

SIDMOUTH SIDFORD  
(Sidmouth)

09/1820/MFUL

Target Date: (e.g. 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.

## **CONSULTATIONS**

### **County Highway Authority**

The application site is identified in the Local Plan for housing and it has been the subject of numerous pre-application discussions with the applicants.

The content of the Transport Assessment is acceptable to the Highway Authority with respect to the effect that the development, if permitted, will have on the surrounding road network. The development is designed to be permeable and provides links in all directions, in accordance with Manual for Streets. It is, however, accepted that these principles may sometimes be at variance to the design principles for secure design comments from the Police. The car parking provision is also appropriate for a development of this size in this location.

The Residential Travel Plan submitted in support of the application is also acceptable in principle, subject to some further comments about the value of vouchers etc. which are detailed below

I had anticipated a CAD designed plan in support of the application upon but my comments are made on the architect plans that have been submitted. Although a plan is labelled 'Section 38 plan' it is not suitable to be used as a Section 38 Agreement plan, nor has the Highway Authority accepted it as such.

1. The access road to Plots 94 – 121 should be provided with 2.4 metre by 33 metre sight lines in the leading traffic direction. The cul-de-sac serving Plots 94-121 could also be a shared surface road without footways as the vehicle speeds will be sufficiently constrained by the alignment.
2. There should be tables at the junctions of the new estate streets with Howarth Close enabling the provision of a 20 mph throughout the development from a point to the east of Chambers Close's junction with Stowford Rise.
3. There should be bollards on the link between Howarth Close and the new estate street (by plots 42, 43 and 48) to prevent unauthorised use by vehicles.
4. The pedestrian / cycle link to the south east, is constructed to a suitable standard, will be eligible for adoption as in its entirety.
5. A detailed street lighting design has not been carried out

These issues have been dealt with by the conditions recommended below.

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions (including traffic calming where appropriate), street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections

indicating, as appropriate, the design, layout, levels, gradients, widths, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

3. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junctions with the public highway
  - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
  - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

5. Prior to the commencement of the development the applicant shall:
  - (a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the 'Travel Plan' document submitted in support of the application.
  - (b) The applicant shall then implement the approved travel plan prior to first occupation and for each subsequent occupation of the development, thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

The matter of public transport and cycle vouchers will obviously need to be included in a Section 106 Agreement and the following is recommended:-

(a) Bus vouchers should be £250 in value per unit, valid for one year and with flexibility as to how they are redeemed.

(b) Cycle vouchers should be £50 in value per unit, valid for one year and redeemable against the cost of a bike, or cycle accessories.

### **Environment Agency**

Providing development proceeds in accordance with the submitted flood risk assessment dated September 2009 there are no objections to the proposal.

### **South West Water**

There are no objections. Adequate water supplies can be made available and both foul and surface water sewerage services can be provided subject to our agreeing suitable points connection.

### **Western Power**

There are no objections. The only issues I can foresee are diverting the 33kV cable and obtaining a substation site. The 33kV will only be able to be done in the summer as we would not consider an outage in the winter, also all Easements need to be in place for all affected equipment before any cabling work would be undertaken. I'll send a plan of existing cables in the post for your attention today.

### **Wales and West Utilities**

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

(Plan attached indicated no W&WU pipes within the site).

Wales and West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

### **Natural England**

Comments below based on individual species reports:

The main issue with regard to protected species requirements would seem to be the timing of activities which could potentially lead to a delay in the commencement of the development until July 2010:

Breeding birds – site clearance needs to avoid the breeding season March – July 2010 so will need to be after this time.

Badger licences will not be issued for period Dec 2009- June 2010 so no ground works around the setts will be permitted until after this period

Reptiles – I understand that the translocation has already taken place otherwise this could not have been done before April 2010.

Bat emergence survey:

Recommendations in report should be implemented, in particular those relating to lighting and precautions if felling mature trees.

Serious consideration should also be given to the suggestion of re arranging the siting of 2 properties (68.50 and 69.50) to retain an unobstructed route through the site for bats.

#### Reptile mitigation strategy:

The recommendations set out in this document are sufficient. However the report does not currently address how the reptile population is to be translocated from the later phases of the development, presumably to a receptor site in the locality, which is proposed for production in 2010 following receipt of a planning permission. The need for this additional mitigation strategy should be flagged in the wording of any condition to ensure that it is not forgotten at a later date.

#### Hedgerow assessment:

The report states that all 'important' hedgerows are to be retained, according to Master Plan, with small part of no. 2 being lost. To retain their ecological value it will be important to secure their long term management. This should be relatively straightforward through any landscaping plans assuming they remain in the public realm parts of the development but if they become property boundaries you may need to consider applying a covenant to the properties requiring them to retain the hedge and bank and not replace them with alternative boundaries such as fencing. [N.B. now that dormice are confirmed as present on site the retention and management of hedgerows may need to be revisited as part of the mitigation proposals required for them, in particular where removal will lead to isolation and fragmentation of sections]

#### Breeding Bird Assessment:

The recommendations should be followed to avoid disturbance to breeding birds, in particular a phased approach to site clearance and avoiding the breeding season for clearance works. Suitable nesting habitat in the form of hedgerows, trees and shrubs should be retained or planted on site where appropriate.

#### Badgers:

The report suggests that more work is needed to establish whether the badgers on site are a discrete social group or part of the group at Core Hill and I understand that this is planned to take place soon. This will be needed to advise future mitigation if setts 1 and 2 are closed as may be proposed. The recommendations also refer several times to the need for access to a suitable sized foraging area. It is not apparent from the report that such an area has been identified /safeguarded within or close to the development.

#### Dormice:

I understand from Julian Perrett that a single nest has been found on the east of the site since the [*initial dormouse assessment*] report was produced and that, as a consequence, he intends to take further advice early next week and then produce an Ecological Impact Assessment document which will bring together all of the species mitigation, phasing, timings etc. into one document. This will help to address my initial concern regarding the potential delay in commencement due to seasonal constraints.

#### East Devon AONB:

With respect to impacts on the East Devon AONB Natural England refers you to the comments made by the East Devon AONB manager. In particular the management guidelines for this character type which state:

Settlement and development: conserve and enhance by

1. Improving integration of 20th century development within the wider landscape, especially by replicating the distinctive treed earth banks and small woods of this Landscape Character Type.

In conclusion Natural England does not object to the proposal. However, we have a number of concerns relating to the safeguarding of protected species on site:

Bats –the re-siting of 2 properties which obstruct the flight corridor through the site.

Badgers – the detail of the final mitigation proposals is still to be agreed  
Dormice – the recent discovery of this species on site and the need to produce mitigation proposals as a consequence.  
Reptiles – the additional mitigation strategy for the later phases of the development.

These could all be addressed through the 'Ecological Impact Assessment' document which the ecological consultant intends to produce next week.

We will revise our comments on receipt of that document.

### **East Devon AONB team**

The site in question is located to the north of Sidmouth at Middle Woolbrook. The site immediately abuts existing housing which has previously been developed within the AONB and to all intent gives the impression that this location is in fact part of the urban environment of Sidmouth and not the rural landscape of the AONB. With the exception of the small football pitch, the land is defaulting to naturally regenerating woodland, with ash and oak scrub developing in once open field systems; an area of exploration for children, informal recreation and garden waste dumping for others. It is hard to argue for the protection of the AONB from further development in this area given the existing encroachment to the west.

Key characteristics within the site

- Undulating upper valley slopes below the scarp slope
- Well treed pastoral farmland, with arable cultivation on lower slopes
- Small to medium size fields with irregular boundaries
- Deciduous woods and copses, especially on hilltops and upper slopes
- Very wide, usually low, species-rich hedges with many hedgerow trees
- Dispersed settlement pattern of isolated farms and small villages
- Very winding narrow lanes
- An intimate and intricate landscape with views out confined by vegetation
- Remote and with little 20th century development

Recommendations

Boundaries: enhance by

1. Encouraging the conservation of hedgerow trees by planting or tagging selected saplings, to maintain and enhance the well-treed character of this type.

Settlement and development: conserve and enhance by

1. Improving integration of 20th century development within the wider landscape, especially by replicating the distinctive treed earth banks and small woods of this Landscape Character Type.

Comments

With reference to the Landscape Character Assessment management guidelines above the proposed development should seek to retain the key characteristics of the boundary features and mature hedgerow trees in this area. To reduce its impact on northern edge, the already established precedent of a green buffer strip to the north along the A3052 as exemplified in the development to the north-west should be replicated with hedgebanks and the retention of mature trees, particularly if proposed development is likely to be greater than two storey.

## Summary

The development is sited within what is effectively a built/urban environment that happens to be within the AONB as a result of the development subsequent to its designation. Despite this, every effort should be made to retain the characteristic features of the boundaries in this area and consideration given to mitigating the visual impact of the site from the A3052 and neighbouring properties through natural landscaping and boundary features. The AONB boundary has been breached already in this area and the A3052 has effectively become a default line, as previous applications to the north of this road have exemplified.

### **Devon County Council – Archaeology**

The geophysical survey and, limited, archaeological evaluation of the site has identified an important, previously unknown, early Iron Age settlement within the area affected by the proposed development. Devon Council Archaeology state that further archaeological evidence of prehistoric activity in the area may survive across the rest of the application area outside those areas subject to intrusive investigative excavations. The development of this site will result in the destruction of these archaeological deposits. For this reason I would advise that any consent your Authority may be minded to issue should carry the PPG16 (paragraph 30) condition 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'*

The programme of archaeological work required would take the form of a staged programme of investigations, comprising:

- The excavation of additional evaluative trenches to determine the scope and nature of any surviving archaeological deposits across the whole application area - undertaken prior to any construction work being undertaken.
- The excavation of additional evaluative trenches to define the limit and nature of the *known* prehistoric settlement identified by the works undertaken in support of the planning application - again, undertaken prior to any construction work being undertaken.
- Based on the results of the above the impact of the development will be understood and the scope of further archaeological works to be undertaken in mitigation for this impact can be determined and implemented and timetabled into the construction timetable. Further archaeological mitigation may take the form of area excavation, archaeological control of topsoil stripping in defined areas or the monitoring of groundworks associated with the construction of the proposed development, or a combination of the above.

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 have recently carried out similar work in Devon.

### **Devon County Council – Education Department**

*Summary:*

*Total contribution of £449,746.02 to part fund teaching accommodation and ICT equipment calculated on the basis of 123 units (of the 133 total) indicating 2-4 bedrooms.*

Following receipt of your list of Planning Applications registered 30/10/09, a contribution towards education infrastructure via a Section 106 Agreement is sought in respect of the above application.

The Infant school affected is Sidmouth Infants (Summer 2009 number on roll 109, pupil place capacity 120). 123 family dwellings (those with 2 beds or more) could be expected to produce 13.18 Infant aged pupils, of which 2.18 will cause a shortfall of places at the School. The contribution required is £24,141.32 which would be used to part fund teaching accommodation plus £626.75 for ICT equipment. These Calculations are based on the DCSF Cost Multiplier Extension rate for Devon

The Junior school affected is St Nicholas Junior (Summer 2009 number on roll 358, pupil place capacity 340). 123 family dwellings (those with 2 beds or more) could be expected to produce 17.57 Junior aged pupils, which will increase a shortfall of places at the School. The contribution required is £210,406 which would be used to part fund teaching accommodation plus £5462.50 for ICT equipment. These Calculations are based on the DCSF Cost Multiplier Extension rate for Devon

The secondary school affected Sidmouth College (Autumn 2008 number on roll 863, pupil place capacity 870). 123 family dwellings (those with 2 beds or more) could be expected to produce 18.45 secondary aged pupils, of which 11.45 will cause a shortfall of places at the school. The contribution required is £192,256.95 which would be used to part fund teaching accommodation plus £16,602.50 for ICT equipment. These Calculations are based on the DCSF Cost Multiplier Extension rate for Devon.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £250.00 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.

Should you require any further information regarding either of the above please do not hesitate to contact me. I should be extremely grateful if you would keep me informed of the progress and final outcome of this application by completing the pro forma attached and returning it to me after the planning application has been considered.

\*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

### **East Devon District Council – Streetscene**

Comments awaited

### **East Devon District Council – Affordable Housing Enabling Officer**

Due to extremely difficult economic and housing market conditions we are particularly keen to see any potential scheme that provides a significant amount of affordable housing in Sidmouth.

Discussions between the Housing Association over the past 24 months or so have proposed a cross subsidies development that intends to deliver 67% affordable homes on site. This higher level of affordable housing is a result of the Council's land interest and extensive negotiations.

We expect that all affordable homes are built to current Homes and Communities Agency build and design standards, be tenure blind, remain affordable in perpetuity where appropriate, meet targets rents and be transferred to and managed by a Registered Social Landlord.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 we expect to see a tenure mix of 70 / 30% in favour of social rented accommodation, the remaining as shared ownership or a similar affordable housing product as defined in Planning Policy Statement 3.

We also expect that a nomination agreement be in place to enable the Local Authority to nominate individuals from the Councils Housing Register.

### **East Devon District Council – Environmental Health**

Where road traffic noise is the only significant local noise source, I would generally recommend the following:

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999:- Sound Insulation and Noise Reduction for Builders/Code of Practice shall be submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and be retained thereafter.

During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

No waste or other materials shall be burnt upon the land within the application site.

### **East Devon District Council – Landscape Architect and Arboricultural Officer**

I have been involved in several Pre-application meetings for this allocated site which has helped inform the site design and layout.

The site is within the East Devon Area of Outstanding Natural Beauty and therefore must result in a quality development that retains the inherent key landscape characteristics and result in a positive development not just for the new residents but for the wider community.

The design for this development has embraced the existing conditions on site – including: topography, vegetation and wildlife.

I recommend that Countryside and Street Scene collaborate to agree adoption costs and final specification details for the open space areas to ensure the highest quality provision possible is achieved on site. This is particularly important to promote residential participation and ownership but also to ensure the enhancement of the landscape and biodiversity for the site and beyond for the long-term. If this cannot be achieved the developer must provide details to ensure local residents are encouraged to take part in the site's long-term establishment and management.

Additional detail comments (in collaboration with David Colman – Senior Arboriculturalist) requiring plans to be amended -

1. Trees on eastern boundary by link with neighbouring land will be affected. There is a 15 metre root protection area required from the last tree. Therefore the access needs to move north to accommodate this requirement.
2. "Garden" area – fastigiated oaks are considered inappropriate. Retain existing Oak but adjust nearest property to ensure adequate space is allowed for growth. Suggest 3-4

new oaks south of existing; 4 Liquidamber in middle section and Orchard planting in southern most area by Bungalows.

3. Re-align footpath south of existing Oak leading to open space area as there is an existing breach in the hedgebank and avoids over-shading of property to north (Amenity area).
4. Remove fruit trees from SUDS area (as now in southern garden area).
5. Replace F.a.'Raywood' by sports pitch with Acer campestre 'William Caldwell'

The scheme does try to retain the key characteristics/features within the site and incorporates wider opportunities for biodiversity, SUDS, and Community participation in management.

### **Devon and Cornwall Constabulary – Police Liaison Officer**

I write with reference to the above planning application. Thank you for the opportunity to make these comments which are based on crime and anti social behaviour issues only. It is recognised that there may be other factors which have been considered that have had an impact on the design of this development.

#### **Sustainability**

The principles surrounding sustainability should extend to all aspects of the design including designing out crime. Sustainability is not just about energy use but also includes creating developments which are less likely to suffer high levels of crime. Sustainable environments should not only be attractive but free from crime and the fear of crime. Considering design principles at this early stage can help improve feelings of safety and security, not only for new residents but those who already have homes in the area.

#### **Crime**

I have visited the area with the local Police Community Support Officer (PCSO) Alex Powe. Although crime in the area is relatively low, there are problems with anti social behaviour. This includes young people consuming alcohol in the fields opposite homes in Howarth Close below the unofficial football pitch area. The consumption of alcohol has led to assaults and other incidents of minor violent behaviour. Although the number of police logs relating to this type of behaviour is limited, these issues have been raised by the local community to PCSO Powe during his tour of duty.

During my visit a number of empty alcohol bottles and cans were noted within the overgrown areas as well as evidence of camping, fire setting and litter. Graffiti was noted around the area of the current play area between Baker Close and Howarth Close.

Policing the area has proved to be problematic due to the number of footpaths connecting the houses within the existing development as well as the number of desire lines through the fields proposed for this housing development. Those people intent on causing problems have many alternative routes to make their escape and there is a fear that the new development will exacerbate these issues due to increased permeability.

Due to the sloping nature of the land and the fact it is densely planted, anyone using or misusing the area is currently hidden from view of local residents and passers by. The area is also dark with limited access for legitimate users. The new development should increase opportunities for natural surveillance by making the area more open thereby reducing opportunities for anti social behaviour.

#### **Defensible Space**

Spaces between the public footway and the front of individual properties need to be carefully designed. All homes should have an area of semi private space which intruders would have to pass through to reach the property. This space clearly defines public and private areas providing the occupant with a greater sense of ownership while making a potential criminal feel more uncomfortable and less likely to commit crime.

For properties which border the public open space this buffer zone is especially important as it will prevent people having direct access to doors and windows. Where there is no provision for garden space, a planted area is required to provide a buffer zone between the public area and private property boundary. This will also help prevent noise nuisance as people will be kept a fair distance from the houses.

The proposed play area will encompass the environment, offering a more natural facility and is based around a footpath which links between the homes from plot 116-133 down through the development to plot 55. Play facilities are always an attraction for youths to gather and cause anti social behaviour and for this reason there should be good buffer zones between the boundaries of the properties and areas of open space. All properties require good defensible space clearly indicating which areas are public and which are private and for this reason front gardens are recommended for plots 50-55; 116-133; 115 and 107.

Plots 60-65 have a footpath outside of the entrance doors and a form of low level boundary treatment (locally sourced timber bollards). Due to the proximity of the public open space, it is recommended that the defensible space for these properties is made clearer, preventing those using the amenity space from straying too close to the homes potentially creating quality of life issues for the residents. If left open, the footpath is likely to be misused by people taking the shortest possible route to the kickabout area.

#### Permeability

The site is very permeable due to the inclusion of a number of paths which link into the proposed footpath. This creates problems regarding ownership (is it public, private or semi private?) and the expected behaviour of those that enter this area. Permeability increases a criminal's opportunity to search and as a consequence they become more familiar with an area. Access and escape routes can be established without drawing attention from local residents due to the ambiguous nature of some spaces. These links also reduce the level of anonymity, making the area more appealing to the criminal. Increased anonymity creates a more criminal friendly environment.

The footpaths are located in close proximity to the front of some houses and good defensible space is required here, clearly indicating the separation between public and private areas.

Local people have already reported issues surrounding anti social behaviour and considerate design will ensure that these problems are reduced.

#### Play Area

Adequate play areas need to be provided for youths of all ages. Provision for young children only is more likely to be misused or vandalised by older children and teenagers who perceive there is nowhere for them to go.

The paths through the site need to be designed to prevent access by mini motorbikes as this has been a problem in the past.

Boundary fences and landscape should allow natural surveillance across the playing areas from public areas, roads and footpaths.

PCSO Powe believes that some form of youth shelter should be considered for use by the teenagers in the area and this should be located adjacent to the kickabout area. If youngsters are seen to be causing problems elsewhere on the development they can be directed to this location reducing the likelihood of asb and this will also help create better relations with the police. Close liaison with the local young people will ensure that the best design is created and a structure erected which will be used, rather than abused by teenagers.

The kickabout area should be fenced and lit until a designated time when the lights automatically turn off. It has been suggested by PCSO Powe that 2100 hours would be a suitable time for the kickabout zone to be locked. Lighting ensures that incidents of bullying,

inappropriate use and vandalism are minimised. The fencing will ensure that local residents and other park users are not affected by stray balls.

Any seating areas should be located where there is good lighting and natural surveillance. This will help prevent anti social behaviour.

#### Planting and Landscaping

Defensive planting is required in several areas to prevent open access to vehicles, rear and side entrances. Vehicles parked in spaces numbered 115-119 are particularly vulnerable due to the number of escape routes a car criminal could take. Planting here should be low and wide, preventing access while maintaining good surveillance.

Effective planting can also create buffer zones between public and private areas ensuring that any noise nuisance created by passing pedestrian traffic is minimised for local residents. In particular those properties requiring a landscaped buffer zone include:

44, 47, 48 and 49; 60-79; 115 and 117 (rear garden area)

Plots 50-55 do not require a buffer zone as the creation of front gardens mentioned earlier, will create semi private areas.

Planting and landscaping should not assist in crime by providing hiding areas or climbing aids. It will be necessary to establish a good maintenance plan to ensure the area does not become overgrown.

#### Car Parking

In-curtilage or car parking at the front of properties is preferable from a crime prevention perspective. Home owners/occupiers will have good surveillance over their vehicle and passing pedestrians will deter car crime.

Car parking at the rear of properties or within parking courts should be well overlooked from the adjacent properties. Access into parking courts should be one way only with exit and entry points being shared. Parking courts should effectively be cul de sacs with no option to drive or walk through the parking areas. A change of surface treatment is recommended to show where the public highway ends and the private parking areas begin. This will discourage casual intrusion and give a greater sense of ownership to the residents.

Some form of boundary will be required between the parking serving properties 66-82 to prevent ease of access to and from the area of public open space. If left open, the area is likely to become a desire line for those wanting to access the green space and kickabout area via the shortest route. This could result in an increase in anti social behaviour and vehicle crime including criminal damage. The area should be made as private as possible. The same principles also apply to spaces 50 and 57, including the visitor spaces, and the spaces between plots 50 and 59.

I have concerns regarding the parking allocation for plots 48 and 49 as the car parking appears to be between plots 50 and 59 and accessed via the landscaped area. There is no path between the two areas so a desire line is likely to be created. Due to the distance between the parking and the properties there is also an issue regarding personal safety especially if the area is heavily planted.

#### Rear Access to Properties

Access to the rear of any property is discouraged. Any rear pathways which provide access from parking courts to rear gardens need to be gated and secured with the relevant residents having access to keys. Front and side gardens which border public space should be fenced to 1.8m.

Plots 116-133 to the north of the development are currently very open with open access around the entire building. There appears to be no private space allocated to individual properties with

all outside space being communal. This area needs to be made more private to prevent casual intrusion, especially to the side of the building between plot 133 and car space numbered 129.

#### Gable Ends

Blank gable ends and windowless elevations should be avoided especially where they are adjacent to areas where the public have access. This type of elevation can attract loitering and graffiti.

Routinely occupied rooms (kitchen or living room) should face onto the public areas to increase natural surveillance and discourage anti social behaviour. The following plots will require windows in elevations facing onto public areas:

1, 8, 20, 21, 28, 33, 38, 44, 47, 50, 55, 56, 60, 69-79, 88, 94, 97, 106, 107, 110, 111, 115 and 116-133.

#### Cycle and Bin Storage

Cycle storage should be within the curtilage of the building to increase security. The theft of bikes and bike parts is on the increase and to help prevent bike crime, storage units must meet the requirements of Secured by Design New Homes 2009.

Bins should be secured within lockable units to prevent arson and reduce the opportunity for fly tipping and inappropriate use.

#### Lighting

Lighting will be required to cover some of the public access areas especially where the front doors are situated away from the main thoroughfare. This will increase personal safety and reduce the fear of crime.

The stepped areas between plots 8 and 21, 28 and 44 will be attractive as a seating area for young people especially of an evening and past experience has shown that this loitering can be particularly problematic for local residents. Provision of good lighting here will ensure that anyone loitering will be seen resulting in the area becoming less attractive for this type of behaviour.

#### Design and Access Statement

It is disappointing to find limited reference to crime and disorder within the Design and Access Statement. Although natural surveillance is mentioned there appears to be little consideration of the impact such a large development for the area may have on crime, safety and the fear of crime. The CABA guidance, Design and Access Statements - How to Write, Read and Use Them, is clear regarding liaison with the police in order to minimise opportunities for crime. It states:

'Statements should demonstrate how a development can create accessible and safe environments, including addressing crime and disorder and fear of crime. These may be particularly relevant to address under layout and landscaping themes. Early consultation with police will help identify key issues in your local area, and measures to help address these'.

Secured By Design also receives a brief mention but is not referred to again and this document also requests that consultation with the police is achieved as early in the planning process as possible.

#### Secured by Design

The development should be built to Secured by Design standards and should aim to achieve full certification. This will ensure that crime prevention measures have been adopted within the new development creating safer, more secure and sustainable environments.

#### **Devon Fire and Rescue Service**

Comments awaited

## **East Devon Primary Health Care Trust**

Comments are awaited.

## **Town council**

Support.

Sidmouth Town Council welcomes the provision of much needed affordable housing for local people.

However, concern was expressed regarding the following:-

- Lack of parking spaces for visitors and service vehicles and Sidmouth Town Council would ask for an increase, also, in the number of parking places and tracks for bicycles.
- The run off of water. A tanked storage system and attenuation pond would ensure that flood risk is not increased.
- Devon and Cornwall Housing Association plan to move the Children's Play Area to the lower end of the new estate. This is considered to be an unsuitable site as it would be too far away for parental supervision and the safety of children from Bakers Close, Howarth Close and Lock Close.
- The Town Council would prefer to see the football/recreation field remain where it is at present and would ask that the District Council consider keeping the present football pitch and hopefully improve it and conserve the nature around it.

(3 letters of comment and 1 petition received)

## **Ward members**

Cllr. G Troman Ward Member commented on 21.10.2009:

"I have no real concerns with this application"

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Jill Elson Portfolio Holder for Communities commented on 21.10.09

As Portfolio Holder for Communities I support this application. It is the last of EDDC's land bank. This will provide much needed 'Affordable Housing' in partnership with Devon and Cornwall Housing Association. This application has had 2 well attended public consultations.

It has been our intention to create a 'community' by working with Devon County Council, Primary Care Trust and the local community to provide a 'Community Hall', Children's Centre and a resource for the Primary care Trust on a part of the land adjacent to this site.

## **REPRESENTATIONS**

9 letters of representation have been received:

### **Summary of reasons for support**

General support expressed for housing development, but qualified by:

## Summary of objections

- Design
- Inclusion of flats and three and four storeys on a sloping site will make the high density of the proposal appear much higher
- Development will appear dominant in the area
- Increased traffic flow
- Parking made worse by kerbside parking
- Flooding - caused by surface water run off
- Existing football pitch area should be retained in situ
- Brick boundaries should be used instead of hedging next to gardens.
- Proposed location for lit kick about area will cause disturbance to residents in High Meadow and Woolbrook Rise
- No access should be allowed to the site from Coombe Hayes / Manstone Mead
- More housing will increase pressure on local schools and medical facilities

## **PLANNING POLICIES**

### Government Guidance

PPS1 – Delivering Sustainable Development  
PPS3 –Housing  
PPS9 – Biodiversity and Geological Conservation  
PPS10 – Planning for Sustainable Waste Management  
PPG13 – Transport  
PPG14 – Development on Unstable Land  
PPG17 – Planning for Open Space, Sport and Recreation  
PPS 23 - Planning and Pollution Control  
PPS25 – Development and Flood Risk

### RSS – The Draft Regional Spatial Strategy for the South West

SD4 – Sustainable Communities  
Development Policy B – Development at Market Towns  
Development Policy D – Infrastructure for Development  
Development Policy E – High Quality Design  
Development Policy G – Sustainable Construction  
H1 – Affordable Housing  
H2 – Housing Densities  
ENV1 – Protecting and Enhancing the Region’s Natural and Historic Environment  
ENV3 – Protected Landscapes  
ENV4 – Nature Conservation  
RE5 – Renewable Energy and New Development  
W4 – Controlling, Re-using and Recycling Waste in Development

### Devon County Structure Plan (2001-2016)

ST1 (Sustainable Development)  
ST4 (Infrastructure Provision)  
ST15 (Area Centres)  
ST18 (Affordable Housing)  
ST18a (Mix and Type of Housing)  
CO3 (Areas of Outstanding Natural Beauty)  
CO9 (Biodiversity and Earth Science Diversity)  
CO10 (Protection of Nature Conservation Sites and Species)  
CO11 (Conserving Energy Resources)

CO13 (Protecting Water Resources and Flood Defence)  
CO14 (Conserving Agricultural Land)  
WM1 (Waste Management)  
TR2 (Co-ordinating Land Use/Travel Planning)  
TR4 (Parking Strategy, Standards and Proposals)  
TR5 (Hierarchy of Modes)  
TR6 (Network Integration)  
TR7 (Walking and Cycling)  
TR9 (Public Transport)

#### East Devon Local Plan (1995-2011)

S2 (Built-up Area Boundaries for Area Centres and Local Centres)  
S4 (Development Within Built-up Area Boundaries)  
S7 (Infrastructure Related to New Development)  
D1 (Design and Local Distinctiveness)  
D2 (Sustainable Construction)  
D3 (Access for Disabled)  
D4 (Landscape Requirements)  
D5 (Trees on Development Sites)  
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)  
EN6 (Wildlife Habitats and Features)  
EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance)  
H1 (Residential Land Provision)  
H2 (Residential Land Allocation)  
H3 (Range and Mix of New Housing Development)  
H4 (Affordable Housing)  
RE3 (Open Space Provision in New Housing Developments)  
TA1 (Accessibility of New Development)  
TA3 (Transport Assessments /Travel Plans)  
TA4 (Footpaths, Bridleways and Cycleways)  
TA7 (Adequacy of Road Network and Site Access)  
TA9 (Parking Provision in New Development)

#### Supplementary Planning Guidance

East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Management Guidelines

### **SITE LOCATION AND DESCRIPTION**

The site is located on the northern edge of Sidmouth between Sidford High Street and Higher Woolbrook. The site is greenfield but lies within the development boundary and is allocated for residential development in the Adopted East Devon Local Plan. The application site slopes down from north to south and is surrounded by existing residential development with open countryside on the opposite side of the A3052 to the north of the site. The site lies within the designated East Devon Area of Outstanding Natural Beauty.

The site area measures 3.59 ha. The land on the site slopes down generally from north to south with a level change of over 30 metres from north to south. There is also variation in levels from west to east but with an overall drop of approximately 10 metres.

The site can effectively be split into two sections. The eastern section runs from Sidford Road (A3052), which forms the northern boundary, to High Meadow at the southern end. The site is largely overgrown with hedgerows (and some mature trees) marking the site boundaries. This section of the site abuts existing residential development to the northeast, south east and south. To the northeast and southeast the adjoining properties are large detached houses set in generous plots with development to the south comprising higher density terraced housing. The

western side of this section of the site is marked by a further hedge line, separating it from the western section of the site and existing residential development to the north side of Howarth Close. Central to the eastern boundary is a further section of allocated residential land that falls outside the site area. There is currently no vehicular access to the site with Howarth Close terminating on the western boundary of this section of the site. There is a pedestrian access off High Meadow at the southern end of the site onto an area of informal open space.

The western section of the site lies to the south of Howarth Close between it and Woolbrook Rise and is surrounded by existing residential development to the north, south and west sides. This section of land is less steeply sloping than the eastern section (with a fall from north to south of approximately 10 metres). In the north western corner of the site, on a relatively level section, is an informal 'kick-about' area. The rest of this section of the site is largely overgrown. The northern boundary is undemarcated and bounds the south side of Howarth Close. The eastern side adjoins the eastern section of the site and the southern and western boundaries are defined by a tree/hedge line. The land beyond the southern boundary falls away more steeply and is banked down to Woolbrook Rise. There is a pedestrian link from Woolbrook Rise to the residential development west of the site (Chambers and Lock Close).

## **PROPOSED DEVELOPMENT**

The application proposes 133 residential units comprising of the following:

<b>Accommodation Type</b>	<b>Affordable (Rented)</b>	<b>Affordable (Shared Ownership)</b>	<b>Open Market</b>	<b>Total</b>
1 bed apartments	10	0	0	10
2 bed apartments	22	0	0	22
2 bed coach house	0	0	7	7
2 bed terrace	10	16	4	30
2 bed semi-detached	0	2	0	2
2 bed bungalow	2	0	0	2
3 bed terrace	8	6	16	30
3 bed semi-detached	4	3	17	24
3 bed detached	2	0	0	2
4 bed semi-detached	4	0	0	4
<b>TOTALS</b>	<b>62</b>	<b>27</b>	<b>44</b>	<b>133</b>

The development also includes: the construction of the associated site access roads and pedestrian/cycle path links (including provision of an access point through to the other section of allocated land to the east of the site); parking provision totalling 200 spaces (averaging 1.5 spaces per unit); public open space provision, landscaping and drainage works.

## **CONSIDERATIONS AND ASSESSMENT**

The principle considerations are:-

- Principle of development, national planning guidance and development plan policies
- Visual impact, layout, site levels, design issues and impact on the designated landscape
- Highway issues
- Impact on local residents
- Impact on trees
- Nature conservation issues
- Provision of on-site open space and landscaping issues

- Land drainage issues
- Services and utilities provisions
- Sustainability issues
- Section 106 issues and contributions

#### Principle of development, national planning guidance and development plan policies

The proposal site is Council owned land. It is a greenfield site allocated for residential development in the Adopted Local Plan as allocation site no. SD03. Policy H2 of the Local Plan sets a target of 66 dwellings for the site with 26 of these units to be affordable. The plan proposed, in line with national planning guidance as set out in Planning Policy Statement 3 (Housing), has significantly increased the number of dwellings proposed to 133 and accordingly the density has increased to approx. 37 dwellings per ha. The proposed density is therefore considered to be in line with the target of 30-50 dwellings per ha as set out in PPS 3. The percentage of affordable dwellings proposed by the applicant has also increased significantly with 89 of the proposed units being either social rented or shared ownership. This represents 67% of the total number of units, an increase from 40% of the target set out in the Local Plan.

Policy H2 also sets out the obligations that should be sought in relation to the development of the land, these include:

- Traffic calming along Stowford Rise
- Contributions towards public transport to reach the site
- A footway/cycleway link between the site and allocated site SD06 (the other allocated site to the immediate east )
- Contributions toward the upgrading of pedestrian facilities in Sidford Church Street

The application is accompanied by a travel plan and transport assessment that have been considered by the highways authority. The highways authority are, subject to certain matters being tied up through a S106 legal agreement, content that the proposal will be satisfactory in terms of pedestrian and vehicular transport links and that where upgrading is required this will be provided for.

Policy H4 (Affordable Housing) of the Local Plan seeks to secure a minimum of 40% of new dwellings as affordable on sites of this scale. The proposal looks to provide well in excess of this at 67%. The affordable housing would be split between social rented (retained and managed by the applicant as registered social landlord) and shared ownership (where the applicant retains ownership of a significant proportion of the dwelling, which is rented to the occupier, and the remaining proportion is owned by the occupier). The ratio split of 70% social rented and 30% shared ownership is considered appropriate.

Policy S7 (Infrastructure Related to New Development) requires that infrastructure requirements that arise as a direct consequence of the development are met in full serving the needs and demands that will be generated by the development. These matters include education infrastructure contributions, open space provision and maintenance and highway works and will be secured through a S106 legal agreement, further details of which are discussed below.

The site lies within the designated East Devon Area of Outstanding Natural Beauty and as such Policy EN1 (Development within Areas of Outstanding Natural Beauty) requires that the preservation and enhancement of the landscape is given significant weight. This matter is discussed in further detail later in the report. However, in policy terms the site is allocated for residential development, falls within the built-up area boundary of Sidmouth and is surrounded by existing residential development to the south, east and west sides.

#### Visual impact, layout, site levels, design issues and impact on the designated landscape

The proposed development has significant visual impact in both long and short range terms.

*Long range:* The site occupies a prominent slope towards the edge of the built-up area of Sidmouth, visible from within the town, from surrounding countryside and from the sea. At present the site appears as a well-treed interlude within housing development. The mature trees currently within and bounding the site are important features in long range views, standing above the roofplanes of the housing surrounding them. The proposed mix of built forms and green spaces would continue generally to provide a significant natural element in the townscape from distant views. Great attention has been paid in assessing the layout to the retention of major tree specimens and groups that contribute to this natural element, and simple amendments to the scheme to safeguard such trees have been sought.

The massing, grain and height of built form on the site is considered to work comfortably with surrounding developments, to maximise the efficiency of land use, to compliment the topography of the land and to respect the historic field boundary systems still evident on the site. In general the grain of development follows the contours of the land.

As a result of its hillside location, the roofscape of the development will be a highly prominent element in the overall appearance of the site in long-range views. The proposed palette of materials submitted with the application does not reach the standard expected for this site, and the applicant has been requested to replace the specified grey concrete tile proposal with a slate (albeit a re-constituted or artificial one) for the whole project. Negotiation on this issue is on-going. For the walls (buildings and boundaries) the proposals comprise mainly rendered finishes, of a variety of pastel colours, with some brick units, and with either brick or reconstituted stone dressings. The submitted proposal for the use of a buff brick has also caused concern – this material has no local precedent and the applicant has been requested to both reduce the proportion of the units on which brick is to be used, and to switch to a red brick, for those still shown in this finish, to improve the overall appearance of the scheme.

*Short range, public interface, outwith the site:* A significant proportion of the site boundary fronts onto public vantage points - either an existing highway or publicly visible open space - and the relationship of the proposed development within its context is, consequently, of great importance. The site will act as a through route for pedestrian and cycle traffic, and as a means of vehicles reaching the land to the east that has also been allocated for housing development in the Local Plan. The design quality of the development has significance beyond its boundaries, therefore. The proposed street frontage on the northern boundary of the western half of the site comprises a formal arrangement of regular and uniform building blocks, presenting onto Howarth Close at a common set back depth behind parking spaces that are interspersed with appropriate tree planting. Although the housing along this frontage would replace low level scrub vegetation and open grass, the appearance of the south side of Howarth Close will include green elements to break up the built forms to a greater degree than is apparent within the existing housing layout on the north side of this road. Each block of four houses presents a two-storey and roof facade onto Howarth Close, with a central plain eaves section terminated by return gables. The slab of each block generally follows the contour of the ground, except for the eastern-most unit, where a ridge stagger is indicated to accommodate the gradient of the land at this point. In all cases the height of the new development is indicated as being generally comparable with the housing development on the north side of Howarth Close, although the distance between the new and existing units varies with the set-back of the existing housing. The proposal is considered to have a positive, outward-looking relationship with the existing public highway.

On the southern boundary of the site, where it meets the banked area of managed tree planting and scrub hedging that separates the site from Woolbrook Rise, the new housing would again face outwards, as the new road alignment is shown around the periphery of the site. This new vehicular cul-de-sac and the pedestrian and cycle paths linked to it would create a public aspect for the north side of the existing landscaped area. However the new buildings to the north of the road, within the site, would not be prominent in views from the south (in Woolbrook Rise itself) even with the significant difference in slab levels between the existing and proposed dwellings. (The slab levels of the new housing facing towards this edge of the site would be somewhere between 5 and 10 metres above the slab level of existing dwellings that are themselves set

below Woolbrook Rise). The amenity significance of the existing vegetation on this edge of the site is acknowledged by its retention and management being included in the landscaping proposals. The view of the site from existing public vantage points along Woolbrook Rise would be essentially of an existing, augmented green buffer, behind which recessive built forms would be evident but not dominant.

To the south of the eastern section of the site High Meadow terminates in a turning and car parking area, set below the level of the grassed, sloping field that currently extends a significant distance northwards into the site, between established hedgerows. The southern part of this section is earmarked to continue its play function as a kick about area, beneath which a new surface water attenuation tank is proposed. Discussions are on-going in relation to the resultant ground level for the grassed area.

The hedgerow that defines the grassed field on its eastern side contains many mature trees, and currently continues to the southern edge of the site, separating the field from an area of rougher scrub land to the east, where back gardens of housing in High Meadow are separated from it by a rear pathway. At present public views into the site from the end of High Meadow are channelled northwards between this mature hedge and the 2-3 metre high fencing and planting along the rear boundaries of property on the eastern side of Woolbrook Rise. The proposed development includes the curtailment of this mature hedge at its southern end, so opening up public views into the south eastern corner of the site, where a new pond is proposed as part of the integrated wildlife, public open space and sustainable urban drainage provisions. To the north of the kick about area and pond, new buildings would create a backdrop of two storey housing and four storey flat development respectively (the flats being set a significant distance further away from the High Meadow parking area, but still possibly visible from it through the retained hedgerow and trees. New tree and shrub planting along the northern edge of the car parking plot would baffle disturbance from the kick-about area to a degree, although the important formalised footpath and cycle link to High Meadow at this point would re-inforce the desired permeability of the site in this direction. Views into the southern part of the site from High Meadow would be changed, therefore, but the existing overall perception of open space bordered mainly by trees and hedgerows would continue.

Although the four storey flats block would be a more massive structure than any other built form in the vicinity, as a result of its distance from other built forms on land bordering this part of the site, it would not appear to dwarf or overpower existing dwellings.

The site also has a public interface on its northern boundary and on the western side of the northern-most section of the site, where it meets the A3052 Sidford High Street and the public open space and equipped play area to the east of Baker Close respectively. On both edges there are established hedgelines, containing mature trees. The development proposals show the retention and augmentation of both these green features, with new housing facing westwards onto the open space assets from across a new footpath link to the east of the hedgerow. This would continue the theme of creating an outward looking housing arrangement, to integrate with neighbouring buildings and spaces, rather than an enclave of new structures with no relationship with its context.

The block of flats along the northern strip of the site would be the only new built form that would face away from a public area and into the site, as the hedgerow (with trees) along the A3052, and the difference in levels between the road and the slab level of the flats, together forms an obvious barrier with, rather than a public frontage onto, the existing road. It is also considered more appropriate for the flats to have their principal orientation to the south, to gain benefit from the better natural lighting and aspect in this direction. Land on the northern side of the High Street is undeveloped, and the outlook of built forms at this terminating point within the site correctly reflects the definition of the settlement edge.

*Short range, private interface, outwith the site:* Where the site borders private property boundaries, as it does along the majority of the eastern boundary, along sections of the western edges and for some parts of the southern boundaries, the layout of the development indicates

respect for the privacy and other amenities of the residents by either placing rear gardens against these common borders, augmenting planting, and/or ensuring adequate space is maintained between potential sources of overlooking and or noise generators (such as transport routes) and the existing development.

*Short range, within the site:* The proposed layout and design of the new buildings is expected to meet the desired objectives of the creation of interesting and welcoming spaces; of attractive architectural composition, and of safe, neighbourly and secure environments in which to live, play and travel, while also achieving good efficiency of land use, the protection of natural and heritage assets, permeability of the site and in all respects a high level of sustainability. The scheme has been subject of pre-application negotiation, and in particular the layout and circulation routes through and within the site have evolved to accommodate and make best use of the constraints (or rather opportunities) that the site's topography, aspect, context and natural resources have presented. A few outstanding issues remain to be addressed on the layout, but amended drawings have been sought and an update will be available to members shortly.

The proposed mass, form and combination of the built elements of the scheme are considered to define vistas and create focal points well throughout the site. For example, the pairing of the bungalows for disabled occupants would form a gateway to the formal tree avenue running northwards through the centre of the western part of the site. The view eastwards along the new peripheral road serving the western section would be terminated by a group of four dwellings comprising a pair of handed three storey houses flanked by a pair of two storey coach houses, all centred on the approach route.

To improve upon the appearance and neighbourliness of parts of the development, the applicant has also been requested to revise some elements in terms of footprint, slab level, orientation or detailing. Such amendments have also been sought to address the comments of the police Architectural Liaison Officer.

In terms of the detailed design of the buildings themselves, current negotiations are expected to secure a satisfactory mix of materials, including the installation of photovoltaic tiles on all units within the development. Repeated architectural details such as balconies (operational and cosmetic), pent roofs and railings have been included in the scheme on a number of the units, to give a "signature" to the development, and although some refinement of the metalwork pattern has been sought, in general this detailing is considered to act as an effective bonding agent for the various building forms on the site.

Details of the boundary treatments for all plots have been submitted, which show generally the use of brick walls for the public facades of private garden area definition, and close boarded fencing between gardens where these boundaries are not in the public domain. Railings area also shown to enclose "defensible space" adjoining the flats and to define front garden areas for some terraced housing. Within and between plots some level changes are indicated as being accommodated with re-inforced grass banks rather than with standard retaining walls.

### Highway issues

One of the main considerations in determining the development is the relationship with the existing highway network and the sustainability of the location, the suitability of the approach road and access to the development site. Additionally parking provision and pedestrian links and road calming features should all be taken into account.

The submitted Transport Assessment has been assessed by the Highway Authority and deemed to be adequate. This document satisfactorily addresses the impact of the development on the wider road network, principally this concerns 'Woolbrook Road', the 'A3052 – Sidford High Street' and Stowford Rise'. Policy TA3 (Transport Assessments/Travel Plans) and PPG13 (paragraph 89) requires proposals of this size and nature to submit a Transport Assessment to aid delivery of sustainable transport objectives via;

- Reductions in car usage and increased use of walking, cycling and public transport;
- Reduced traffic speeds and improved safety particularly for pedestrians and cyclists;
- Environmentally friendly delivery and freight movements, including home delivery services.

Capacity testing for the development has been carried out and is reported in the Transport Assessment submitted. The Highway Authority considers that the existing junctions of Stowford Rise/Link Road, the Link Road/A3052 Sidford High Street and Woolbrook Road/Stowford Rise would perform satisfactorily with the additional traffic that the development would generate. The creation of the new accesses are considered to accord with policy TA7 (Adequacy of Road Network and Site Access) of the Local Plan which seeks to ensure that the applicant is in a position to secure the implementation of any required highway improvements. The Highway Authority anticipates that measures under the Section 38 Agreement Plan will be adequate to ensure suitable highway improvements once an acceptable CAD drawing has been submitted.

The proposed development is considered accessible on foot, by cycle and by public transport. The nearest bus stops to the site are on Stowford Rise to the west of the junction with the link road, and on the A 3052 Sidford High Street to the north of the site. Notwithstanding the existing services the applicant contacted a local bus operator to investigate the potential to divert the existing services to the site. There is no loop route within the site that would allow the diversion of an existing bus route into the new development without recourse to a reversing manoeuvre, so such diversion has not been possible. The residential Travel Plan submitted in support of the application is considered acceptable in principle subject to satisfactory agreement on the matter of public transport and cycle vouchers – which need to be included in a S106 Agreement. Stipulations as to the expected amounts and contributions per dwelling are contained within the Highway consultee comments section of this report.

Pedestrian routes are shown throughout the proposed development to link to existing footpaths, allowing permeability in all directions. Policy TA4 (Footpaths, Bridleways and Cycleways) requires development to provide, improve and extend facilities for pedestrians and cyclist commensurate with the scale of the proposal. In this respect the Transport Assessment demonstrates this can be achieved and that opportunities to join existing networks, where available, have been taken up. Furthermore the proposal follows highway layout advice in accordance with the government document Manual for Streets.

With regards to traffic speeds a combination of road layout and calming measures would reduce traffic to an acceptable speed. The road layout and features have progressed through a number of pre-application discussions with the applicant and Highway Authority to produce a generally acceptable route. It is acknowledged that these principles may sometimes be at variance to the design principles for secure design comments from the Police Liaison Officer. It is expected that travel speeds would have a 20 mph restriction throughout the development from the point to the east of Chamber Close's junction with Stowford Rise. The assessment of anticipated vehicle speeds has taken into account the resulting gradient of the development. Local road safety records for the surrounding highway network do not reach the threshold for assessment under the Transport Assessment. The proposed development is not considered to have a material effect on traffic through junctions where previous accidents have occurred.

Policy TA9 (Parking Provision in New Development) of the Local Plan identifies maximum car and cycle parking standards per unit. In the case of this development 195 car spaces have been provided which, based on Policy TA9, is considered acceptable. With specific regard to cycle parking for the proposed development this would be provided on the plot for the houses, and one space per two dwellings for the apartments. In the case of the apartments interior cycle 'lock up' areas have been sought within communal areas.

#### Impact on local residents

There is a need to ensure that residents and businesses are protected from environmental disturbance, i.e. noise, vibration, dust and smoke, during the construction of the development. It is acknowledged as with any large development there will be disturbance, however, this will need to be kept to an acceptable level and controlled by condition. Noise and environmental nuisance can also be controlled through the Control of Pollution Act 1974 and the Environmental Protection Act 1990.

#### Protection of the Public and Buildings

The contractor should ensure that measures are taken to:

- Protect residents, users of buildings close by and passers by from nuisance or harm and
- Protect buildings from physical damage caused by vibration

#### Hours of Work

Where residential occupiers are likely to be affected by noise, the hours of noisy works shall be restricted by condition.

#### Variation of hours of normal working hours

It is recognised that there may be circumstances where the restriction on hours of work cannot be adhered to. In these circumstances the contractor will be required to justify fully any proposed deviation by submitting written justification to the Local Planning Authority before works start outside normal hours. Should such works outside normal hours be considered acceptable the Local Planning Authority will confirm agreed variations in writing to the contractor.

Conditions are recommended to address these matters.

#### Impact on trees

The application is supported by a full tree survey and the layout has evolved to take account of and seek to maintain wherever possible mature trees on the site. The Council's Arboricultural Officer and Landscape Architect have been involved since the early stages of discussion and as a result the proposed layout looks to retain and utilise key elements of the existing field boundaries and mature trees to enhance the overall layout, rather than see these as a constraint to development. Whilst there are some trees within the centre part of the site these are generally immature and of limited amenity value, the most significant specimens are within the existing field boundaries that run around the perimeter of the site and also the field boundary that runs between the western and eastern sections of the site. This field boundary is largely maintained as part of the open space provision for the site with only a minimal number of break-through points and all of the higher category trees being retained.

The Council's Landscape Architect is largely content with the scheme, subject to the management of the landscaping and public open space being satisfactorily secured in the long term. A number of issues have been raised by the Arboricultural Officer, and it is expected that these will be resolved through the submission of amended plans. Members will be verbally updated on these points at committee.

#### Nature conservation issues

The orientation and topography of the site as south facing sloping land and its current unmanaged state means the site has the potential to provide habitat for a number of different protected species. The proposals for a more natural form of open space including the retention of existing hedgerows and mature trees will assist in maintaining the current value of the site as a wildlife resource, and introduction of the attenuation pond in the southeast corner of the site will assist in increasing the biodiversity potential of the area.

An extended phase 1 ecological assessment has been submitted, together with a badger assessment, bat emergence and activity surveys, a breeding bird assessment, a dormouse assessment, a hedgerow assessment, a reptile assessment and a reptile mitigation strategy.

### *Badgers*

The survey findings have identified the presence of seven badger setts on site or adjoining the site which could cause a constraint to development. Six of the setts are considered to be active and a further three 'day nests' identified. There are further setts off-site but at distances that would not constrain development. Four of the on-site setts are found in the south-east corner of the site with a further sett on the eastern boundary and two within the existing hedgerow separating the eastern section of the site from the adjoining residential development in Howarth Close.

The surveys carried out so far have identified the need for further survey work to determine whether the setts form part of a social group associated with a main badger sett off-site in Core Hill Woods (at present it is considered that one of the setts in the southeast corner of the site is a main sett with strong links to other outlying setts on and off-site). These additional surveys would need to be carried out in the February to May season and would help to identify the extent of any disturbance works to be carried out in the 'open' summer. The proposed phasing of development, with the eastern section of the site as phase 2, would allow for this further survey work to be undertaken and any mitigation measures put in place prior to commencement of phase 2. At present the proposals look to retain the badger presence on site by relocating the main badger site to the far southeast corner of the site in the area to the south of the attenuation pond.

### *Bats*

Dusk and dawn surveys were carried out this summer on site to establish the presence of bats roosting on or using the site. The survey findings identified up to 6 species using the site or passing over the site. No bat roosts were identified. The conclusions of the report are that it is not considered that the bat population would be significantly affected by the proposals, due to the existing urban nature of the surrounding area and the presence of alternative foraging areas on the other side of the road to the north of the A3052. However, it is recommended that lighting of the site and in particular that of the 'green' corridors should be kept to a minimum and where possible be low level bollard lighting.

### *Breeding Birds*

Survey findings identified a number of bird species using the site but no specified protected species, although all birds are protected during the nesting season by virtue of the provisions of the Wildlife and Countryside Act 1981. No specific mitigation measures have been proposed but the retention of existing hedgerows and the avoidance of works to the vegetation during the breeding season are suggested.

### *Dormice*

The submitted dormouse assessment has now been updated to note that the survey work (that has been on-going since the summer) has very recently found a single dormouse nest on the site. This has the effect that agreement from Natural England is required for vegetation and clearance works, and for on-site mitigation measures to be put in place. In particular, the amount of scrub grassland within the site will need to be increased, and proposals for landscaping are under consideration to accommodate this.

### *Hedgerows*

Although the existing hedgerows are maintained where possible the development does propose the removal of some and the breaching of others, most significantly to accommodate the access road between the western and eastern sections. It is only this section of hedgerow which has been classified as 'important' under the Hedgerow Regulations. However, this is considered necessary to provide access to the eastern section of the development site and would be mitigated through additional compensatory planting.

### *Reptiles*

The location, groundcover and orientation of the site in its undeveloped state is considered suitable to accommodate a number of reptile species and therefore surveys were undertaken

beginning in August of this year. The survey findings showed that the site provides a breeding ground for both slow-worms and viviparous lizards both of which were found on site and are protected under the Wildlife and Countryside Act 1981. The mitigation proposals include the capture and relocation of existing reptiles from the western section of the site (phase 1) to a similar habitat on the northern part of the eastern section of the site during the development of phase 1. It is understood that this relocation work has already taken place. Subsequent phases of development would then look to relocate the reptiles to adjoining land subject to landowner/Natural England agreement.

### *Ecological Impact Assessment*

To address the outstanding issues concerning on-going badger assessment, the necessary mitigation for dormouse habitat and a strategy for identifying the reptile translocation receptor area, it has been agreed to draw together an Ecological Impact Assessment (EclA) document for the development site, that will set out the constraints posed by different species groups on site, and how these will be mitigated within the proposed development plan and during the phasing of development. The requirement for licences, their lead in times and the overall effects on project timescales will be addressed. This EclA document will be available by the time the Committee meets, and an update will be presented at the meeting.

### Archaeology

During the month of August AC Archaeology carried out an archaeological trench evaluation at the site to inform the application. The aim of the evaluation was to establish the presence or absence, extent, depth, character and date of any archaeological features, deposits or finds within the site.

The site occupies an area of approximately 3.5 hectares and comprises five fields of largely overgrown land to the south of Sidford High Street. The alignment of the A3052 is thought to represent the Roman coastal road between Charmouth and Exeter, The area also contains a number of previously recorded archaeological sites and monuments dating from the prehistoric period. An earlier geophysical survey by magnetometry identified a small number of anomalies which indicated the possible presence of buried archaeological remains on the site.

As detailed in the archaeological survey, submitted as part of this application, the evaluation comprised the machine-excavation of nine trenches, each 1.9m wide and totalling 205m in length, with these positioned to investigate the anomalies identified during the geophysical survey. In some of the trenches largely negative results were recorded, but towards the southern end of the site deposits relating to a small and well-preserved late Bronze Age to early Iron Age settlement were present. Archaeological features and deposits associated with this comprised pits, postholes, stakeholes and linear ditches/gullies. Pottery, worked flint and daub was recovered, while an assessment of the environmental remains indicated the good survival of charcoal, charred grain and burnt bone. The evaluation identified a previously unknown early Iron Age settlement within the area affected by the proposed development.

The full detail of archaeological features and deposits present in each trench are set out in section 5 of the submitted archaeological report.

With regard to the Iron Age settlement identified, Devon County Archaeology consider that further archaeological evidence of prehistoric activity in the area may survive across the rest of the application area outside those areas subject to intrusive investigative excavations. The County Archaeologist considers that the development of this site will result in the destruction of these archaeological deposits and for this reason advises that the applicants should implement a programme of archaeological work in accordance with a written scheme of investigation to be approved by the Local Planning Authority.

With the agreement of the Council as current landowner, further trench excavations are planned to be carried out shortly, to give a greater level of information to the Development Management

Committee in their consideration of the proposals. Members will be updated verbally as work on this aspect progresses. The suggested condition relating to the

### Provision of on-site open space and landscaping issues

This proposal looks to provide open space for the development in a more informal manner than is normally the case in the development of residential estates. Rather than setting aside specific areas for formal play the proposal is to utilise and enhance the natural features of the site in a more organic and low-key manner. This approach would have the benefit of providing a natural, less sterile ambience to the areas of open space and increase the opportunities to encourage biodiversity.

The existing field boundary that divides the western and eastern section of the site would form the basis of a green route through the site from north to south. The existing planting would be supplemented through additional planting and in the southern half of the site a small attenuation pond would be linked by an open watercourse to the larger attenuation pond in the southeast corner of the site. This watercourse would provide interest and an opportunity to increase biodiversity as well as helping to meet the functional requirement of dealing with surface water drainage. The sketch proposals for the provision of public open space indicate a number of opportunities for informal play through the provision of timber bridges, stepping stones, tyre swings etc. that would enable children to interact through their play with the natural environment.

At the southern end of the site as well as the attenuation pond which would provide a permanently wet area and wildlife haven an informal 'kick-about' area is proposed. This would replace an existing informal 'kick-about' area located to the south side of Howarth Close. It is recognised that there is concern amongst local residents relating to the loss of this valued (but unofficial) local amenity and the Town Council has also suggested that this be retained in its current location. However, it is considered that to retain the existing 'kick-about' area would invariably have a knock on effect in terms of dwelling numbers and therefore the number of affordable units that could be provided. There is a requirement (in drainage terms) for an underground attenuation tank on the lower land at the southern end of the site and this could not be built over for housing. It therefore seems sensible to take the opportunity to utilise the level area created as the 'kick-about' area and where there is at present an area of green open space. There would be direct pedestrian links down to this area from Howarth Close and an element of public supervision through windows (in existing and proposed dwellings) overlooking this area is afforded.

To the immediate north of the attenuation pond a further informal open area is proposed with the raised land to the south of the apartment blocks tiered to provide an informal seating area. Elsewhere in the western section of the site a more formal area of planting referred to in the Design and Access statement as 'The Garden' and which would provide a pedestrian avenue from north to south across this section of the site. This would provide an area of more formal tree planting and hard surfacing areas and is envisaged as a semi-private neighbourhood space.

The management of the open space would be either through a landscape management company set up and run by the applicants or through the ownership of the public open space reverting back to the Council and this being managed by the Countryside Team in association with the local community and the housing association. This scenario would enable the countryside team to manage the open space in a more natural way, appropriate for the type of open space proposed, but also to encourage community involvement and utilise the site as a valuable educational resource. If the Countryside Team were to take on this management role the S106 legal agreement would need to provide for adequate maintenance/liability costs to ensure that the costs involved in the management and maintenance of the public open space is not borne by the Council in the short, medium or long term. This matter is currently under discussion with the financial figures for management and maintenance being sought. It is hoped that a verbal update on this aspect can be provided at committee.

## Land drainage issues

Phase 1 of the development (i.e. the western area of the site) shall have two surface water sewers which feed into the attenuation tank situated under the proposed playing field surface. The purpose of this tank is to contain and restrict the flow of discharge leaving the development site to an acceptable rate which would not overload the surrounding sewers. Phase 2 of the development (i.e. the eastern area of the site) features a ditch/swale and a surface water sewer to an attenuation pond in the south corner of the development site. This will serve the same purpose as the attenuation tank beneath the playing fields and restrict the rate of the outflow whilst also contributing a water feature in the open space. This approach is considered sufficient to cope with the land drainage on the site.

With regard to foul water drainage the site will be connected to the existing public foul sewer in Manstone Avenue. South West Water Ltd has confirmed that there is sufficient capacity in their network to cope with the development.

As mitigation measures for both types of water drainage have been found to be acceptable the applicant has demonstrated that surface water run-off implication has been fully considered. Furthermore the Environment Agency has not raised an objection to the proposal on this basis.

## Services and utilities provisions

This section addresses the known infrastructure issues and constraints which may influence the development at the Land at Howarth Close. Utility infrastructure will play an important part in the future of the area.

### Existing Utility Provision

#### Western Power

There is a 33,000 Volt electricity cable that runs all the way up the eastern side of the site. As shown on the current layout plan, plot 89 sits directly over the top of the cable. It is not considered acceptable to construct a property or allow the cable to run through the garden of the property and in this instance the cable will need to be diverted. Western Power has advised that the 33kV cable will only be able to be diverted in the summer months as they would not consider an outage in the winter. Also all Easements need to be in place for all affected equipment before any cabling work would be undertaken.

#### Electricity Sub Station

There is no existing electricity substation on the site. Western Power have advised that the current provision is not adequate to support the proposed 133 houses on the site and that an electricity substation will need to be provided.

The developers have positioned an electricity substation on the site between plots 48 and 59. To date no elevation plan or ground works details to service the substation have been provided. There is a large tree next to the proposed substation and detail of ground works and underground cabling to service the substation will be necessary to assess the impact on the root protection area of the tree. Full plan details are required in the interests of the character and appearance of the street scene and in the interests of the important trees on the site. This detail is recommended by a condition.

#### Water

Based on information received from South West Water there are no strategic issues relating to the supply of water. Developers may be required to fund local improvements required to serve new developments.

There are no objections from South West Water. Adequate water supplies can be made available and both foul and surface water sewerage services can be provided subject to agreeing

suitable points of connection with South West Water. For further detail please see section on land drainage issues cited above.

#### Foul Water

Based on information received from South West Water, there are anticipated to be no strategic capacity constraints. Adequate provision can be made for foul water sewerage services subject to agreeing suitable points of connection with South West Water.

#### Gas - Wales and West

There is existing capacity surrounding the site. Wales and West have not raised any concerns. There are no mains gas pipes running through the site.

#### Medical care

No comments have been received from the PCT relating to the potential impact of the housing development on the provision of health care facilities, no any request for assistance towards additional service provision.

#### Sustainability issues

It is an aspiration of the Council to secure as high a Code for Sustainable Homes Level as possible for all new housing built in the district, and in dealing with applications for planning permission the Council should seek to encourage developers to consider incorporating features and designs to maximise the sustainability of a development. At a governmental level PPS 1 (Planning Policy Statement 1 – Delivering Sustainable Development) states sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

Policy CO11 (Conserving energy resources) of the Devon Structure Plan states that direct and indirect energy consumption of new development should be minimized by requiring the incorporation of energy saving features into its design and layout. This is reflected at a local level through Policy D2 (Sustainable Construction) of the Local Plan which encourages developers to consider ways and means in which sustainable construction and energy conservation measures can be incorporated into a development. Policy D2 does not refer specifically to any Level of the Code for Sustainable Homes, as it pre-dates the most recent calibration of sustainability indicators.

Due to the funding mechanisms in place for the DCHA (Devon & Cornwall Housing Association), all affordable housing units will be required to reach a minimum Level 3 of the Code for Sustainable Homes. In this instance the applicant has accepted that Code Level 3 will be applicable to all of the properties, regardless of tenure. A mixed development of affordable and market housing is considered most successful when there is parity in design and appearance, as well as in layout. Essentially, developments comprising a mix of market and affordable housing should seek to ensure that there are no external visual differences as a result of ownership. The means of achieving Code Level 3 is proposed through a combination of elements including sustainable construction materials, micro-renewable energy production (in this instance photovoltaic panels on all units is proposed), water use and dispersion efficiency, composting bins and waste recycling measures.

Code Level 3 is considered acceptable for the properties contained within the site and therefore the proposal is considered to accord guidance within PPS1, and with policies CO11 and D2 of the development plan.

#### Section 106 issues and contributions

Negotiations have been opened to secure appropriate obligations and financial contributions towards the provision of necessary infrastructure to serve the site, including education contributions, public transport and cycle purchase assistance vouchers for each of the dwelling

units, public open space provision and maintenance, landscape management and the provision of a proportion of affordable housing, in perpetuity.

As an incentive to the provision of affordable housing on the site, it is considered that contributions towards education provision will not be requested for the social rented or shared equity units. The contribution that will be sought will reflect the proportion of market housing (roughly one third) within the 123 2-4 bedroom units.

## **CONCLUSIONS**

Although there are clearly a number of issues to be resolved to render the proposal acceptable, including those matters to be secured within a legal agreement to govern the development, the proposal is considered to be acceptable in principle. The proposed development would make a significant contribution towards the Council's stated objective of providing additional affordable homes in the District.

## **RECOMMENDATION**

It is recommended that authority to **APPROVE** the application, subject to a legal agreement and to the suggested conditions set out below, be delegated to the Head of Planning and Countryside, following the conclusion of further negotiations to secure necessary amendments to the proposals and the completion of an appropriate legal agreement to govern the development.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with Section 91 of the Town and Country Planning Act as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. 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 Local Planning Authority.

The programme of archaeological work required shall take the form of a staged programme of investigations, comprising:

- The excavation of additional evaluative trenches to determine the scope and nature of any surviving archaeological deposits across the whole application area, which shall be undertaken prior to the commencement of any construction work on the site.
- The excavation of additional evaluative trenches to define the limit and nature of the *known* prehistoric settlement identified by the works undertaken in support of the planning application, which shall be undertaken prior to the commencement of any construction work on the site.
- Based on the results of the above the impact of the development will be understood and the scope of further archaeological works to be undertaken in mitigation for this impact can be determined and implemented and timetabled into the construction timetable. Further archaeological mitigation may take the form of area excavation, archaeological control of topsoil stripping in defined areas or the monitoring of groundworks associated with the construction of the proposed development, or a combination of the above.

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)

3. Notwithstanding the submitted details, no development shall be commenced until a detailed landscaping scheme and 20 year landscape management plan, including a mechanism for the delivery and maintenance of the landscaping, and incorporating appropriate species, locations and densities of new planting to accord with the requirements of the wildlife mitigation strategies set out in the Ecological Impact Assessment, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full specification details of, and where so required by the Local Planning Authority, samples of the following elements:
  - All areas of hard surfacing
  - All fences, walls, railings and other means of enclosure to public spaces (other than those indicated on drawing no. 104 rev. A ,116-1 and 116-2)
  - All items of informal/formal play equipment
  - All structural landscape elements including bridges, walkways, seating
  - Detailed section drawings of the terraced, grassed seating area to the southeast of apartment block A.

The development shall be carried out in accordance with the scheme and management plan as approved.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)

4. 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 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 National Joint Utilities Group (NJUG) Publication Number 10 1995.
- (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 as part of this approval or separately 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.)

5. The proposed estate road, cycleways, footways, footpaths, verges, junctions (including traffic calming where appropriate), street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as

appropriate, the design, layout, levels, gradients, widths, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason - To ensure that adequate information is available for the proper consideration of the detailed proposals)

6. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

(Reason - To ensure the proper development of the site)

7. No part of the development hereby approved shall be commenced until:
  - The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway, and
  - A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents)

8. 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:
  - The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - The cul-de-sac visibility splays have been laid out to their final level;
  - The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
    - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site)

9. Prior to the commencement of the development the applicant shall:

(a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the 'Travel Plan' document submitted in support of the application.

(b) The applicant shall then implement the approved travel plan prior to first occupation and for each subsequent occupation of the development, thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

(Reason - To promote the adoption of sustainable transportation behaviour by residents and users of the site, in accordance with national and local planning policy and guidance as set out in PPS 1 - Delivering Sustainable Development and PPG 13 - Transport, policies ST1, ST4, TR2, TR5 and TR7 of the Devon Structure Plan 2001 - 2016 and policies D1, TA1 and TA3 of the East Devon Local Plan 1995 - 2011.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Classes A, B, C, D, E or F for the enlargement, improvement or other alterations to the dwellings hereby permitted, or for the erection or alteration of structures or hard surfaced areas within the curtilages of the dwellings hereby permitted, shall be undertaken.

(Reason - The private amenity space attributable to the dwellings throughout the development would not permit such additions or alterations without detriment to the character, appearance and sustainable performance of the area or to the amenities of adjoining occupiers, and in accordance with criteria set out in policies S4, D1 and D2 of the East Devon Local Plan 1995 – 2011).

11. No development shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs and boundary enclosures of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance only with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with national and local planning policy and guidance as set out in PPS 1, policies CO6 of the Devon Structure Plan 2001 - 2016 and S4 and D1 of the East Devon Local Plan 1995 - 2011).

12. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999:- Sound Insulation and Noise Reduction for Builders/Code of Practice shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

13. During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

14. No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

15. No waste or other materials shall be burnt upon the land within the application site.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

16. No development shall be commenced on the site until an Ecological Impact Assessment (detailing all investigative work, analyses of findings and proposals for mitigation of impact on the wildlife resource of the site, together with a timetable for obtaining all necessary Licences within the overall phased scheduling of the construction project) has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include:

- the scope and findings of additional survey work relating to badger activity on the site, together with measures to secure adequate provision for sett location and foraging areas within or outside the site;
- a mitigation strategy to address loss of habitat for dormice within the site, and
- details of the provision of appropriate receptor locations for the translocation of the reptile population on the site.

The mitigation proposals shall be completed in full unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To secure adequate protection and mitigation measures to safeguard and encourage the bio-diversity resource of the site, in accordance with national and local planning policy and guidance as set out in PPS1, PPS3, PPS9, policies ST1, CO9 and CO10 of the Devon Structure Plan 2001 – 2016 and policies S4, D1 and EN6 of the East Devon Local Plan 1995 -2011).

#### List of Background Papers

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