

SIDMOUTH SIDFORD
(Sidmouth)

09/1820/MFUL

Committee Date 08.12.2009
Target Date: (29.01.2009)

Applicant: Devon and Cornwall Housing Association

Location: Land off Howarth Close, Sidmouth

Proposal: Residential development consisting of 133 dwellings to include 1 & 2 bedroom apartments and 2, 3 & 4 bedroom houses, and associated parking, highways, landscaping, open space and drainage works.

UPDATE REPORT

CONSULTATIONS AND REPRESENTATIONS

Archaeology/DCC Archaeologist

In response to the initial recommendations of the DCC Archaeological team, further trench excavations are in hand on the site to quantify, assess and record in greater detail the important, previously unknown, early Iron Age settlement that has been found within the site. In order to carry out these investigations safely, the site has been made secure by means of fencing, and agreement to the works being carried out has been received from Natural England (as the site has been identified as dormouse habitat, special permission to clear the land is necessary). The results of the trench investigations are still not yet available, and no further comment from the County Archaeologist is therefore submitted, but both will be incorporated into any planning permission granted by the appropriate amendment of the recommended conditions – specifically to ensure implementation of any construction method, protection or mitigation measures necessary.

Ecology/Natural England

Further comment from Natural England has been received, confirming that the limited works of ground disturbance, required to carry out the archaeological investigations, are acceptable. The comprehensive Ecological Impact Assessment is still awaited. A verbal update on its submission will be given at the Committee meeting.

Trees and Landscape

An amended landscape plan has been submitted in response to initial consultee comments. The changes made do not include all those requested, and therefore further amendments, now mainly in relation to new planting locations, densities, and species, are yet to be agreed.

PCT

No formal comment from the PCT has yet been submitted. A verbal update will be given if a response is received, following the further information that has been provided to the PCT.

Representations

A resident of Baker Close has added comments to those already voicing concern over the loss of the informal kick about area on the north edge of the site. It is also noted that on occasions the Air Ambulance has used this area to land.

PROPOSAL

Design

Discussions are still on-going with regard to the detailed design of a number of the units, and while amended drawings have been submitted, as with the landscaping matters there are still outstanding issues that the amendments have not addressed. None of the matters still to be resolved relate to the principle of the development, however, and the recommendation stands that the authority to continue with these design negotiations should be delegated to the Head of Planning.

Materials

Agreement has been reached on the materials for the roofing of the entire development, which will now comprise an artificial slate, together with appropriately-profiled and photovoltaic tile panels. This is considered to be a marked improvement in appearance over the initially-proposed concrete tiles.

CONSIDERATIONS

Ecology

As a result of the discovery of dormice on the site, there is a need to provide on-site habitat mitigation. This needs to be accommodated in the further revisions to the landscaping scheme noted above.

Open Space Provision

The management of the public open space, landscaping and wildlife habitat areas is to be delivered by means of a management company, rather than through the Council's Countryside and Streetscene Services. The provisional Heads of Terms set out below refer to the mechanism by which a good standard of multi-functional open space can be delivered and managed, including the representation of the Countryside team and residents within the management company structure.

Trees and Landscaping

The re-alignment of the proposed route through the site, to serve the allocated housing land to the east, was requested on first discussion of the submitted layout. Indeed, from the earliest point in the pre-application discussions it was made clear that the ecological, heritage and landscape importance of the existing tree cover on and bordering the site would feature strongly in the Planning Authority's assessment of the scheme. Unfortunately, the submitted tree survey of the line of mature ash trees on the eastern boundary of the site was inaccurate, and as a result the constraint to development that the proper protection of these trees (which are considered to be worthy of TPO) was not incorporated into the layout of the development. A number of proposed units and the proposed road to link with the land to the east are shown on the site of or well within the root protection area of the northern-most trees in this stand, to the extent that some may need to be felled and the long term welfare of others will be jeopardised by the development. The re-alignment of the road, and the redesign of the layout, including the omission of a number of housing units, would normally be sought when dealing with an application for planning permission such as this, to ensure that the development satisfies policies relating to the integration of the scheme into its context and the protection of the natural environment. However, the submitted layout, and specifically this number and type of units, has now been the base upon which all viability calculations and the bid for HCA funding for this predominantly affordable housing project have been worked. The loss from the scheme of any number of dwellings in either the open market or affordable housing groups would, at this stage, be likely to destroy the chances of the scheme receiving HCA funding. Therefore, the request to amend the layout of the scheme, to overcome its impact on these trees, will not be pursued further.

Legal Agreement

The following Heads of Terms are proposed:

- Education contributions to be paid in respect of open market housing only, that is for 44 out of the 123 no. 2-4 bed dwellings.
- Affordable housing provision @ 40% of units, of which 70% social rented, 30% shared equity, in perpetuity
- Provision of on-site public open space, comprising recreation space, landscaped areas, wildlife habitat and community garden/orchard. Layout (including planting, hard-surfacing, boundary treatments, play and recreation equipment and habitat provision) to be completed in accordance with specification to be agreed with EDDC.
- Minimum 20 year Landscape, Public Open Space and Wildlife Habitat Management Plan for entire site, to be agreed with East Devon District Council, to include permanent all-year public access to facilities, unless restricted as part of wildlife habitat management programme.
- Establishment of landscape, public open space and wildlife habitat management company for the entire site on which EDDC and residents/representatives have binding representation. Company structure and terms of reference/responsibilities (including holding public liabilities insurance) to be agreed with EDDC.
- Preparation of succession management plan for landscape, public open space and wildlife management – community-based model.
- Green Travel Plan vouchers for public transport and bike purchase. Mechanism to be agreed with East Devon District Council
- Achievement of Level 3 of the Code for Sustainable Homes for all housing units

CONCLUSIONS

Work is still required to complete negotiations on a number of matters, but the scheme remains acceptable in principle.

RECOMMENDATION

Approve as recommended

List of Background Papers

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