

**Ward** Woodbury And Lymestone

**Reference** 11/1293/MOUT

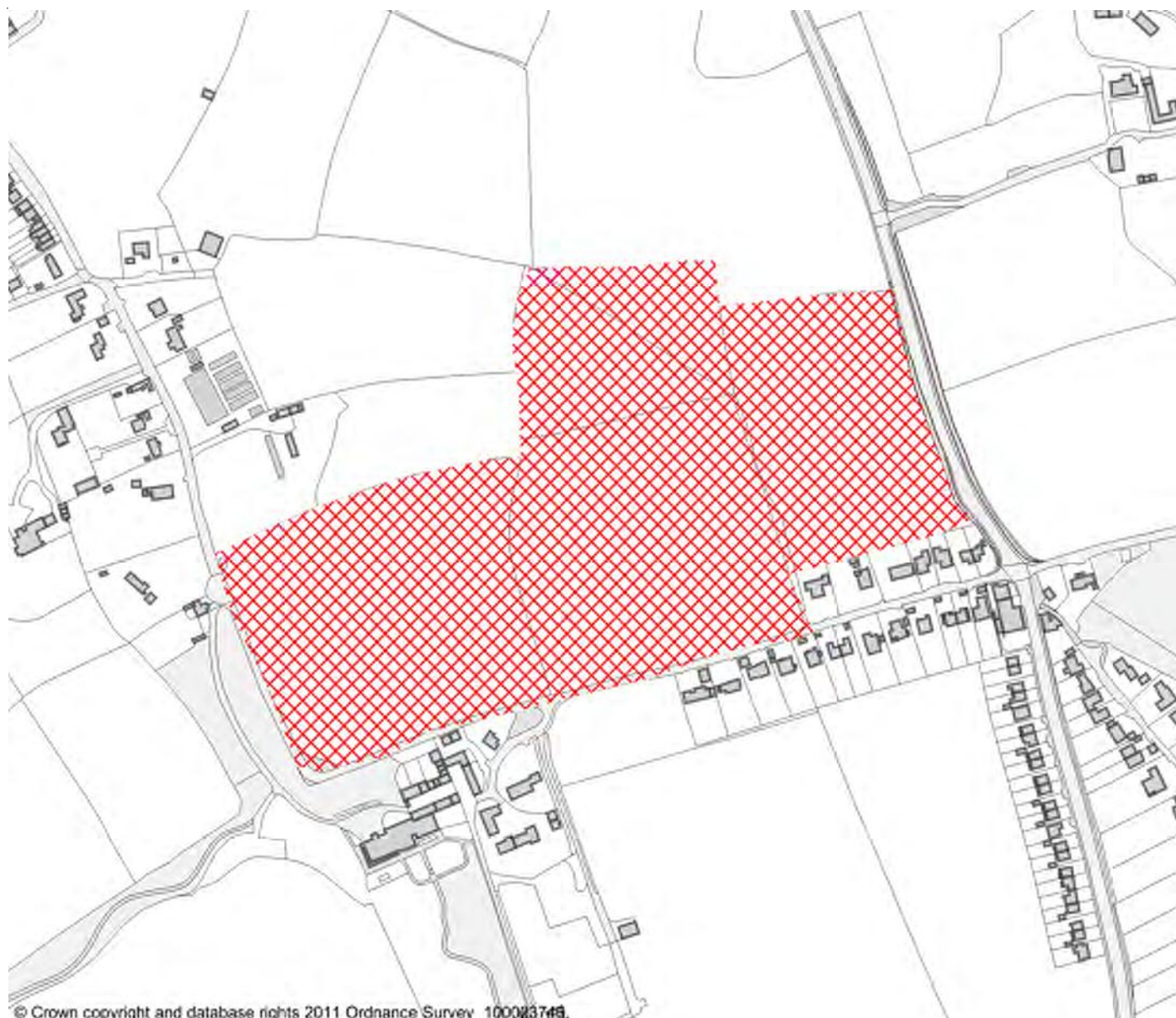
**Applicant** Strategic Land Partnerships

**Location** Land Nw Of Courtlands Cross Courtlands Lane Exmouth

**Proposal** Outline application including access arrangements and layout for mixed use development comprising residential development of 154 dwellings, business units, doctors surgery, shop/cafe, creche/nursery, community facilities together with associated open space and infrastructure



**RECOMMENDATION:** Refusal



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		<b>Committee Date: 15.11.2011</b>
<b>Woodbury And Lympstone (LYMPSTONE)</b>	<b>11/1293/MOUT</b>	<b>Target Date: 08.09.2011</b>
<b>Applicant:</b>	<b>Strategic Land Partnerships</b>	
<b>Location:</b>	<b>Land NW Of Courtlands Cross Courtlands Lane</b>	
<b>Proposal:</b>	<b>Outline application including access arrangements and layout for mixed use development comprising residential development of 154 dwellings, business units, doctors surgery, shop/cafe, crèche/nursery, community facilities together with associated open space and infrastructure</b>	

**RECOMMENDATION:** An appeal against non-determination has been submitted for this application. This report sets out to recommend how the Local Planning Authority would have resolved to decide this application.

It is recommended that Members resolve that the application would have been refused.

### **EXECUTIVE SUMMARY**

This departure application follows the previous refusal of application 10/0694/MOUT and is considered to be inappropriate development in a location contrary to restrictive local plan policy and government guidance. This inappropriate development in the open countryside is likely to lead to a considerable impact on the open landscape of the area, leading to settlement coalescence such as to cause a significant visual intrusion in the area to the detriment of not only the individual identity of the village of Lympstone but also the open character of the Area of Great Landscape Value. In this way the proposal also fails to meet the aims and objectives of Lympstone Parish Plan. It is considered that the vehicular traffic generated from the proposed development would continue to lead to an unacceptable increase in vehicular usage of both Courtlands Lane and Summer Lane which are both narrow with poor alignment and limited forward visibility at respective junctions. In addition these are both narrow lanes with little or no footpath therefore the potential for conflict between vehicles, pedestrians and cyclists is high and the additional traffic likely to endanger highway safety for all road users. As a departure application it is clear that the proposal falls outside Local Plan Policy therefore the Local Planning Authority must determine if the proposal as submitted presents sufficient justification to allow the scheme over and above this principle objection. It is felt that in this case the Local Plan policy principle objection must prevail and the application is recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Woodbury & Lympstone - B Ingham

I request this application is referred to the Development Management Committee. I believe EDDC must give this our full consideration in order to ensure we make a complete review prior to making the correct decision.

Further comments received 28.06.11

I request this application is presented to the DM Committee for decision, when ample/every opportunity has been given for the public to comment.

“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.”

#### Parish Council

Original plans:

We, the Lympstone Parish Council, refer to the above planning application which has been referred to us as Consultees.

The Application was presented to a Village Meeting on 27th June 2011, which was attended by over 140 people, including some from Exmouth. The application was fully discussed and this objection was unanimously supported. The Application was then considered formally at our Parish Council meeting on Monday 4th July. The Parish Council having considered the application do not support the plan and unanimously recommended REFUSAL by the Planning Committee of EDDC. We cite the following reasons: -

1. There is no fundamental difference between this application and that submitted in March 2010 and consequently our previous detailed objections still stand and we wish those to be considered with this application. The removal of the Care Home is of no significance.
2. The road change to Courtlands Lane as proposed will merely increase the traffic along this restricted route as the shortest way to Lympstone Village and Lympstone Primary School thus making this dangerous route even more so. This was a core objection to the last proposal when only pedestrian and cycle access was proposed.
3. Additionally the Council believe that the Traffic Assessment used within the plan contains some key errors of information and a series of dubious presumptions and assumptions within the modelling.
4. The application in no way answers the EDDC reasons 1 & 2 for refusal in 2010 since it still clearly breaches EDDC Policy. These cover "Building in Open Countryside" and "Green Wedge". Both these objections are in line with the adopted Village Plan.

5. The LDF Preferred Approach supports the retention of the Green Wedge (Appendix 1) and does not support this development.
6. Intended Government legislation such as DEFRA White Paper "The Natural Choice: Securing the Value of Nature", would indicate support for the Green Wedge to be preserved. Under The Localism Bill and Neighbourhood Plans the Parish Council, by authority within the Parish Plan, would seek to formally secure these rights when permitted.
7. Despite the claims of SLP there has been no Community Involvement in this latest application. Whilst they have been in contact with Exmouth they have not offered any consultation with Lympstone. The whole reason d'être for this application centres on Exmouth and not Lympstone.

Amended plans:

The Parish Council have previously passed comment on this development. This amendment to the traffic scheme in Courtlands Lane has no significant bearing on our comments and accordingly we stand by our original objections to this development.

### Exmouth Town Council (Adjoining Parish)

Original Plans:

OBJECTION on the following grounds:-

- The green wedge should be conserved as it adjoins National Trust land and to retain the boundary between Exmouth and Lympstone.
- Change in road access and layout would impact on Exmouth.
- Increased flood risk and sewerage overload.
- Would open up future possibilities to "swallow up" other green wedge village boundaries in the area.

Amended plans:

NO OBJECTION to amended plans but original OBJECTION to continue as follows:

- The green wedge should be conserved as it adjoins National Trust land and to retain the boundary between Exmouth and Lympstone.
- Change in road access and layout would impact on Exmouth.
- Increased flood risk and sewerage overload.
- Would open up future possibilities to "swallow up" other green wedge village boundaries in the area.

### **Technical Consultations**

#### County Highway Authority

The planning application is an outline planning application with „means of access' to be considered in detail at this stage. In this instance, following discussions with the planning authority, it is understood that the means of access solely means the access to the site from A376 Exmouth Road. All other highways related matters are therefore reserved. The highway authority's response is therefore made on that basis.

The planning application is supported by a full Transport Assessment (TA) prepared by Peter Brett Associates (PBA). This is usual and expected for an application of this size. The general highway characteristics of the area are described well in the TA so the highway authority will not duplicate the description in this response.

Prior to the submission of this planning application there had been a previous similar application on the same site with a slightly different mix of proposed development (reference ED/0694/2010). The highway authority recommended that the previous application should be refused for three reasons, two of which were related to the location of the site from a sustainability point of view.

Officers from the highway authority have had discussions with PBA prior to both applications about the content of the TA and the detailed design of the proposed junction to the A376, which complies with current design criteria for this type of junction serving the level of development proposed.

The highway authority is now satisfied that the location of the development, although marginal, on balance does not warrant reasons for refusal on sustainability grounds, although the TA acknowledges that residents in Exmouth are largely attracted to Exeter for employment. The bus service to Exeter is good and there are acceptable cycle and train links in that direction via Lypstone.

The TA prepared by PBA explores the option of signalling the Courtlands Cross junction and making Summer Lane one-way eastbound (away from Courtlands Cross); this was an idea that the highway were considering at the time of the pre-application discussions. This is no longer an option that the highway authority would wish to pursue. Although this idea was discussed for consideration it was most certainly not agreed as referred to in the last sentence of Para 4.3.8 of the TA.

The highway authority does not object to the principle of closing Courtlands Lane to vehicular traffic at the eastern end and redirecting Courtlands Lane traffic through the site. In fact, the highway authority would prefer the link to be even further along Courtlands Lane to the western site boundary so that the highway safety benefit to Courtlands Lane is optimised. This would need to be the subject of a separate road closure procedure using whatever legislation was considered appropriate.

With respect to the proposed Dinan Way extension junction with A376, the highway authority have no approved plans which identify the precise location of the proposed junction onto A376, therefore the highway authority are not able to assess the impact that the proposed junction will have on the Dinan Way extension. On the basis of available evidence the proposed junction to serve the application site will not compromise or conflict with the proposed Dinan Way extension.

Although there is no issue with the capacity of the proposed new junction to deal with the traffic that will be generated by the development, the highway authority still have serious concerns about the potential increase in traffic using Summer Lane and Courtlands Lane. Summer Lane is a narrow single track road with very few purpose built passing bays that runs eastwards from Courtlands Cross to Hulham Road. Courtlands Lane runs through to Lypstone village and the station. Courtlands Lane is also an important link for cycles from the A376 Exmouth Road to the Exe Estuary

Route and the site is traversed by the East Devon Way which is an identified long distance footpath. As the internal layout is not to be considered in detail at this stage, the accommodation of the footpath within the design of the internal layout is not a matter for consideration now, but it should certainly be designed to comply with the guidance contained in Manual for Streets.

Further comments on additional and revised submissions 12 August 2011

The revised plans and letters arrived with the planning authority at about the same time representatives from the highway authority met with the applicant's consultant engineer's to discuss the proposals. Unfortunately, the revised plans are even less acceptable to the highway authority as they change the arrangements for where the internal road layout of the site meets Courtlands Lane. This detail, as shown on the previously submitted plan, had previously been discussed and agreed with the highway authority as the most appropriate solution should planning permission be granted. The revised proposals are even more likely to increase vehicle movements into Courtlands Lane, possibly through the Courtlands Cross junction.

The proposed traffic light control of Courtlands Cross, which was the subject of previous discussions with the highway authority and is referred to in previous comments, is no longer an aspiration of the highway authority. This situation unfortunately changed and evolved following initial discussions between the applicant and the highway authority's representatives. The highway authority is currently considering the possibility of a toucan crossing being provided to the south of Courtlands Cross to facilitate cycle crossing from Courtlands Lane to Summer Lane as an alternative solution.

The vehicular traffic generated from the proposed development will, in the opinion of the highway authority, lead to an unacceptable increase in vehicular usage of these narrow lanes and it is therefore recommended that the application is therefore refused on that basis.

If the planning committee are minded to approve planning permission for the proposed development, the highway authority would reserve the right to make further recommendations with respect to appropriate conditions and financial contributions to appropriate highways works following a further consultation from the planning authority.

Recommendation:

**THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:-**

1. The proposed development would be likely to result in a material increase in the volume and a material change in character of traffic using Summer Lane and Courtlands Lane, which are both narrow lanes without adequate footways or passing facilities with consequent risk of additional danger to all users of the road and interference with the free flow of traffic contrary to Policy TR10 of the Devon County Structure Plan and TA7 of the adopted East Devon District Local Plan

## Highways Agency Exeter

The Supporting Transport Statement identifies an impact at M5 junction 30 but, as a range of sustainable transport modes are accessible from the proposed site, we believe these impacts can be satisfactorily mitigated by the implementation of a robust travel plan. I am therefore enclosing a TR10 form directing planning conditions should be applied should permission be granted.

However, the Agency would re-iterate to the local planning authority that an appropriate strategy needs to be in place to monitor the remaining capacity at junction 30, and to limit forthcoming development in the surrounding area to ensure that the safe and efficient operation of the M5 is maintained

## Conservation

The setting of Courtlands and its boundary curtilage wall is the primary consideration from the heritage perspective. The setting of St Peter's School and A La Ronde has also been considered by the supporting statement but it is conceded that the setting of these two listed buildings would not be impacted significantly by the proposed development.

The significance of Courtlands has been identified in the supporting statement produced by Cotswold Archaeology. It is conceded that the setting of the listed building contributes to its significance and this has been suitably appraised and identified in the report. The setting of Courtlands has been discussed on site with the author of the report and the possible vantage points have been explored. The principle viewpoints of Courtlands where I consider its setting to be affected are a) the view along Courtlands Lane from the east although this is primarily the setting of the listed estate walls, b) the view from Seafeld Avenue, and c) views from the opposite banks of the Exe Estuary.

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

My concerns over the principle of a significant suburban development remain for the same reasons as those expressed for the 2010 application. The principle changes between the previous application and the current one is that the significance of the setting of Courtlands has been properly appraised and the proposed development has been more comprehensively explored in terms of massing. Although I would not agree with completely with the conclusions of the report I would certainly reduce the degree of weight of the conservation objection in the event of a refusal.

The primary vantage points where the application site would be seen in part in the context of Courtlands is really limited to three very different aspects:

1. The view along Courtlands Lane identifies a very rural context and the estate walls that run along the north edge of the Courtlands Estate are quite indicative in character to a country estate. The setting of this aspect of Courtlands is considered very important to its significance as a listed building in a rural setting. The proposed development is quite suburban in its conception with modern estate houses set within a cul-de-sac layout. While there is a buffer zone between Courtlands Lane and

the edge of the development but the effectiveness of this does not appear to have been explored and even when fully established with appropriate native species this will become less screening during the six months without leaf cover. I would still therefore remain of the opinion that the development would be quite evident from Courtlands Lane and impact the character of the setting of Courtlands in an incongruous manner.

2. The second most distant vantage point would be from Seafeld Avenue. This places Courtlands in the foreground with its southern aspect and the application site behind. This is identified well in the photo 9 in the landscape assessment. There is some limited screening of the site immediately to the rear of Courtlands but I suspect that the roofs of the two-storey buildings closest to Courtlands Lane may well be visible along the skyline of the ridge. This will clearly place Courtlands within a built-up setting and compromise its current semi-rural location.

3. The third and least significant vantage point of Courtlands is from the opposite side of the estuary. From the west and partially dependent upon the elevation of the vantage position the listed building is seen against the western backdrop of the site. It is conceded that there is a level of screening during summer months. Again the exact impact of the development can only be anticipated but I suspect that at least part of the development would be visible within the landscape. This may not be considered necessarily a direct impact due to the 2-3km distance from the site but it would be quite apparent that the 'green' landscape block between the edge of Exmouth and Lympstone would be diminished.

I am still of the opinion that there is a setting issue here. The significance of Courtlands is defined to a great extent by its traditional estate setting and beyond its formal gardens and parkland the remaining areas of open countryside are intrinsic to what makes this setting important and attractive. On this basis I cannot offer support to the application and would advise that there are no amendments that could be made that would allay these concerns. However as I previously stated the strength of my objections are somewhat less than those raised over the previous application.

Provisional recommendation - proposal unacceptable.

#### Devon County Archaeologist

I refer to the above application and your consultation. The site lies in an area where little in the way of formal archaeological investigations have been undertaken, however, it is within an area of archaeological potential, adjacent to a possible prehistoric route way that follows the Lympstone/Withycombe Raleigh parish boundary. It is possible that groundworks for the development of this greenfield location may reveal archaeological evidence associated with the prehistoric activity in this area. The potential for the site to contain previously unrecorded prehistoric and/or Roman archaeological remains due to its topographic location is highlighted in the Cotswold Archaeology report (ref: 09170) prepared and submitted in support of this application.

For the above reasons and in accordance with Planning Policy Statement 5: Planning for the Historic Environment (PPS5) (2010) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

I would envisage a suitable programme of work as taking the form of a staged scheme of archaeological investigation; commencing with the excavation of a series of evaluative trenches to determine the extent and nature of any surviving archaeological deposits. The results of this first stage would allow the requirement and scope of any further archaeological works - such as area excavation or a programme of archaeological monitoring of groundworks - to be determined and implement within the construction timetable. The results of the fieldwork and any post-excavation analysis undertaken would be set out in an appropriately detailed and illustrated report.

Please note that the above scheme of works will be more involved than archaeological monitoring as described in section 5.5 of the archaeological desk-based assessment submitted in support of this application.

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.

This advice is the same as that provided for the earlier planning application 10/0694/MOUT

#### Natural England

Thank you for your consultations dated 14 June 2011 and 4 July 2011. Apologies for the lateness of this response but, as you are aware, we had some problems accessing the associated documents from your website prior to the deadline.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

I refer you to our response to the previous application at this site ref: 10/0694/MOUT dated 07/05/2010 in which we raised a number of issues, namely, potential impacts on European sites (Exe Estuary SPA and East Devon Pebblebed Heaths SAC/SPA),

potential impacts on Birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (Cirl Bunting) and potential landscape impacts.

#### European Sites

Natural England does not agree with the opinions set out in the „Appropriate Assessment considerations' June 2011 document submitted with this application. It is natural England's view that this development, in combination with other development proposed in the Exeter PUA, and possibly also alone, is likely to have a significant effect upon the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC/SPA through increased recreational pressure. Your council will therefore be required as competent authority to undertake an appropriate assessment of the proposal.

EDDC is currently involved in joint working with TDC, ECC, NE, RSPB and EEMP to assess the scale of recreational impacts likely to result from the predicted levels of growth in the area, as set out in RSS and emerging LDF core strategies, and to identify suitable mitigation and likely costs of this mitigation which can be funded jointly by the proposed developments. This approach has been widely adopted in similar situations in England (e.g. Thames Basin Heaths SPA Delivery Framework, Dorset Heaths Interim Planning Framework, Plymouth City Council LDF) and is an equitable way to permit development to continue whilst ensuring that impacts on European sites are avoided. We now have sufficient evidence for Exe Estuary to demonstrate that there are existing recreational impacts and that these are mainly generated by people living within 12km of the site and particularly within 5 km. Until this work is completed the 3 local authorities have suggested adopting an interim approach based on work done by TDC which requires a financial contribution of £350 per dwelling and provision of 8ha of open space per 1000 residents.

Natural England is happy to work with EDDD on the scope and detail of the appropriate assessment. However, until this assessment has been concluded and any mitigation agreed it is our advice that EDDC should NOT issue any permission for this proposal.

#### Cirl Bunting

Regarding potential impacts on Cirl bunting, there does not appear to have been any new survey data submitted with this new application to confirm the status of this species on and around the application site. Natural England recommends that EDDC obtain current data regarding the presence or absence of this species in the area and ensure that i) they will not be directly impacted by the development and ii) if appropriate adequate habitat enhancement is provided by the development to ensure no net impact on the conservation status of the species in this area.

#### Bats

A bat survey is included with the application, dated 2009. The findings of this report make recommendations regarding lighting to avoid impacts on feeding and commuting routes along the hedgerows in and around the development. Natural England therefore recommends that a condition should be attached to any permission requiring that a lighting scheme is submitted which demonstrates that there will not be any lighting impacts on these areas.

### Other protected species

There does not appear to be any information submitted with this application to indicate whether other protected species e.g. badgers, reptiles or dormice are present on the site. This information may have been submitted with the previous application but is not included with the documentation for this application. Natural England recommends that you ensure that adequate surveys for these species have been undertaken to confirm presence/absence and the status and mitigation required for any populations occurring on the site prior to determining the application.

### Policy Team

The application site falls outside of Local Plan Built-up Area Boundary. For this key policy reason (noting that other Local Plan/Development Plan policies will also apply) the proposal is contrary to the Local Plan indicating appropriateness for refusal of planning permission.

### Environmental Health

I have considered the application and do not anticipate any concerns in relation to contaminated land.

### Police Architectural Liaison

The content contained within this letter refers specifically to designing out crime.

Crime, anti social behaviour and the fear of crime can have a considerable impact on the lives of residents and the community as a whole. Good planning and effective design have been proven to reduce crime and the fear of crime, improving the quality of life for communities now and in the future.

### Design and Access Statement

Comments were made for a previous application at this site and the lack of reference to crime prevention was noted. This new Design and Access Statement now refers to defensible space, overlooking and control over rear access.

### Secured by Design

Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

The principles of SBD can be applied to most types of housing development, education establishments, community centres, and recreation areas. The success of SBD developments has been proven through the studies of Dr Rachel Armitage whose research in 1999 showed that there were 50% fewer reports of burglary and 25% fewer reports of vehicle crime and criminal damage, within SBD developments. In 2009 further research found that reductions in crime were sustained within these

estates and in addition, there was a 62% reduction in burglary recorded in the newest SBD homes. A reduction in the fear of crime was also recorded.

In light of the research supporting the fact that SBD does reduce crime, it is recommended that the site aims to achieve full certification.

## 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 an early stage can help improve feelings of safety and security, not only for new residents but those who already have homes in the area.

Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

Information released by Secured by Design highlights the link between crime and sustainability:

„Reported crime and the loss and damage associated with crime in the UK equates to a staggering emission of 5.5 million tonnes of CO2 per year- with un-recorded crime taking this to over 6m tonnes!

Achieving SBD status and using Secured by Design accredited products, which have been certified to security standards identified by ACPO, also help increase the lifespan of a building. It allows residents to feel safer and improves the security of premises while reducing unnecessary maintenance work which is often required to repair the damage caused by criminal attacks.'

## Outline Application

The submitted planning application is for outline permission only at this stage and as such there is very little detail to comment on. The following points highlight some of the key issues which should be considered when designing out crime.

## Permeability

One element of creating a „greener' living environment is to promote and encourage walking and cycling as an alternative to the private vehicle. Proposed routes must be safe, promoting legitimate use of the route rather than becoming a focal point for anti social behaviour.

A balance must be achieved between high levels of permeability and preventing uncontrolled access to private space. Poorly designed routes can give potential offenders a means of access to vulnerable parts of buildings (side and rear).

Underused and poorly designed routes can attract anti social behaviour and criminal activity.

Footpaths should not run to the rear of properties and, where possible, should be overlooked to increase safety and security. Shared spaces, where cyclists, pedestrians and vehicles use the same areas, are encouraged as they are perceived to be safer. People are more likely to meet on a casual basis if routes are well used, reinforcing the aspiration to create a community within this new development.

### Landscaping

Planting should not restrict surveillance opportunities, assist in climbing or create hiding places. Planting along footpaths needs to be carefully considered to ensure it will not grow over the path, restricting the width, creating narrower and less inviting areas.

### Car Parking

Parking should be sufficient and appropriately located close to the home, and preferably within the curtilage of the property the vehicle is associated with. Distances between parking spaces and homes must be minimised.

There is plenty of evidence of poorly designed parking in other areas of the city and these errors should not be repeated. Rear parking courts which are poorly overlooked, result in increased reports of anti social behaviour, and can lead to people parking their vehicles outside their homes so they can be seen. This can result in vehicles being parked on pavements where the roads are too narrow to support on-street parking, causing inconvenience to pedestrians while creating an untidy street scene.

Parking courts must be well overlooked not only to prevent vehicle crime but to reduce the opportunity for the area to become a magnet for anti social behaviour which can ultimately have a negative effect on quality of life.

### Communal Areas

Play areas, parks and other public open space have the potential to generate crime. The location of these individual areas will be determined by their use. For example, play space designed for toddlers should be well overlooked and not situated to the rear of buildings. MUGA's and youth shelters may be more appropriately located further away from housing where any noise will create minimal disturbance for residents.

It is important that all age groups are catered for. Lack of facilities for teenagers can result in parks for younger children being misused or even vandalised.

### Dwelling Boundaries

Front boundaries should be low (no higher than 1m) to increase opportunities for natural surveillance both from and towards the property. It is recommended that all

homes have an area of private space to the front. Clearly defined front boundaries establish the clear distinction between the public and private. Creating areas of defensible space is referred to in the Design and Access statement.

Rear and accessible side boundaries should be a minimum 1.8m and of solid construction to prevent unauthorised access and reduce the risk of burglary.

#### Dwelling Position

Properties should be positioned to face each other to allow neighbours to watch over each other and to create the conditions which will make the potential offender feel more vulnerable to detection. A mix of dwellings creates greater potential for homes to be occupied throughout the day. This increases the opportunity for natural surveillance and community interaction.

#### Climbing Aids

Boundary walls, waste bin and cycle storage, low flat roofs and balconies should be designed so as not to create climbing aids which could be used to gain access to buildings.

In addition to my letter dated 29 September 2011 I would like to add the following comments.

#### Parking

In several locations the car parking has been located to the rear of the properties. This results in a lack of surveillance and ownership. As a consequence, the main access to the houses will be from the car parks at the rear, reducing activity on the street at the front of the house (Car Parking - What Works Where?) which ultimately reduces opportunities for natural surveillance.

Secured by Design recommends that communal parking should be in small groups, close to homes and within view of active rooms such as the living room or kitchen. Parking courtyards are discouraged as they introduce access to the more vulnerable rear elevation where the majority of burglary is perpetrated, they offer inadequate natural surveillance, and if poorly overlooked create areas of concealment which can encourage anti social behaviour.

Parking allocation behind plots 124-132 as shown on the „amended plans‘, has poor surveillance as all properties have the rear elevation facing the car parking court. Fencing to the rear of these properties will reduce levels of surveillance from the more routinely occupied rooms. Vehicle crime, burglary (due to easier access to the rear of the dwellings), and anti social behaviour are therefore more likely to occur.

The same issues apply to the parking areas behind plots 68-76, 20-28 and 32-36.

#### Open Space

Clarification is required regarding the use of open space to the front of dwellings numbered 24, 25 and 36. Although these homes have their front entrances on this

green there appears to be no paths through the space. Will this be openly accessible for members of the public?

#### Orientation of Dwellings

It is recommended that homes are positioned to face each other to allow neighbours to watch over each other, creating conditions where a criminal is more likely to be seen and less likely to offend.

Plots on the current plans which do not face other dwellings include:

- o 64-67 which face the rear gardens of plots 52-55
- o the arrangement of plots 56 to 63 results in plots 42 and 43 facing the rear elevation of plots 56 and 57, limiting the level of overlooking.
- o Plots 56 and 57 have their rear elevation facing the main street, along with the side elevations of plots 58 and 59. This could result in a large expanse of fencing or wall facing the street. This type of area can attract graffiti and inappropriate loitering due to lack of natural surveillance.

Although there are other plots which do not overlook one another these tend to be located adjacent to public open space.

#### Employment and Community Facilities

It is unclear from the plans where these buildings will have their main entrances. Access to the rear of any building is not recommended however, it would appear from the plans that there is full public access around each of the buildings within the commercial centre. The crèche and doctors surgery in particular are most vulnerable and should have restricted access to the side and rear elevations. It is always preferable for there to be one point of entry and exit, directing people to a single reception area, reducing opportunities for criminal behaviour as escape routes will be limited.

It is important that defensible space for these units is not undermined by public footpaths and other routes. Excessive permeability can allow a criminal legitimate access to rear and side boundaries. Further detail is required regarding this area and alterations made to minimise the publicly accessible locations.

#### DC Footpath Officer

-The site outlined in the proposal is crossed by Public Footpath No7, Lympstone

-If the proposed development requires the path to be moved, before any works take place that will interfere with the path, a formal Order must be processed and confirmed. The most appropriate way would be for EDDC to make an Order under the Town and Country Planning Act section 257. A diversion under the Highways Act would not be suitable in these circumstances.

-If there is a requirement to stop the public using the route during construction, a closure Order will need to be in place. This will have to be applied for within the prescribed timescales.

-if the path is to be fenced, a minimum width of 2 metres must be provided. Any changes to the surface, or surfaces provided if the path is to be diverted must be approved by this authority.

### National Trust

The Trust has a statutory purpose, as set out in the 1907 National Trust Act, to conserve places of historic interest or natural beauty which it holds for the benefit of the nation. The Trust's primary interest here relates to its ownership of A La Ronde, a nationally important cultural asset, and Lower Halsdon Farm. The land at Lower Halsdon, which includes land west from Exeter Road down to Mean High Water on the Exe foreshore, is important in landscape terms on the estuary fringe and forms a significant part of the County Council's designated 'Coastal Preservation Area' on the eastern side of the estuary between Lympstone and Exmouth. The Trust therefore has an interest in protecting both the setting of A La Ronde and the character of the estuary fringe.

### Impact on the Setting of A la Ronde

A la Ronde is a grade I listed building, which is considered to be of exceptional interest, and it sits within a grade II registered park and garden. Following the Trust's previous comments the current application includes an Assessment of the Potential Impacts upon the Setting of Designated Heritage Assets (Cotswold Archaeology, May 2011). However this assessment is limited in scope, restricting itself to an assessment of only 'visual' effects (paragraph 1.1). The Historic Environment Planning Practice Guide supporting Planning Policy Statement 5 (PPS 5) advises that:

"The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors" (para 114; Historic Environment Planning Practice Guide).

Further guidance on this issue is given in The setting of heritage assets: English Heritage guidance (Consultation draft; 2010), where it states:

"Qualities such as quietness and general tranquillity in the setting of a heritage asset can often contribute to the ability of the public to appreciate it. Even where visual factors may remain unaltered by a proposed change in a heritage asset's setting, new or increased noise, odour, vibration or movement could detract from the significance of the asset and public appreciation of it." (Para 72; The setting of heritage assets: English Heritage guidance)

The application assessment of impact on setting does not appear to be robust when it jumps directly from its assessment of the impact on views from within A la Ronde pleasure grounds to its conclusion that: "As such, development within the site will not impact upon the setting or the overall significance of the park [A la Ronde pleasure grounds]" (para 3.30), without consideration to other environmental factors. It

similarly jumps to its conclusion in terms of its assessment of the impact on the setting of the Grade I Listed building of A la Ronde (paras 3.23 and 4.4).

An area where there is clear potential for a direct impact on the setting of A la Ronde that has not been considered, despite reference to this issue at the time of the last application in the Trust's letter dated 26 May 2010, is in relation to the level of proposed development traffic envisaged to travel via Summer Lane. Summer lane, which is the sole means of access to A La Ronde, is a narrow single track road that runs along the full length of northern boundary of the registered park and garden. In relation to the last application a reason for refusal related to the increase in volume and character of traffic using Summer Lane, on highway safety grounds.

The current proposal includes "the conversion of Summer Lane to one-way working" (Transport Assessment, May 2011; para 4.3.8). However the percentages of outbound vehicle movements associated with the proposed residential and employment development, that will travel via Summer Lane eastbound remains the same as the last application (Transport Assessment, May 2011; para 7.6.5 and 7.6.10). Moreover the effect of the conversion of Summer Lane to one-way working on its overall total use, the character of traffic using it, traffic speeds, and pedestrian use (especially as Summer Lane serves the East Devon Way) is not made clear.

The Trust is greatly concerned as to how the proposed increase in eastbound use of Summer Lane, particularly the envisaged business traffic, and the overall effect of the conversion of Summer Lane to one-way working, may impact on the visitor experience to A La Ronde, and detract from public appreciation of these important heritage assets due to increased noise and movement impacting on the tranquillity in the setting. The application fails to consider this issue in relation to its assessment of the impact on the setting of heritage assets, contrary to policies HE6 and HE10 in PPS5.

When Summer Lane was not long ago temporarily made one way, rather than having a positive effect, the increase in traffic speed became a real hazard for other road users, such as pedestrians and cyclists, and impacted on visitor experience. Whilst traffic calming could potentially help reduce speeds the impact of the conversion of Summer Lane to one-way working on access and egress to A la Ronde for coaches and large vehicles, and all vehicles, also needs to be considered.

The eastern end of Summer Lane is of unsuitable design in terms of the available width and manoeuvrability for coaches to exit that way, especially the newer larger ones, and for service and delivery vehicles, and large motor homes that sometimes visit A la Ronde. This may create congestion that further impacts on the visitor experience, but could also, together with a more general issue of inconvenience of access for all visitors following one-way working, have a significant impact on the business operation and therefore the Trust's ability to maintain this important heritage asset which contributes to the regional economy.

#### Impact on the character of the estuary fringe

The Landscape and Visual Impact Assessment, in terms of the assessment of impact on landscape character, does not provide a full assessment of the impact on

different landscape attributes that provide distinctive characteristics to the area, such as settlement pattern and aesthetic and sensory qualities such as tranquillity.

The application Landscape and Visual Impact Assessment bases its assessment on the assumption that: "within the wider area there are already proposals that would alter the character of the landscape in the area. The proposed construction of the Dinan Way link immediately east of the site would introduce a more urban character as a purpose designed modern road connection. It also has the potential to expand the extent of the urban area as it would provide access to areas currently inaccessible for development" (para 2.2.10). However no decision has yet been made over the Dinan Way link and it needs to be considered as part of the LDF Core Strategy in the context of the overall growth strategy for Exmouth, and be adequately tested against alternative options.

The application Planning Statement incorrectly states that the Landscape and Visual Impact Assessment "indicates that the proposed development would not have any significant visual impacts" (Planning Statement; para 10.8). The Landscape and Visual Impact Assessment indicates clearly that for the users of the East Devon way the significance of the visual impact will remain as substantial (LVIA; para 4.2.4 and para 5.8). The selection of representative viewpoints fails to capture this impact, and insufficient importance is attached to the merits of protecting open views to, and across, the estuary, from such public vantage points.

## Conclusion

The Trust fully supports the „plan-led' system, and would like to see a full review of both growth options for Exmouth and the strategic transport network as part of the LDF process.

There is as yet inadequate information to make a full assessment of the application in relation to impact on the setting of A la Ronde or the character of the estuary fringe.

The Trust is greatly concerned over the implications of the conversion of Summer Lane to one-way working, and its future use, with inadequate consideration to this issue and how it impacts on setting of A la Ronde and the ability to run a business that successfully maintains the asset.

In the absence of a more comprehensive assessment, and given the concerns at this stage as highlighted in this letter, the Trust OBJECTS to the application

## Environment Agency

We have no objections to the proposed development provided that:

- (1) Clean surface and roof water is kept separate from foul drainage.
- (2) Foul drainage is connected to the public sewerage system.

- (3) You confer with the Water Company regarding the availability, location and adequacy of the existing public sewerage and sewage treatment facilities. .
- (4) Development proceeds in accordance with agreed Flood Risk Assessment dated April 2011.

In addition, during the construction of any approved development, the following pollution control measures should be adopted as appropriate:

- Construction vehicles should not cross or work directly in any watercourses. Temporary bridges should be constructed for vehicles to cross and excavations done from the bank.
- River water should be diverted away from the excavation site using coffer dams. Work should stop immediately the coffer dams are breached or flooded.
- Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.
- Discharge of silty or discoloured water from excavations should be irrigated over grassland or passed via a settlement lagoon so that gross solids are removed. This Agency must be advised if a discharge to a watercourse is proposed.
- Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- This Agency must be notified immediately of any incident likely to cause pollution.

Given the foregoing advice, I have sent a copy of this letter to the applicant's agent and trust this is satisfactory.

The Appropriate Assessment concludes no likely impact upon the integrity of the Natura 2000 sites of the Exe Estuary and East Devon Pebblebed Heaths either alone or 'in combination' with other development proposals. Despite this, it is important that your Council ensures that the public open spaces designed into the development plans are retained during the build. They should be managed in the ways described to help reduce the day to day pressures of, for example, dog walkers on the Natura 2000 sites, in the spirit of good will. This will also contribute to the ethos of the Green Infrastructure (GI) work being developed by your Council and Exeter City Council in the East of Exeter development area. We think it is appropriate that your Council considers requiring the developers of this site to contribute to the GI provision.

## Housing Needs Manager

"We welcome in principle, this opportunity to provide affordable housing.

As this appears to be a departure from planning policy, we expect that a minimum of 40% of the proposed residential development be affordable homes as defined in Planning Policy Statement 3 (PPS3). All affordable homes should be constructed to current Homes and Communities Agency build and design standards and to the relevant Code for Sustainable Homes, be tenure blind, remain affordable in perpetuity where appropriate, and be transferred to and managed by a Preferred Registered Social Landlord.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 (updated Sept 2011) we expect to see a tenure mix of approximately 70 / 30% in favour of social rented accommodation, the remaining as shared ownership or a similar affordable housing product as defined in PPS3.

We also expect that a nomination agreement be in place to enable the Local Authority or the Preferred Registered Social Landlord to nominate individuals from the Common Housing Register".

The Access and Design Statement is very limited on information when it comes to the affordable units, as a consequence I would need to see more detail, regarding the affordable housing schedule, plans etc.

## Devon County Council Education Department

Following receipt of your list of planning applications registered 09/06/11, a contribution towards education infrastructure via a section 106 Agreement is sought in respect of the above application.

The primary school affected is Lympstone C of E Primary (Summer 2010 number on roll 162, pupil place capacity 157). A residential development of 154 dwellings could be expected to produce 38.5 primary aged pupil places, increasing the shortfall of pupil places at the school. However, Lympstone C of E primary is situated on a very constrained site which is below the DFE recommended site area guidance making future expansion inappropriate. Given the overall pressure on primary school places across the Exmouth Local Learning Community we would therefore request the contribution of £426,349 plus £11,068.75 for ICT be used to support the provision of primary teaching accommodation in the Exmouth area. These calculations are based on the DFE Cost Multiplier Extension rate for Devon.

The secondary school affected is Exmouth Community College (autumn 2010 number on roll 2590, pupil place capacity 2418). A residential development of 154 dwellings could be expected to produce 23.1 secondary aged pupils which will increase the shortfall of places at the school. The contribution required is £387,872.10 which would be used to part fund teaching accommodation plus £33,495 for ICT equipment. These calculations are based on the DFE 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.

### Royal Society For The Protection Of Birds

The RSPB would like to comment on the above application, in relation to curlew buntings and statutory wildlife sites. We welcome the assertions in the Design and Access Statement that the plan will „look to achieve enhanced biodiversity on the site integrating with existing ecology and habitats’, „Enhance ecology and biodiversity within the site” and „reinforces biodiversity corridors” but there is no detail on how the development will achieve this. Except for bats, there does not appear to be any wildlife survey, wildlife report, wildlife management plan, environmental impact assessment, ecological assessment or appropriate assessment for this application – at least we were unable to track such documents down in the application support materials. We disagree with the planning application form, section 13, that states that there are no „protected and priority species”, nor „designated sites, important habitat or other biodiversity features” either on, adjacent or near to the proposed development.

The RSPB objects to this application on the grounds that:

- i) We have not seen anything to suggest that there will not be a net loss of curlew bunting habitat from the site, in spite of the site’s proximity to a now regular critically important curlew bunting territory (in terms of the species’ range expansion); and
- ii) There is no evidence to show that the proposal will not lead to the loss of the integrity of the Natura 2000 sites, particularly through increased population and recreational disturbance.

In our view the Council requires the following information to make an informed decision on this application:

- I. An understanding of the consequences of the combined growth plans on the Natura 2000 Sites.
- II. Identification of the measures that are necessary to avoid harm arising from those growth plans to Natura 2000 Sites.
- III. Adoption of a joint strategy to secure delivery of those measures.
- IV. Adoption of a programme to monitor the current and future use of sensitive wildlife habitats as the Core Strategy is implemented, to gauge the effectiveness of the measures and to determine whether a review of mitigation measures is necessary to ensure that the European and Ramsar sites are not adversely affected.

### Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land.

## Other Representations

### Objections

613 letters of objection have been received raising the following points:

- Intrusion into the Open Countryside
- Encroachment into Green Wedge
- Contrary to Lymptone Village Plan
- Site not identified in LDF Issues and Options report
- Visual and landscape impact
- Environmental Impact
- Loss of biodiversity
- Increased vehicle movements in already congested area
- Settlement coalescence with Exmouth
- Visual impact for walkers using the East Devon Way
- Lack of footpaths along road could cause conflict between vehicles and pedestrians
- Impact on setting of A La Ronde and Courtlands Lane
- Impact on drainage in the area – potential to cause flood issues

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
10/0694/MOUT	Outline application including access arrangements for mixed use development comprising residential development of 154 dwellings, 50 bed care home, business units, doctors/dentist, shop/cafe, crèche/nursery, community hall together with associated open space and infrastructure	Refusal	10.06.2010

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## **POLICIES**

Draft National Planning Policy Framework

### Government Guidance

- PPS 1 Delivering Sustainable Development
- PPS 3 Housing
- PPS 4 Planning for Sustainable Economic Growth
- PPS 5 Planning for the Historic Environment
- PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation  
PPG 17 Planning for Open Space, Sport and Recreation  
PPS 22 Renewable Energy  
PPS 23 Planning and Pollution Control  
PPS 25 Supplement: Development and Coastal Change  
PPG 13 Transport  
  
PPG 20 Coastal Planning

Devon Country Structure Plan (2001-2016)

Policy ST1 – Sustainable Development  
Policy ST3 – Self Sufficiency of Devon’s Communities  
Policy ST4 – Infrastructure Provision  
Policy ST16 – Local Centres and Rural Areas  
Policy ST18 – Affordable Housing  
Policy ST18a – Mix and Type of Housing  
Policy ST20 – Re-assessing and Safeguarding Employment Land  
Policy C01 – Landscape Character and Local Distinctiveness  
Policy C04 – Area of Great Landscape Value  
Policy C05 – Coastal Preservation Area  
Policy C06 – Quality of New Development  
Policy C07 – Historic Heritage Historic Settlements and Buildings  
Policy C08 – Archaeology  
Policy C09 – Biodiversity and Earth Science Diversity  
Policy C010 – Protection of Nature Conservation Sites and Species  
Policy C011 – Conserving Energy Resources  
Policy C013 – Protecting Water Resources and Flood Defence  
Policy C014 – Conserving Agricultural Land  
Policy C016 – Noise Pollution  
Policy WM1 – Waste Management  
Policy TR2 – Co-ordinating Land Use/Travel Planning  
Policy TR3 – Managing Travel Demand  
Policy TR4 – Parking Strategy, Standards and Proposals  
Policy TR5 – Hierarchy of Modes  
Policy TR7 – Walking and Cycling

Policy TR9 – Public Transport

Policy TR10 – Strategic Road Network and Roadside Service Areas

East Devon Local Plan (1995-2011)

Policy S5 – Countryside Protection

Policy S6 – Development in Green Wedges

Policy S7 – Infrastructure Related to New Development

Policy D1 – Design and Local Distinctiveness

Policy D2 – Sustainable Construction

Policy D4 – Landscape Requirements

Policy D5 – Trees on Development Sites

Policy EN2 – Areas of Great Landscape Value

Policy EN4 – Nationally Important Sites – including Sites of Special Scientific Interest

Policy EN5 – Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites

Policy EN6 – Wildlife Habitats and Features

Policy EN7 – Nationally and Locally Important Archaeological Sites

Policy EN8 – Proposals affecting Sites which may Potentially be of Archaeological Importance

Policy EN9 – Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest

Policy EN13 – Development Affecting Parks and Gardens of Special Historic Interest

Policy H3 – Range and Mix of New Housing Development

Policy H4 – Affordable Housing

Policy E1 – Provision of Employment Land

Policy SH4 – Neighbourhood Centres and Shops

Policy RE3 – Open Space Provision in New Housing Developments

Policy C1 – Community Buildings

Policy C2 – Local Community Facilities

Policy C5 – Power Lines

Policy TR1 – Accessibility of New Development

Policy TA3 – Transport Assessments/Travel Plans

Policy TA4 – Footpaths, Bridleways and Cycleways

Policy TA7 – Adequacy of Road Network and Site Access

Policy TA9 – Parking Provision in New Development

## Supplementary Planning Guidance

### Lympstone Village Plan

### Landscape Character Assessment and Management Guidelines for East Devon and the Blackdown Hills

## **SITE LOCATION AND DESCRIPTION**

The site is located to the east of the Exe Estuary within the parish of Lympstone, to the south east of the village. The site is currently greenfield, agricultural land in the open countryside as defined by the East Devon Local Plan. It is also within the Green Wedge and Area of Great Landscape Value. A Public Right of Way which forms part of the East Devon Way crosses through the site. The Coastal Preservation Area borders the south and west of the site. The A376 Exmouth Road lies to the eastern boundary of the site. To the south of the site is the grade II listed Courtlands House and to the southeast A La Ronde a grade I listed building set within a grade II historic park and garden. The Exe Estuary Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI) lie approximately 360 metres to the west of the site.

## **PROPOSED DEVELOPMENT**

The application is in outline but with access arrangements and layout details submitted for determination. The proposed development is 9.9 hectares of mixed use development comprising 154 dwellings business units, doctors surgery, shop/cafe, crèche/nursery, community facilities together with associated open space and infrastructure. The application is accompanied by a comprehensive Design and Access Statement setting out the various factors that have influenced the layout of the mixed uses.

This application is a re-submission of an application (10/0694/MOUT) refused at the Development Management Committee of 1<sup>st</sup> June last year for the following reasons:

1. The proposal involves a large scale mixed use development located within the open countryside, outside of the built-up area boundaries of any settlement, wherein new development is permitted only where it would be in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities of the area in which it is located. In the opinion of the local planning authority the development does not accord with a specific Local Plan policy and by reason of its siting and scale would harm the distinctive landscape, amenity and environmental qualities of the area north of Exmouth and south-east of the village of Lympstone, contrary to the provisions of Policy ST1 (Sustainable Development), Policy CO1 (Landscape Character and Local Distinctiveness) and Policy CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001-2016 and Policy S5 of the adopted East Devon Local Plan 1995 - 2011 ( Countryside Protection), Policy EN2 (Areas of Great Landscape Value) and Policy D1 (Design and Local Distinctiveness) and guidance contained in PPS 1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

2. In addition to reason 1 above, the application site lies within a Green Wedge as defined in the adopted East Devon District Local Plan wherein development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence. In the opinion of the local planning authority the proposed development in this case would not only represent a sporadic form of development but would also lead to the undesirable coalescence between the outer outskirts of Exmouth and the village of Lympstone, threatening the individual identity of that village, contrary to the provisions of Policy S6 (Green Wedges) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 1995 - 2011 and the aims and objectives of the Lympstone Village Plan.
3. The scale of the proposed development is likely to generate a high level of primary and secondary school aged pupils, bringing unacceptable and unplanned pressure upon education facilities within the area and the inability of local schools within that area to accommodate such pressure. In the opinion of the local planning authority, without the necessary education infrastructure to cater for the proposed development the proposal would be contrary to the provisions of Policy ST1 (Sustainable Development), Policy ST3 (Self Sufficiency of Devon's Communities) and ST4 (Infrastructure Provision) of the Devon Structure Plan 2001 - 2016 and Policy S7 (Infrastructure Related to New Development).
4. The proposed development would be likely to result in a material increase in the volume and a material change in the character of traffic using Summer Lane and Courtlands Lane, which are both narrow lanes without adequate footways or passing facilities, serve the East Devon Way and link with surrounding Regional and National Cycle Networks. As a consequence there is a significant risk of additional danger to all users of the road and interference with the free flow of traffic contrary to Policy TA4 (Footpaths, Bridleways and Cycleways), TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 1995-2001 and TR7 (Walking and Cycling) of the Devon County Structure Plan 2001-2016 and guidance in PPG 13 (Transport).
5. The proposed development would be located where it is remote from adequate services, employment and education facilities and would therefore increase the need for travel by private vehicles contrary to Policies TR2 (Co-ordinating Land Use/Travel Planning) and TR5 (Hierarchy of Modes) of the Devon County Structure Plan 2001-2016 and Policy TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995-2001 and guidance contained in PPG 13 (Transport).
6. The location of the proposed commercial development is likely to create the need for additional travel by private vehicles due to its location and the lack of suitable access to alternative means of travel contrary to Policies TR2 (Co-ordinating Land Use/Travel Planning) and TR5 (Hierarchy of Modes) of the Devon County Structure Plan 2001-2016 and Policy TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995-2001 and guidance

contained in PPS 4 (Planning for Sustainable Economic Growth) and PPG 13 (Transport).

7. The applicant has failed to adequately address the demand that the proposed dwellings would place on recreational facilities through lack of provision of formal and informal playing space. The proposal is therefore contrary to Policy RE3 (Open Space Provision in New Housing Developments) of the adopted East Devon Local Plan 1995 - 2001 and PPG 17 (Planning for Open Space, Sport and Recreation).
8. Through a lack of clarity and detailed information, the submitted transport assessment fails to adequately demonstrate how the anticipated traffic generation would arise, how the proposed trip distribution has been identified and what the possible impacts on the Strategic Road Network, most particularly Junction 30 of the M5 would be. As such the application is therefore considered contrary to Policy TR1 (Devon Travel Strategy), Policy TR5 (Hierarchy of Modes) and Policy TR10 (Strategic Road Network and Roadside Service Areas) of the Devon County Structure Plan 2001-2016 and Policy TA1 (Accessibility of New Development), Policy TA3 (Transport Assessments/Travel Plans) and Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 1995-2001 and guidance contained in PPG 13 (Transport).
9. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of impact on the setting of nearby grade 11 listed building Courtlands House to give proper and favourable consideration thereto. The proposal is therefore contrary to Policy C07 (Historic Settlements and Buildings) of the Devon Structure Plan 2001-2016 and Policies EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the adopted East Devon Local Plan 1995-2011 and advice contained within PPS 5 (Planning for the Historic Environment).
10. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of impact on biodiversity and protected species in the area. The site is adjacent to the Exe Estuary SPA site and East Devon Pebblebed Heaths SAC/SPA. There is also data from the RSPB confirming the presence of Cirl buntings (A UK BAP priority species) in the area. Inadequate information has been submitted to enable the Local Planning Authority to carry out an Appropriate Assessment (Habitat Direction) and fully consider the impact of the proposed development on these sites of international importance. The proposal is therefore contrary to Policy CO9 (Biodiversity and East Science Diversity) and Policy CO10 (Protection of Nature Conservation Sites and Species) of the Devon County Structure Plan 2001 - 2016 and Policies EN4 (Nationally Important Sites - including Sites of Special Scientific Interest), Policy EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and Policy EN6 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 1995 - 2011 and advice contained within PPS9 (Biodiversity and Geological Conservation).

11. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of impact on trees and hedgebanks on the site and surrounding area. The full extent of the arboricultural impact has not been correctly identified or addressed by the submitted arboricultural report or information contained within the application. The Local Planning Authority is therefore unable to give proper and favourable consideration thereto. The proposal is considered to be contrary to Policy D5 of the adopted East Devon Local Plan 1995 - 2011.

As before the proposal is to develop land beyond the northern built-up boundary of Exmouth (known as Courtlands Cross) to provide a mixed use development comprising 154 dwellings, business units, doctors surgery, shop/cafe, crèche/nursery, community facilities with associated open space and infrastructure. It has been submitted in outline, with only access and layout details shown at this stage.

However, this latest proposal excludes the provision of a care home, which was part of the previous scheme. It should also be noted that the submission included Courtlands Lane being turned into a cul de sac, however this was subsequently amended to allow an access through the lane into the development.

In the report that was presented to the Committee meeting of 1<sup>st</sup> June 2010 the various issues that it raised were broken down into sub-sections ranging from matters of principle through to more detailed aspects of the scheme itself. This report follows that same format, but includes references to any changes in policy or detail that might have a bearing upon the outcome of the new application, with a conclusion upon each of the 11 elements that attracted a reason for refusal previously, indicating whether or not it is considered that the objection to which the reason relates has been adequately addressed and overcome.

Members should note here that an appeal against non-determination has been lodged for this application with a Public Inquiry date set for 24<sup>th</sup> January 2012. The application was not determined within the 13 week government target period because, following complaints from the applicants with regard to the previous application that they were not given adequate time to address the concerns that were being raised, officers were giving them further time so that concerns could be addressed this time to minimise the issues to be considered at appeal. This report sets out to recommend how the Local Planning Authority would have resolved to decide this application had it had jurisdiction to do so. This will then enable officers to formulate the Council's case to be considered at the inquiry.

## **ANALYSIS**

### **Policy**

This first section of the report is intended to deal with the planning policy considerations in respect of the principle of the development of the site for housing and associated land uses. It has been split into two sub-sections, the first of which relates to the strategic housing needs of the District as a whole, including the emergence of recent Government advice and the second to the relevant adopted

Local Plan policies relating to the application site itself. This section also includes reference to the recently published and adopted Lympstone Parish Plan, insofar as that Plan deals with the threat to coalescence posed by new development, such as that which is proposed here.

By way of introducing the policy considerations it should be noted that the application site lies outside of the built-up area boundary of Exmouth as defined within the East Devon Local Plan 1995-2011. Part of the north-western boundary runs along the first section of Courtlands Lane and includes the ribbon of development to the south, immediately to the west of its junction with Exeter Road. The land outside of the boundary is open countryside and the application site lies within the area notated as Green Wedge. On this basis the proposal continues to be contrary to Policy S5 of the East Devon Local Plan which limits development in the countryside to that which accords with a specific Local Plan policy and S6 which further limits development if it would add to sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence. The continued relevance of these two policies is discussed later in this section.

### Strategic Housing Supply

At the time of the previous application National planning policy referred to the need for local planning authorities to maintain the provision of a five year supply of housing land with an onus on granting permission for developments that might be contrary to policy, where the authority does not have such a supply. The 2009/10 LDF Annual Monitoring Report (AMR) (reporting to a year end date of 31 March 2009) contained an assessment of land supply in East Devon. The Strategic Housing Land Availability Assessment (SHLAA) exercise (also reporting to an end date of 31 March 2009) provided further data on land supply, albeit to a slightly different methodology, but showing similar conclusions.

The issue of maintaining and significantly increasing the supply of housing land is addressed in some detail in the recently published draft National Planning Policy Framework. Although this is still in its draft stage and the relative weight that can or should be afforded to it in the context of current applications has yet to be fully established, it offers the following advice and guidance upon land supply:

*To boost the supply of housing, local planning authorities should:*

- *use an evidence-base to ensure that their Local Plan meets the full requirements for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period*
- *identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land*
- *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15*
- *not make allowance for windfall sites in the first 10 years of supply, or in the rolling five-year supply, unless they can provide compelling evidence of*

*genuine local circumstances that prevent specific sites being identified. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends*

- *illustrate the expected rate of housing delivery through a housing trajectory for the plan period and, for market housing, set out a housing implementation strategy describing how they will maintain delivery of a five-year supply of housing land to meet their housing target*
- *set out their own approach to housing density to reflect local circumstances; and*
- *identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers.*

Whilst acknowledging that the application site lies outside of the built-up area boundary of Exmouth, in this particular case it is the applicant's agents view that as the Local Plan does not provide land allocations for residential and employment beyond 2011, there is a large supply deficit for the plan period in the Exeter Housing Market Area and that as a consequence the "more sweeping" policies of development constraint cannot be accorded any significant weight since adhering to them conflicts with the delivery of more up to date regional and national policies.

National planning guidance continues to require Local Authorities to be able to demonstrate that they have a deliverable 5 year land supply, and in the context of the draft NPPF, the choice should include an additional allowance of 20%. This comes about from the desirability of having an established and steady approach to development and ensuring that there is a continuous supply of houses that are delivered evenly over time. This helps not only with the housing market but also the related infrastructure that is needed for any new development.

East Devon is a District split in its geography and character with part subject to influence from the urban centre of Exeter and the remainder a more rural environment characterised by market towns and a hierarchy of villages set within an attractive landscape, much of which is designated as an Area of Outstanding Natural Beauty. This geography is recognised in the Structure Plan and Local Plan where reference is made to the Principal Urban Area (PUA). The PUA encompasses the city centre and a projection of land to the east which extends into East Devon. The justification for this definition rests on the growth, role and function of Exeter and availability/suitability of sites in the City boundary to meet housing needs (in comparison with sites outside the City boundary). The Structure Plan clearly sees Cranbrook and the PUA in East Devon as a contributor to the role and development of Exeter where it is relevant to note that the Exeter City Annual Monitoring Report (AMR) showed a land supply in excess of the targets necessary.

The division between the two sub areas of East Devon which is most clearly shown within the Devon Structure Plan to 2016 Key Diagram Inset Map B demonstrates that the PUA extends no further to the east than the new community (Cranbrook) boundary and identifies land almost wholly sandwiched between the new A30 and the Exeter- London Waterloo Railway line. This split and the reasons behind it form

the basis of a disaggregation argument that relates to the housing supply figures for East Devon.

The 2009/10 LDF Annual Monitoring Report (reporting to a year end date of 31 March 2010) contains an assessment of land supply in East Devon. It shows that taking East Devon as a whole there was a calculated 4.24 year supply of land for housing. This supply figure is worked out on the basis of assessments of Devon Structure Plan requirements; houses already built and projected future completions. Whilst it is acknowledged that East Devon as a whole does not therefore have a five year supply the Annual Monitoring Report provides separate data for two sub areas of East Devon. These sub areas relate to that part of East Devon at the Exeter Principal Urban Area (PUA) with the second being the rest of East Devon – these areas are broken down in line with the areas identified above. Following this disaggregation approach it is clear that the shortfall arises solely in the area of East Devon located within the PUA while the rest of East Devon has a significant over supply of housing which has previously been calculated as a 9 year supply.

At the time of the previous application the then emerging South West Regional Spatial Strategy (RSS) reinforced the policy role/message in respect of Exeter through identifying Exeter as a strategically significant city (SSCT) and making provision allied to the future role and function of Exeter for 7,500 dwellings at Cranbrook and 4,000 dwellings at Area of Search 4B (in East Devon). 4B is diagrammatically indicated in the RSS as being in East Devon district, abutting the eastern edge of the City and stretching a short distance (perhaps 2 or 3 kilometres) into East Devon.

The emerging RSS at that time required modest development in the Rest of East Devon, it required (at least) 5,600 dwellings, which equates to an annual average completion rate of 280 dwellings per year. This figure compares to the Structure Plan equivalent of 330 and actual average annual completions in the rest of East Devon that have typically been in the 450 to 500 dwellings per year range in recent years (although they have dropped in the last two). A policy message of the Structure Plan that is reinforced and considerably emphasised in the RSS is one of accommodating significant development in East Devon very close to Exeter but progressively lowering development in the rest of East Devon.

There is therefore clear policy logic for considering East Devon as comprising of two parts. Members may wish to note that the matter of disaggregating a District into sub-areas formed the subject of a recent appeal decisions involving a proposal for 148 dwellings on a site in Wiltshire and another for up to 120 dwellings in Blaby, both of which parallel the East Devon situation. In considering and dismissing these applications for new housing the Inspectors concluded that it was appropriate in relation to both appeals for the Councils to disaggregate its monitoring and to reach conclusions as to whether or not the targets were likely to be met. In these cases the District Councils had disaggregated the former North Wiltshire District and the area covered by the East Midlands Regional Plan respectively into sub areas based on spatial policy requirements for housing.

Finally, on the strategic context in which this application should be considered, the RSS, under the heading “The Spatial Strategy and Policies for the Scale and

Location of Development” identifies 3 Development Policies for Strategically Significant Cities and Towns (SSCT)(Policy A), Market and Coastal Towns (Policy B) and Small Towns and Villages (Policy C). Paragraph 3.2.3 explains that:

“Development Policies A, B and C set specific outcomes for different types of places. They do not set out a sequential or 'cascade' approach to the location of development; so development needs relating to an SSCT should not be met at a settlement identified under Development Policies B and C, and development needs relating to a market or coastal town should not be met at a settlement identified under Development Policy C. The other policies in this section cover issues related to the delivery of development, including infrastructure, design and the re-use of land.”

It is considered that Area of Search 4B and Cranbrook are in/at/part of the Exeter SSCT, Policy A, and that Exmouth would come under a Policy B definition. In the case of this site, lying outside of the existing built-up limits of Exmouth, in open countryside between Exmouth and Lymptone, but within the Parish of Lymptone, it is felt that the area would fall more within the Development Policy C definition than Policy B. Applying the above advice to the current application it would seem logical to conclude that the development needs of either Exeter or Exmouth should not be met at a site to which the provisions of Policy C will apply.

The matter of housing supply within the region and the district is currently under detailed consideration having regard to the various national, regional and local policies, advice and guidance. Looking generally at the underlying objective of maintaining a 5 year supply of housing land (and taking into account the 20% additional allowance mentioned in the draft NPPF) although it is considered that the Council's disaggregation of the District into 2 sub areas to address the available land supply within those areas is sound (the principle of which was accepted in the Wiltshire and Blaby cases) even if it was to be concluded that there was a shortfall in this sub area, then the site of this development would not be considered to be an appropriate location for new housing.

### **East Devon Local Plan**

Nothing has changed in terms of the status and relevance of the Local Plan since last year, and the policies within it must continue to be afforded substantial weight in the assessment of this resubmission. The application site lies in open countryside beyond the north-western outer boundary of the Built-up Area Boundary of Exmouth as defined in the adopted East Devon District Local Plan. It also lies within an Area of Great Landscape Value and within that part of the Green Wedge notated beyond the northern edge of the urban area of Exmouth. With these Local Plan allocations in mind the key „strategic“ policy considerations in respect of this proposal are contained within Policies S5 (Countryside Protection), S6 (Development in Green Wedges) and EN2 (Areas of Great Landscape Value).

### **Policy S5 (Countryside Protection)**

This policy seeks to protect the open countryside outside of the defined Built-Up Area Boundaries for towns and villages from inappropriate development.

Development within the countryside will only be permitted where it is explicitly permitted in accordance with a specific Local Plan policy and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

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

Looking at this large-scale mixed use development within the open countryside against the provisions of Policy S5 it is clear first and foremost that there are no specific adopted Local Plan policies that would explicitly permit such development. Equally, it is felt that the development would, in principle, harm the distinctive landscape, amenity and environmental qualities of the open countryside north of Exmouth.

Since the previous refusal a more detailed examination of the environmental qualities of the site has been undertaken, including reference to the agricultural land classification, which has been assessed as grade 1. PPS 7 (Sustainable Development in Rural Areas) seeks to preserve and protect the highest grades of agricultural land. It clearly states that the presence of best and most versatile agricultural land (defined as land in grades 1,2 and 3a of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations including biodiversity, the quality and character of the landscape, its amenity value or heritage interest, accessibility to infrastructure, workforce and markets, maintaining viable communities and the protection of natural resources including soil quality, when determining planning applications. This classification clearly adds weight to the environmental qualities of the site and the area in which it is located, which should be protected under the provisions of Policy S5.

The proposed development would not respect the land form and patterns of settlements in the area, unacceptably extending the built development limits of Exmouth into the important open landscape between not only Courtlands Lane and the loose-knit development around Courtlands House to the north-west, but also, and most importantly, the gap between Exmouth and Lympstone, which the provisions of the Green Wedge Policy S6 (see below) specifically seek to protect.

The view is taken that the existing open nature of the application site and its field boundaries contribute significantly to the local landscape character of the area and that the sheer scale and intensity of the proposed development would cause significant visual intrusion, such that no support for the development is to be found within Policy S5.

### **Policy S6 (Development in Green Wedges)**

This policy defines specific areas of the District on the Proposals Map where development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence. The pre-text to this policy opens with the statement that “if left unchecked, one of the potential results of „creeping“ development could be the coalescence of adjacent or neighbouring settlements, villages or towns. To prevent such coalescence it is important that open land between settlements is retained thus helping them maintain their separate identities, their landscape settings and to avoid the creation of unrelieved development.”

The pre-text also indicates the land to the north of Exmouth as a major landscape feature worthy of preservation and this is recognised in its designation as an Area of Great Landscape Value. Land between Exmouth and Lympstone is also protected from development to prevent the two settlements merging and losing their separate identities.

In this case, the open land to the north-west of Exmouth is a valuable asset in terms of providing the relief between Exmouth and Lympstone and being on the outer edge of Exmouth is extremely vulnerable to pressure for this type of urban development that would signal the start of the „creeping“ coalescence that Policy S6 is specifically designed to avoid. There is little doubt that the addition of a development of this size and scale to the north-west of Exmouth would begin the unacceptable erosion of the open countryside between Exmouth and Lympstone, accelerating their merger and the loss of their separate identities.

As with an assessment of the proposal against the provisions of Policy S5 of the adopted Local Plan, no support exists for the development of this site when considered under the specific provisions, aims and objectives of Policy S6.

### **Policy EN2 (Areas of Great Landscape Value)**

In Areas of Great Landscape Value priority will be given to the conservation and enhancement of the landscape. Development in such areas will only be permitted where it would have limited visual impact. The application site lies within the AGLV to the north of Exmouth (Exeter and Exe Estuary). Whilst a more detailed assessment of the impact of the application upon the specific characteristics of the AGLV is included later in this report, again the sheer size and scale of the proposed development would, in this case, undoubtedly fail to conserve or enhance the existing landscape or have only a limited visual impact. It is felt that the visual impact in this case would be significant to the extent that the proposal would fail to meet the provisions of Policy EN2.

As before therefore it is considered that there are no policies within the adopted Local Plan that would positively support the release of this land for housing and associated development.

## **Lympstone Village Plan**

At its meeting of 6<sup>th</sup> April 2010 the Development Management Committee considered a report relating to the recent publication of the Lympstone Parish Plan and resolved that “The Lympstone Parish Plan be endorsed and used to inform decision making in the District and the production of the Local Development Framework.”

The Parish Plan is a comprehensive document which sets out local aspirations and material considerations to help inform the local planning authority and others when considering applications and undertaking work in the community. One of the documents key objectives is the desire to avoid coalescence as a result of large scale development proposals on or close to the village boundaries, particularly from the Exmouth direction. Section 5 of the Plan, headed „The Parish Community” identifies the 3 key issues as:

- No coalescence with Exmouth
- Protecting our rural identity
- Retention of policies protecting the parish

The Plan then offers the following section upon what it considers to be the threat posed to the village by the potential expansion of Exmouth through the planning process:

“Undoubtedly one of the strongest characteristics is the “Community” spirit – described by Devon Life as a “Community Powerhouse”, and recognised as Devon Village of the Year in 2007. The real possibility of being swallowed up by the development of Exmouth is considered the greatest threat this community faces – it has happened to Littleham and it must not happen to Lympstone.

The current East Devon Local Plan 2006 gives protection to the parish from coalescence with Exmouth through

- Policy S6 (Development in Green Wedges)
- Policy EN2 (Areas of Great Landscape Value)
- Coastal Preservation Areas
- A tight development envelope around the village centre.

These Policies are the only defence the parish has against the urban sprawl of Exmouth swamping Lympstone. An initiative by EDDC called “The Local Development Framework” will replace the East Devon Local Plan – the Strategic Housing Land Availability Assessment (SHLAA) is the first element of the LDF to threaten these policies. The Parish will resist SHLAA as it threatens the Parish Community.”

This section then concludes with the following highlighted statement:

*“The character of Lympstone is one of a discrete settlement and the preservation of the ‘Green Wedge’, ‘The Coastal Preservation Area’ and ‘The Area of Great Landscape Value’ between Lympstone and Exmouth are of supreme importance and must be preserved at all costs.”*

It has been acknowledged in the Parish Plan that the „planning“ aims and objectives contained within it can be achieved through the application of policies within the District Local Plan. In this respect it has been shown that the proposed development in this case fails, in principle, to meet the specific provisions of Policies S5, S6 and EN2 of the Local Plan. These policies seek to preserve the character and appearance of the landscape around the District and, in the case of Policy S6, avoid damaging the individual identity of a settlement or the encouragement of settlement coalescence. The built development of this site would clearly contravene these Local Plan policies and by association fail to meet the aims and objectives of the Lymptstone Parish Plan.

For all of the foregoing reasons it is considered that the proposed development that forms the subject of this second application is no more acceptable now in either national or local planning policy terms than it was in June of last year. That being so reasons 1 and 2 of the previous decision remain as valid and sustainable now as they did then.

### Land Uses

The previous section of the report deals mainly with the housing element of the proposal, concluding that there continues to be a fundamental objection, in principle, to that element of the development, in that it fails to meet the restrictive countryside policies of the Local Plan. The application does however include other land uses, but they too fail to meet the same policies. PPS 4: Planning for Sustainable Economic Growth Policy EC6 paragraph 2a states that local planning authorities should “strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans”. Although the proposal seeks to provide 23,000 sq ft of B1 Use office use and other non-residential uses including a doctor/ dentist surgery and a crèche/ nursery (D1), 3000 sq ft for a local shop (A1) and/ or cafe (A3) and a community meeting room (D2), in order to allow such a proposal over and above the restrictive countryside, Green Wedge and AGLV policies the economic benefits would need to outweigh the „in principle“ objection to the development. Whilst there is a recognised need for additional employment space/ provision within Exmouth (as supported by the Council’s Economic Development Manger) and considering the fact that if the Local Planning Authority were to support the principle of a mixed use development in this location, the inclusion of integrated employment space into the scheme would be welcomed in an attempt to make the development more sustainable, it remains that the inclusion of the employment floor space and the other ancillary service type uses within the scheme and the job opportunities that they would create does not present sufficient justification to allow the proposal as a whole ahead of the unacceptable strategic and local planning policy based objections within the adopted East Devon Local Plan.

As stated earlier in the report the matters that are being sought for approval are the layout, and access.

## Layout

The application site is largely rectangular in shape, running westwards from the A376 Exmouth Road. Access into the site would be taken off a new entrance onto the A376 to the north of Courtlands Lane. Works would be undertaken to the existing A376 carriageway to provide road markings and a pedestrian refuge.

Inside the site the access would run westwards to create a primary distributor road, with rows and groups of houses set along its length. The groups are in the form of short culs-de-sac. The main spine road would be tree lined and landscaped along its northern side, with a variety of footpaths running through the layout, linking the various elements internally and externally. The spine road terminates at its western end where it curves southwards back towards the lane, but without linking with it at that end. A smaller road would run southwards roughly mid-way along the spine road, linking with Courtlands Lane via a curved „T“ junction. Priority would be given to vehicles entering and leaving the site to the west around the curve, with the minor leg of the „T“ linking with the stretch of Courtlands Lane that runs back to the A376.

The 154 dwellings are made up of a combination of 2, 3 and 4 bedroom houses, in a mix of detached, semi-detached and terraces. At this stage the layout does not show either the distribution or size of the 40% (62) affordable units. The houses have been allocated garages and parking spaces either within their plots or in small groups off service roads behind them. The Design and Access Statement indicates that the houses would be no higher than two storeys throughout.

The commercial centre of the mixed use development would be located along the south side of the central spine road, comprising the business and retail units, cafe, community use, crèche and doctors surgery. These are specified as being at the heart of the scheme, served by car parking at the rear and opposite the blocks. These buildings would also be no higher than two storeys.

The Masterplan incorporating the layout of the development illustrates generous tree planting throughout, including an orchard along the south side, to the west of the existing houses on the north side of Courtlands Lane. An area of parkland/open space is shown in the north-eastern corner of the site, alongside the East Devon Way (EDW), which bisects the site in a north-south direction. A larger area to the west of the EDW would contain a balancing pond, surrounded by new tree planting and extending the parkland nature of the northern outskirts. A footpath/cycleway skirts the western and southern perimeter of the site, running through landscaped open space around this part of the overall layout.

A second, smaller balancing pond is proposed at the extreme western end of the site opposite North Lodge, again within a landscaped setting.

The advice of the Police Architectural Liaison Officer has been sought, and she has offered a number of comments relating to the layout. In particular she has highlighted matters such as some aspects of the parking provision (location, adequate surveillance and enclosure), accessibility/use of open space close to some dwellings, the orientation of dwellings, which ideally should face each other and some accessibility and security features around the employment and community

facilities. It is felt that all of these concerns could and would be addressed at the later stages of the development, if and when reserved matter applications are submitted for further consideration.

Notwithstanding the fundamental planning objections to the development of this site for mixed use purposes, in principle, given the strong policy presumption against it, the view is taken that the density, layout and general arrangement of houses and non-residential buildings, together with the landscaping and permeability of the roads, footpaths and cycle routes combine to create an environment that, on its own, provides the basis for an acceptable form of development. There are one or two elements of the layout that might need to be re-visited, especially in terms of the need to „plan out crime“, and maybe give more attention to the grouped arrangement of dwellings, visual emphasis and street scene accents and enclosures, but overall it has been concluded that there are no sustainable objections to the Masterplan layout that accompanies the application.

### Access and Highway Issues

Although submitted in outline, approval is sought at this stage for the detailed access arrangements.

Two access points are once again proposed into the development site, namely the new junction with the A376 which is located approximately 100m to the north of the existing Courtlands Lane junction with the A376 at Courtlands Cross and a secondary access from the site into Courtlands Lane located to the west of the property known as Eastergate and the existing position of the East Devon Way.

For the access into the site from the main A376, the applicants have again proposed the widening of the existing carriageway of the A376, the provision of a central lane for right turning vehicles with pedestrian refuges at both ends and a junction cut into the existing road side. The junction, as before, would have visibility splays of 4.5m x 90.0m and would be formed for emerging and turning vehicles. Notwithstanding any concerns in respect of the impact on the character of the area, the Local Highway Authority continues to accept that as an engineering solution to the movement of vehicles into and out of the site the proposed junction is acceptable and complies with current design criteria given its type and the level of development proposed.

The second access point for the development would be from Courtlands Lane which has been assessed by the Local Highway Authority as having an appropriate physical layout (in terms of engineering and visibility). However, in contrast to the previous scheme, Courtlands Lane would be realigned at a point just west of the most western residential property along its southern side, Earlham House, with the eastern section made one way in a westbound direction from Courtlands Cross. This itself represents a revised arrangement to that originally submitted which involved the closure of Courtlands Lane at the Courtlands Cross junction and the redirection of traffic through the site.

While the Local Highway Authority have consistently not sought to raise objections in respect of the main junction layout, there were a number of aspects of the previous proposal subject of application 10/0694/MOUT that caused concern in relation to the

sustainability of the location of the site, together with that of the proposed commercial development in particular, and the resulting additional private vehicle use along with the additional traffic that would ultimately use Courtlands Lane and the surrounding highway network which is recognised as having poor alignment, narrow width and restricted intervisibility.

It is considered by the Highway Authority that the vehicular traffic generated from the proposed development would continue to lead to an unacceptable increase in vehicular usage of both Courtlands Lane and Summer Lane which are both narrow with poor alignment and limited forward visibility at respective junctions. Summer Lane is a narrow single track road with very few purpose built passing bays that runs eastwards from Courtlands Cross to Hulham Road. Courtlands Lane runs through to Lypstone and its station. It is also an important link for cyclists from the A376 to the Exe Estuary cycle path. Furthermore, the site itself is traversed by the East Devon Way which is an identified long distance footpath.

Moreover, it is thought that the proposed „one way“ system for the eastern section of Courtlands Lane would actually be even more likely to result in increased vehicle movements into Courtlands Lane through the Courtlands Cross junction. In this regard the Highway Authority is clear in recognising that the lane is not capable of accommodating additional traffic.

This stance is borne out by a recent appeal decision which relates to the use of Courtlands House (located on Courtlands Lane to the immediate south of the application site) as a 20 Bedroom Hotel. The application for the proposed change of use was determined in February 2009 where the Highway Authority commented as follows:

“It is the opinion of the Highway Authority that Courtlands Lane is inadequate in respect of its carriageway width, footways and cycleways to serve any additional traffic generating development”.

In considering the appeal the Inspector recognised that the “existing road network and layout has a variety of limitations. Whilst it serves a significant number of properties, Courtlands Lane is narrow and predominantly of a single carriageway width without footways. It has limited street lighting and a limited number of passing bays which were constructed in conjunction with the appeal site's most recent authorised use. There are no formal passing places close to the junction with the A376. I consider that such an arrangement could give rise to conflicts between vehicles and pedestrians which would be prejudicial to highway safety.”

In addition a 2008 application sought permission for three houses to be erected on the former nursery site immediately adjacent to the current application site (application reference 08/0727/OUT). Although not tested at appeal, this application was refused on, among others, the following grounds:

*“The proposed development would be located where it is remote from adequate services, employment, education, public transport etc., and would therefore increase the need for travel by private vehicles contrary to Policies TA1 (Accessibility of New Development) of the East Devon Local Plan 1995-2011 and TR2 (Co-ordinating*

*Land Use/Travel Planning) and TR5 (Hierarchy of Modes) of the Devon County Structure Plan 2001-2016"*

*"The roads giving access to the site are by reason of their inadequate width, poor horizontal alignment, and substandard junction with the A376, unsuitable to accommodate the increase in traffic likely to be generated contrary to Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011 and TR10 (Strategic Road Network) of the Devon County Structure Plan 2001-2016."*

This recent history demonstrates that a consistent approach has been taken in respect of additional traffic that would utilise Courtlands Lane. Moreover, a similar approach would be taken in the case of this application for Summer Lane located opposite the Courtlands Cross crossroads insofar as the development would result in a material increase in the volume and character of traffic using both roads, both of which are narrow and neither of which have adequate footways or passing facilities, with consequent increased risk of danger to all road users and prevention of the free flow of traffic.

However, in light of discussions that have taken place involving the Highway Authority, a full transport assessment has been presented with the current application. The information provided therein is such that the Highway Authority is now satisfied that the location of the development, although marginal, on balance does not any longer warrant grounds for refusal on sustainability grounds, although the assessment acknowledges that residents in Exmouth are largely attracted to Exeter for employment. Due acknowledgement is given to the good bus links between Exmouth and Exeter that exist together with the level, quality and frequency of cycle and train links via Lymington.

Objection is therefore raised to the proposal by the Highway Authority on only one ground, namely the inadequacy of Courtlands Lane and Summer Lane to accommodate the increase in traffic likely to result from the development.

The submitted transport assessment also identifies an impact from the development upon Junction 30 of the M5 that previously formed the basis for concern by the Highways Agency. However since a range of sustainable transport modes are accessible from the site, as referred to above, it is now considered that this impact can be satisfactorily mitigated by the implementation of a travel plan. Conditions are therefore directed by the Agency in relation to the development and implementation of both a travel plan and a construction management plan and no further concerns are raised by them in respect of the proposal.

#### Cycle Routes, Public Footpaths and other Rights of Way

As has been borne out in many representations received, the site is crossed by the East Devon Way. This currently utilises the western end of Summer Lane, the eastern section of Courtlands Lane and crosses the central section of the site area. In addition the Regional Buzzard cycle trail and the National cycle network also pass in close proximity to the site. As has already been identified the lanes surrounding the site are narrow primarily single carriageway and with an increase in car and

vehicle movements associated with the development the potential for conflict with walkers and cyclists would only be increased.

## Parking

Borne out with the response from the Highways Agency, attention has been drawn to the parking provision in the application. Although at outline stage, with all matters except access and layout reserved, the applicants have indicated that they would provide 1.5 spaces per residential unit. This level of parking falls within the maximum criteria set within the adopted Local Plan and as such would be acceptable.

## Ecology and Appropriate Assessment

The potential impact on ecological interests constituted a reason for refusal for the previous application. The current application is accompanied by an updated ecological survey which updates the document submitted with the previous proposal. The site has been resurveyed for the presence of protected species and the bat survey which accompanied the last proposal has been submitted once again. Although produced in November 2009 the bat survey is within the two year period which it is generally accepted that such surveys are valid for. The information also includes supporting data relating to the anticipated implications for the Exe Estuary RAMSAR and SPA and the Pebblebed Heaths SSSI which would result from the additional demand for recreation.

## Impact on protected species

Natural England were consulted on the application and made comments with regard to the bat survey which was considered acceptable subject to the imposition of conditions. There are no buildings on the site so an emergence survey was not required although the four visits undertaken by the Ecologist were conducted at dusk to ensure that any species utilising the large trees on site would be noted. There was evidence of bats at the site but the report states there were: "...low to moderate value of small numbers of bat species that are relatively common in East Devon." Furthermore it is the hedgerows on site which attracted these specimens and the majority of the hedging would be retained.

It was suggested by Natural England that inadequate survey work has been undertaken to determine the potential impact on other protected species but these are addressed in a further report which found no evidence of badgers, dormice or reptiles. The habitat was not deemed suitable for these species. There was evidence of nesting birds but the proposals involve the loss of only a limited quantum of trees and hedging which would be mitigated by the introduction of new planting. The survey concludes by noting that a residential development would offer a more attractive habitat for some protected species than the current agricultural use.

Specific reference was made to Cirl Buntings following a concern raised during consideration of the previous application that their presence on the site would be affected by the development. Natural England commented that no additional survey work has been undertaken although there is a reference to a further survey in the

ecological report. Notwithstanding the mention of the surveys, there is very little information as to how they were conducted and what they consisted of. It is therefore difficult to ascertain whether the site has been appropriately assessed, particularly in the light of the comments from the RSPB who are aware of Cirl Buntings just 100 metres to the north of the application site. The RSPB also state that this species is now limited to farmland areas between Plymouth and Exeter and it is therefore reasonable to expect that more detailed survey work and, if necessary, mitigation strategies should have been developed.

#### Visitor pressure on designated sites

The consultation response from Natural England did raise concern regarding the increased pressure which would be exerted on the nearby Special Protection Area (SPA) and Site of Special Scientific Importance (SSSI) as a result of the increased population density. Work has been undertaken with a number of Local Authorities to produce an assessment of the likely demands arising from increased housing numbers in this area and whether there is a need for mitigation measures as a result. This document has yet to be finalised and adopted but the evidence base for the study has been analysed to assess the impacts which development would give rise to. An interim position has been adopted by the Local Authorities involved in producing the study which seeks a financial contribution of £350 per dwelling and the provision of 8ha of open space per 1000 residents.

The purpose of the study, the rationale for which has been replicated elsewhere in the country, is to facilitate new development whilst ensuring that established environmental assets are appropriately managed. Clearly such management would require financial investment so the study is intended to assess the likely additional demand associated with each new unit and predict the cost of mitigating the increased impact. In response to a reason for refusal attached to the last permission, the current application is supported by evidence which attempts to assess the likely pressure which would be exerted on the designated sites located nearby.

There are obvious difficulties associated with accurately predicting such pressures but it is clear that more housing in this location would result in additional visits to these resources. Although the work which has been carried out is a fair attempt at assessing the likely additional movements, the application is not supported by assessment of the associated impact on the protected sites. In order for the Local Planning Authority to undertake an Appropriate Assessment in conjunction with Natural England, it is necessary to determine how the development would impact on the conservation objectives of the protected sites which justify their designated status. There is no supporting evidence from an appropriately qualified ecologist, for example, to analyse the condition of the resources, their capacity for additional pressure and whether there are appropriate mitigatory measures that could be pursued to address the impact which would undoubtedly arise.

In the absence of further information to provide a more comprehensive assessment of the existing site characteristics and issues, the Local Planning Authority cannot determine with sufficient conviction that the development would not undermine the Exe Estuary and Pebblebed Heath sites. Notwithstanding the additional information

submitted with this proposal, the previous reason for refusal cannot be considered to have been overcome and must be recommended again. This is also the case with regard to the implications for Cirl Buntings which are a very rare species identified in numerous legislative documents for special protection. The evidence provided in support of the application does not sufficiently demonstrate that appropriate survey work has been undertaken and therefore the development would not undermine a resource which is known to have supported this species in the recent past.

## Trees and Hedgerows

The application is accompanied by a fresh arboricultural survey which has reassessed the trees and hedgerows on the site in accordance with British Standard 5837:2005. There is an increased level of detail and assessment in terms of the expected impact on the specimens identified because the issue of layout is also now to be resolved in addition to the access arrangements which were considered under the previous application. The four fields which constitute the application site are only marked by trees and hedgerows on their boundaries. The agricultural fields themselves are currently grassed with no identified specimens away from their respective boundaries. The main impacts would therefore result from the highway access into the site from Courtlands Lane and the A376, internal roads through the site and the proximity of the proposed dwellings to the identified trees.

The boundary between the application site and Courtlands Lane is marked by a hedgerow for much of its length with only two narrow field entrances breaking the hedge. The submitted details show that a new vehicular entrance would be installed which would necessitate the removal of a large section of the hedgerow in order to achieve the necessary visibility splay. This access would, however, be distanced from any trees of merit. Although the loss of the hedgerow would be regretted, the quantum would be kept to a minimum and there would be compensatory planting as part of the development.

The new access onto the A376 would involve the widening of the road close to the existing bus stop. The arboricultural survey identifies an oak tree worthy of retention in very close proximity to the widened highway (T14) and the works required for the access would necessitate removal of part of the bank which forms the root protection area (RPA) for this specimen. The report acknowledges that the extent of works is likely to lead to the demise of this tree within 10 years. There are a number of further trees of note on the boundary with the A376, some of which are proposed for removal. The Arboricultural Officer has considered the loss of these specimens against the additional planting which is proposed as part of the scheme and considers that the loss would not be so significant that refusal of the application could be sustained. Although a number of trees close to the roadside boundary would be lost in the short term, the landscaping would compensate adequately for any loss.

The development of the four fields would also necessitate highway access through the central field boundaries but the locations chosen would ensure that the disruption is minimised. Sections of the central boundaries are of less merit than the hedgerows fronting the A376 and Courtlands Lane so the harm to the character of

the area as a result of the internal access would not be so significant that a reason for refusal could be justified.

The layout shows that sufficient distance would be retained to the boundaries of the site to ensure that the potential for shading would be limited. Away from the side boundaries the only other significant belt of trees would also be distanced from the nearest proposed dwellings. The layout of the development is therefore considered to be acceptable in relation to the preservation of trees and it is not considered that any specimens would come under longer term pressure as a result of their impact on amenity. Subject to the imposition of planning conditions it is not considered that the development would cause significant harm to the established trees and hedgerows on the site.

### Landscape Impact

The application is supported by a revised Landscape and Visual Impact Statement which examines the principle of development in this location in terms of the impact on the local landscape. In particular the Statement looks into the land form and characteristics which would affect the prominence of any development in addition to the impact on the views available from public vantage. The report moves on to consider the planning policy constraints and assesses the proposals against the restrictions which are in place on the land as a result of these designations. In addition to Local Plan Policies this includes the Landscape Character Assessment and Management Guidelines for East Devon and the Blackdown Hills which distinguishes the varied landscape characteristics of the area on a local level. The document includes the particular features, land forms and biodiversity interests of each area and includes measures by which the landscapes can be preserved and enhanced.

The gradient of the land is steepest to the west and north where the land slopes down towards the Exe Estuary and Wotton Brook respectively. Much of the site therefore lies on a plateau as the land rises only gently towards the south east corner of the site. The result of this relief is to lend the application site a localised high point which acts as a strong visual barrier between Exmouth and Lympstone. The importance and value of this landscape is recognised in the form of Policies S6 and EN2 of the East Devon Local Plan which act as constraints on development in this location. Most notably views of the site are afforded from the A376, Courtlands Lane, sites within Exmouth, the west side of the Exe Estuary and from the East Devon Way which passes through the application site.

The revised Visual Impact Statement has adopted a more methodical approach to assessing the impact of development in this location and has been used to feed into the layout of the site which is now a matter to be determined. Each of the prominent views of the site have been considered both in terms of the immediate impact of development and the longer term impact which in some instances would be mitigated by new planting. Each of the conclusions reached in the Statement are addressed in turn by the consultation response provided by the Landscape Architect who acknowledged that the key features of the site had been identified.

The consultation response accepts in part that the amendments to the layout and the siting for additional planting would act to limit the harm from distanced views of the site. The landscape appraisal submitted with the previous scheme failed to adequately appreciate the prominence of the site from a number of identified public vantage points but the new submission goes further in detailing the impact, including the sensitive nature of receptors such as tourists who make use of the A376. The scope for additional planting at the site which is available as a result of the layout now being fixed would be sufficient to limit much of the harm from wider viewpoints and maintain a degree of relief between the settlements of Exmouth and Lypstone in the context of these more distanced views. The development would, however, remain visible from within Exmouth and locations closer to the site. In addition to any wider impact on the landscape these views from nearby and from the East Devon Way which runs through the site are of significant importance in determining the implications for the local character of the area and settlement coalescence.

The consultation response produced by the Landscape Architect also refers to the impact of lighting associated with new development and the effect that this would have on the value of the high ground as a buffer between the settlements. This has still not been addressed to any significant degree. In particular the site is situated on land which slopes up to a ridge which would serve to accentuate any views from the south. In particular views are possible from the Imperial Recreation Ground in Exmouth which would have implications for coalescence.

In addition to the more distanced views and the wider landscape impact, the proposal to introduce a vehicular entrance onto the A376 would also necessitate a substantial alteration to the hedgerow adjacent to this highway. The Visual Impact Statement considers this as an opportunity to reinforce key characteristics of the locality but the scale of works proposed and the visibility splay requirements would result in the loss of a significant section of the hedge. It would also open views into the site from the A376 for a section of its length between Lypstone and Exmouth. This element of the scheme would contribute to the erosion of the sensitive landscape in this area and further undermine the rationale for the protective designations which are in place. Similarly the new access onto Courtlands Lane would require works to the hedgerow and although the visibility splay requirements are more limited, any loss of vegetation would potentially damage the „lower rolled farmed and settled slope“ landscape character identified in the Landscape Character Assessment. Although the loss of this section of hedgerow would not be sufficient in its own right to justify refusal, the loss would contribute to the wider harm to this identified character.

There would also be a significant impact on the East Devon Way which cuts across the site and currently offers views of Lypstone and out to the Exe Estuary. It is suggested in the supporting documentation that the development offers an opportunity to enhance enjoyment of the East Devon Way but it is difficult to conclude that a large residential development on either side of the right of way for a considerable length of its route would add to the experience which it currently offers. The East Devon Way is a footpath which offers an appreciation of the landscape setting of the site which is between two urban areas and close to the Exe Estuary. The purpose of this public right of way would be undermined by the scale and location of development which would result in the urbanisation of part of its route and

a much reduced parcel of land offering the same value to its users. The value of this resource is finite and any development such as that proposed would serve to detract from the amenity derived from it by its users.

It can therefore be concluded that in terms of landscape impact the result of the proposed development would be a step towards the gradual coalescence of the two settlements through a significant impact on this section of the Green Wedge which would serve to undermine the purpose of its designation. The Area of Great Landscape Value would be harmed as a result of the impact on the identified character due to the additional planting which would be required to screen the development. Although more information has been provided in support of this revised scheme, it is still considered that the development would result in significant harm to the local landscape and undermine the value which the site provides in retaining a separation between Lympstone and Exmouth.

### Impact on Listed Buildings

There are two listed buildings within close proximity to the site. A La Ronde; a grade I listed building set within a grade II registered park and garden and Courtlands House; a grade II listed building. St Peters School, a grade II listed building is also located approximately 900 metres north of the site.

PPS5 is the national policy guidance document relating to the historic environment, and sets out planning policies pertaining to the conservation of the historic environment. It classifies „heritage assets“ as all those parts of the historic environment that have significance because of their historic environment that have significance because of their historic, archaeological, architectural or artistic interest. PPS5 places a strong emphasis on understanding the impact of a proposal on the significance of any heritage asset.

It is pertinent to note that one of the previous reasons for refusal (reason no 9) was that inadequate information had been submitted to demonstrate that the proposal is acceptable in terms of its impact on the setting of the nearby grade II listed building, Courtlands House. To address this specific reason for refusal, the current application is accompanied by a detailed Heritage Impact Assessment which has been undertaken by Cotswold Archaeology.

The Council's Conservation Officer has considered this additional information and is of the view that the setting of Courtlands House and its boundary curtilage wall is the primary consideration from the heritage perspective. The setting of St Peter's School and A La Ronde has also been considered in the supporting statement but it is conceded that the setting of these two listed buildings would not be impacted significantly by the proposed development. It should however be noted that The National Trust do however remain of the view that a lack of information has been provided to make a full assessment of the application in relation to the impact of the setting of A La Ronde or the character of the estuary fringe and therefore raise an objection to the application.

The significance of Courtlands House has been identified in the supporting statement and it is accepted that the setting of the listed building contributes to its significance and that this has been suitably appraised and identified in the report.

The Conservation Officer is of the opinion that the primary vantage points where the application site would be seen in part in the context of Courtlands House are limited to the following three very different aspects:

1. The view along Courtlands Lane identifies a very rural context and the estate walls that run along the north edge of the Courtlands Estate are quite indicative in character to a country estate. The setting of this aspect of Courtlands is considered very important to its significance as a listed building in a rural setting. The proposed development is quite suburban in its conception with modern estate houses set within a cul-de-sac layout. While there is a buffer zone between Courtlands Lane and the edge of the development but the effectiveness of this does not appear to have been explored and even when fully established with appropriate native species this will become less screening during the six months without leaf cover. The development would be quite evident from Courtlands Lane and impact the character of the setting of Courtlands in an incongruous manner.
2. The second most distant vantage point would be from Seafield Avenue. This places Courtlands in the foreground with its southern aspect and the application site behind. This is identified well in the photo 9 in the landscape assessment. It is noted that there is some limited screening of the site immediately to the rear of Courtlands but that the roofs of the two-storey buildings closest to Courtlands Lane may well be visible along the skyline of the ridge. This will clearly place Courtlands within a built-up setting and compromise its current semi-rural location.
3. The third and least significant vantage point of Courtlands is from the opposite side of the estuary. From the west and partially dependent upon the elevation of the vantage position the listed building is seen against the western backdrop of the site. It is conceded that there is a level of screening during summer months. Again the exact impact of the development can only be anticipated but it is likely that at least part of the development would be visible within the landscape. This may not be considered necessarily a direct impact due to the 2-3km distance from the site but it would be quite apparent that the 'green' landscape block between the edge of Exmouth and Lymington would be diminished.

The proposed development has been assessed from these three main vantage points where it would be seen, in part, in the context of Courtlands House. From a conservation point of view, the concerns over the principle of a significant suburban development remain for the same reasons as those expressed for the 2010 application. The main difference between the previous application and the current one is that the significance of the setting of Courtlands has been properly appraised and the proposed development has been more comprehensively explored in terms of massing. This does not however alter the concerns regarding the impact of the development on the setting of the grade II listed Courtlands House. The Conservation Officer is of the view that the significance of Courtlands House is defined to a great extent by its traditional estate setting and beyond its formal gardens and parkland the remaining areas of open countryside are intrinsic to what makes its setting important and attractive. Clearly a development of this scale, in this location, would have a significant incongruous impact on the setting of the listed

building and therefore on this basis the Conservation Officer does not support the application. It is recommended that this forms an additional reason for refusal.

### Archaeology

Devon County Archaeology raise no objections to the proposal however it is in an area of archaeological potential whereby ground works may reveal evidence of prehistoric activity in the area. Therefore they have recommended that if minded to approve the standard condition requiring a written scheme of investigation should be applied.

### Impact on Residential amenity

There are several properties to the southern and western boundaries of the site, accessed along Courtlands Lane. It is considered that a proposal of such a scale with mix of land uses on a greenfield site is likely to have some form of impact on neighbour amenity.

In this respect an assessment of the impact of the development upon nearby residents has focussed upon the properties to the north of the lane and those to the south (to the western end of the site) where Courtlands House and North Lodge are located.

There are 7 properties to the north of the lane, each of which is within a large sized plot. The submitted layout plan shows that the rear elevations of the closest of the proposed new dwellings at the eastern end of the site would be located around 20m from the existing dwellings and approximately 15m to the common boundary. Given this distance and that landscaping and the arrangement of windows within any of the closest houses could be included within any reserved matters application, it is considered that a reason for refusal based upon the impact of the development on these houses could not be justified.

On the southern side of the lane the nearest properties would be located some 25m away across the other side of Courtlands Lane and it is not considered that this causes enough concern to justify a reason for refusal.

In terms of the impact upon the development at Courtlands House, whilst this may have implications in terms of conservation and listed building issues, again it is considered that the distance of nearly 30m between these properties and the proposed dwellings that there would not be any adverse overlooking or loss of amenity.

In terms of impact at the western end of the proposed development, where North Lodge is located, the nearest property would be some 30m away. If necessary, windows in the side elevations of the closest properties could be controlled at the reserved matters stage. It should also be noted that there are a number of trees on the western side of Courtlands Lane which would obscure direct views in a westerly direction.

There are however concerns at the number of vehicles which would use Courtlands Lane to access the proposed development. In its originally submitted form the layout plan indicated that the length of the lane westwards from its junction with Exmouth Road would be closed just beyond Earlam House, to form a cul de sac serving the 19 properties along this length of the lane.. However, this element of the scheme has subsequently been amended to include an access into the site along the north side of Courtlands Lane, in the form of a T<sup>n</sup> junction, with priority being given to traffic entering and leaving the new development from the west, around the curved link between the lane to the west and the internal estate road.

The additional traffic that would result from such a proposal and ensuing conflict with pedestrians and cyclists in the area has already been discussed. In addition the employment and business uses proposed create the potential for noise and light pollution, but these could be adequately controlled through the use of planning conditions at later stages, as the details develop. It is not considered that the location of the dwellings would cause any overbearing impact upon nearby properties and could be suitably designed to prevent loss of privacy. Taking these factors into account, it is again considered that an objection could not be sustained in terms of the impact of the new development upon the amenities of occupiers of adjoining or nearby properties could be sustained.

### Drainage

As previously, the potential for increased flood risk and drainage/pollution control has been raised as a significant issue in the representations received in respect of the application. As with all applications of this scale, the submitted information received from the applicants has been considered by the Environment Agency and South West Water. Whilst the detailed comments of South West Water are yet to be received, the Environment Agency have raised a number of issues although not considered these to be so harmful that a recommendation of refusal could be sustained.

The applicants' flood risk assessment and drainage strategy in accordance with PPS25 recognises that where applications for development are likely to increase the amount of surface water runoff, drainage after development should mimic the original situation. In this instance the site is currently used as an agricultural field and therefore the runoff rate to be achieved must be the original green-field rates. In addition the guidance also requires that an allowance be made for climate change in designing a drainage system to cope with the 1:100 year storm event.

To achieve the necessary attenuation and in the absence of more detailed considerations (the application is only made in outline) the submitted report proposes a mixture of surface water drainage systems to mimic the existing surface water drainage regime including:

- An infiltration pond in the northern side of the site.
- A cellular storage reservoir in the employment parking area
- A large diameter attenuation pipe located in the adoptable road network and cellular storage to the western side of the site
- An attenuation system under the junction of the bell mouth of the access with the A376.

The strategy outlined by the applicants has been accepted by the Environment Agency who consider the proposals that are set out within the flood risk assessment to be appropriate. It is recognised that additional detail would be required to fully address the points raised by the Environment Agency but these are of a level of detail that would not be known at this stage. In the event that the application was approved, such matters could reasonably be managed through conditions and submitted at the reserved matters stage. While the concern of local residents concerning the potential for additional surface water flooding is noted and understood, it is not considered that they could be sustained as a ground for refusal.

The proximity of the proposed development site to the Exe Estuary, which is a European designated and protected environment, is also noted. Of particular concern is the fact that drainage from the site falls to the north and west and therefore towards the Estuary - most notably through a minor stream that runs through the Courtlands estate. While this does provide a potential link between the site and estuary, it is considered that inception measures can suitably protect the environment. Details of such protection could again be required through condition and therefore no objections are raised at this stage.

### Education

In refusing the previous application reason 3 of that refusal related to the issue of education and the ability of the education facilities within the area to accommodate the likely number of children that the development would generate.

In considering this second application discussions have taken place with officers of the County Council concerning their ability to defend this reason for refusal at appeal, based upon the evidence of a shortfall of primary and secondary school places in the area. In their original response to the application the County Council's Strategic Planning Group indicated that the numbers on the rolls at both Lympstone C of E primary school and Exmouth Community College exceeded their capacity, but rather than support a continued objection along the lines of that set out above, a request was made for contributions from the development to support the provision of part funding teaching accommodation in the Exmouth Area. A total of £437,417.75 was sought for primary education and £421,367.10 for secondary education.

In making the request for contributions the County Council did not provide any indication of precisely where the money would be spent, in order to show a direct link in scale and kind to the development and to meet the requirements of Circular 05/2005 and the recently published draft National Planning Policy Framework. Whilst in presenting the new application to the Council the applicant's agents have indicated that they would be prepared to include education contributions within a Section 106 Agreement "in accordance with any identified and evidenced shortfall of capacity," it is likely that the County Council's views upon the capacity of schools in the area and the size of the financial contribution that is being sought will be challenged at appeal.

The latest discussions with the County Council have indicated that following its unsuccessful attempt to seek contributions towards the provision of primary and

secondary education in a case involving a similar number of houses in Exeter and where the appellants were able to show that there were a significant number of places currently available in primary and secondary schools within a 1.5 mile radius of the site, it will not be able to mount a robust argument against this application on the lack of education facilities within the area to accommodate the child yield from the development.

As it stands the applicants remain prepared to offer a financial contribution, but it is unlikely to be the full amount that the County Council has requested. The eventual figure will hopefully be agreed through negotiation during the run up to the Public Inquiry and included within the draft Section 106 Agreement that will need to be prepared prior to the Inquiry.

Given the above circumstances it has been concluded that the reason for refusal based upon education grounds cannot be supported in this case.

### Public Open Space

RE3, relating to Open Space in New Housing Developments, which states that where new housing development generates a demand which will require additional formal and informal recreation facilities, provision by the developer will be required to the following standards per dwelling:

1. 22.2 square metres of land for formal playing field use, and
2. 17.8 square metres of land for children's play space, including provision for equipped play areas.

These standards relate to on-site provision within RE3, as opposed to the applicant making a payment or part payment for the provision of off-site facilities, which could be the case if the development scheme was of a small scale.

Open spaces are required to be laid out to an adoptable standard to accommodate formal and informal recreation uses and in the case of formal playing fields, basic changing facilities are likely to be required. For the 154 dwellings proposed the amount of on-site open space facilities required to serve the development would be 3,418 square metres of formal playing field and 2,741 square metres of children's play space.

Given the remote location of the application site, well away from any existing children's play spaces in the area and the distance that residents of the new development would need to travel to benefit from any existing facilities in Lympstone or Exmouth, provision for such play spaces within the application site is considered to be essential.

The supporting information indicates that associated public open space is to be provided and that there would be around 4 hectares of open space (40,000 square metres), particularly to the north of the proposed development. This amount is well in excess of that required by the standards within Policy RE3. However there is no indication either on the proposed layout plan or in the submitted information, where any of the formal recreation facilities would be provided or laid out. It needs to be

shown that formal play space can be accommodated within the development and its absence from the layout details that form part of the application is a failing within the land use plan. It cannot be assumed therefore that adequate provision has been or will be made for formal playing field or children's play space use within the scheme.

On this basis it is considered that a reason for refusal relating to the failure of the details of the development to accommodate formal and informal recreation facilities in accordance with the requirements of Policy RE3 of the Local Plan could be sustained.

### Affordable Housing

In terms of the affordable housing element the applicants have indicated that 40% of the proposed dwellings would be affordable, in accordance with the provisions of Policy H4 of the Local Plan. The heads of terms indicate that the affordable housing would be split to provide 70% rented and 30% shared equity. Whilst the number, location, and size of the affordable units are not shown within the submitted layout plan, these elements of the scheme would be addressed at the detailed stages of the development, should permission be granted.

### Transport

The supporting statement indicates that contributions towards transport would be based upon any identified and agreed mitigation, as set out in the Transport Assessment that accompanies the application.

The application incorporates off-site works including a ghost island priority intersection, road markings and associated traffic regulations, bus shelter, the extension of the 30mph speed limit to the north of the site and toucan crossing. These are matters that are likely to be included within a Section 106 Agreement.

## **RECOMMENDATION**

On the basis of the information available to the Local Planning Authority as at 27<sup>th</sup> September 2011, the application would have been refused on the following grounds:

1. The proposal involves a large scale mixed use development located within the open countryside, outside of the built-up area boundaries of any settlement, wherein new development is permitted only where it would be in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities of the area in which it is located. In the opinion of the local planning authority the development does not accord with a specific Local Plan policy and by reason of its siting and scale would harm the distinctive landscape, amenity, sustainability and environmental qualities of the area, including the consequential loss of grade 1 agricultural land north of Exmouth and south-east of the village of Lympstone, contrary to the provisions of Policy ST1 (Sustainable Development), Policy CO1 (Landscape Character and Local Distinctiveness) and Policy CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001-2016 and Policy S5 of the adopted East Devon

Local Plan 1995 - 2011 ( Countryside Protection), Policy EN2 (Areas of Great Landscape Value) and Policy D1 (Design and Local Distinctiveness) and guidance contained in PPS 1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

2. In addition to reason 1 above, the application site lies within a Green Wedge as defined in the adopted East Devon District Local Plan wherein development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence. In the opinion of the local planning authority the proposed development in this case would not only represent a sporadic form of development but would also lead to the undesirable coalescence between the outer outskirts of Exmouth and the village of Lypstone, threatening the individual identity of that village, contrary to the provisions of Policy S6 (Green Wedges) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 1995 - 2011 and the aims and objectives of the Lypstone Village Plan.
3. The proposed development would be likely to result in a material increase in the volume and a material change in character of traffic using Summer Lane and Courtlands Lane, which are both narrow lanes without adequate footways or passing facilities with consequent risk of additional danger to all users of the road and interference with the free flow of traffic contrary to Policy TR10 of the Devon County Structure Plan and TA7 of the adopted East Devon District Local Plan
4. The applicant has failed to adequately address and cater for the demand that the proposed dwellings would place on recreational facilities to serve the development through the lack of the detailed provision of formal and informal playing space within the submitted layout. The proposal is therefore contrary to Policy RE3 (Open Space Provision in New Housing Developments) of the adopted East Devon Local Plan 1995 - 2001 and PPG 17 (Planning for Open Space, Sport and Recreation).
5. The proposed development by virtue of the scale and form of development and its siting would significantly erode the semi-rural setting of the grade II listed building known as Courtlands House and its boundary curtilage wall. The development would create a suburban setting that is inappropriate to the historic parkland estate setting of the house. The proposal is therefore contrary to Policy C07 (Historic Settlements and Buildings) of the Devon Structure Plan 2001-2016 and Policies EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the adopted East Devon Local Plan 1995-2011 and advice contained within PPS 5 (Planning for the Historic Environment).
6. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of impact on biodiversity and protected species in the area. The site is adjacent to the Exe Estuary SPA site and East Devon Pebblebed Heaths SAC/SPA. There is also data from the RSPB confirming the presence of Cirl buntings (A UK BAP priority species) in

the area. Inadequate information has been submitted to enable the Local Planning Authority to carry out an Appropriate Assessment (Habitat Directive) and fully consider the impact of the proposed development on these sites of international importance. The proposal is therefore contrary to Policy CO9 (Biodiversity and East Devon Diversity) and Policy CO10 (Protection of Nature Conservation Sites and Species) of the Devon County Structure Plan 2001 - 2016 and Policies EN4 (Nationally Important Sites - including Sites of Special Scientific Interest), Policy EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and Policy EN6 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 1995 - 2011 and advice contained within PPS9 (Biodiversity and Geological Conservation)

#### List of Background Papers

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