Infrastructure Related to New Development), TA1 (Accessibility of New Development) and RE3 (Open Space Provision in New Housing Development) of the East Devon Local Plan, Strategy 34 (District Wide Affordable Housing), Strategy 43 (Open Space Provision in New Housing Development) and TC2 (Accessibility of New Development) of the Emerging New East Devon Local Plan and advice contained in the National Planning Practice Guidance.
7. The application seeks to connect to the public foul drainage sewerage system which has an outfall into the River Axe which is designated as a Special Area of Conservation (SAC). Insufficient information has been submitted to indicate whether or not improvements are required to the public system to build in additional capacity to deal with the foul drainage from the proposed development and whether the mitigation measures to deal with the increased phosphate levels as a result of the proposal can be satisfactorily implemented. The proposal cannot therefore be concluded to have no likely significant impact on the River Axe SAC. The proposal is therefore contrary to Policy EN18 (Adequacy of Foul Sewers and Sewerage Treatment Works) of the East Devon Local Plan, Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment System) of the Emerging New East Devon Local Plan and Regulation 61 of The Conservation of Habitats and Species Regulations 2010.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

The plans relating to this application are listed below:

9405	Other Plans	30.01.15
9100-1 A	Other Plans	30.01.15
9405-01	Other Plans	30.01.15
9602-1 B	Other Plans	30.01.15
9604-1 C	Other Plans	30.01.15
9603-1 B	Other Plans	30.01.15

9000 E	Location Plan	30.01.15
9601-1 C	Other Plans	30.01.15
9000-01 F	Proposed Site Plan	30.01.15
14487-P012 A	Other Plans	30.01.15
9000 F	Proposed Site Plan	30.01.15



Service Lead - Planning

Please refer to the accompanying notes which form part of this decision notice.