

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Okehampton Hamlets **Ward:** Okehampton North

Application No: 1493/16/VAR

Agent

WYG Planning and Design
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Wellington
TQ21 8YA

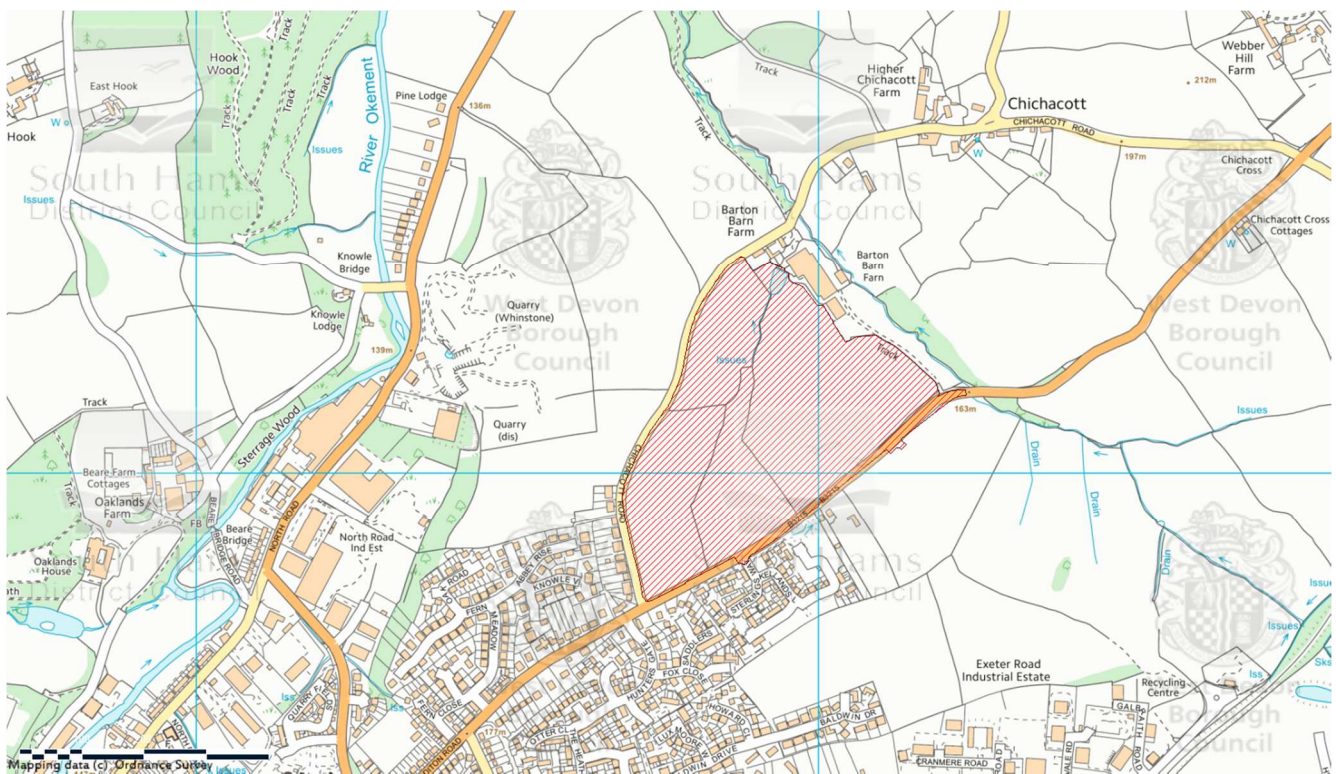
Applicant

Hannard Developments Ltd

Site Address: Land North Of Crediton Road, Crediton Road, Okehampton, Devon

Development: Variation of conditions 3 & 21 following grant of outline application 01089/2013 to allow the development to be delivered in a phased manner.

Reason item is being put before Committee: The application has been called before committee by the Ward Councillors given the strategic importance of the development and objection from the Parish Council.



Recommendation

Delegate to CoP Lead Development Management in consultation with the Chairman and Vice Chairman Planning and Licensing Committee to approve subject to conditions.

Conditions (condition 3 and condition 21 amended from original permission as highlighted / and crossed out)

1. In the case of any matter reserved by this permission, any application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or if later
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with detailed drawings for each phase which shall previously have been submitted to and approved by the Local Planning Authority prior to the commencement of the phase to which the details pertain . These detailed drawings shall show the following:
 - (a) the design and external appearance of the proposed building(s);
 - (b) its/their siting;
 - (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
 - (d) the materials for their construction
 - (e) the arrangements for the disposal of foul and surface water;
 - (f) the means of access from public highways;
 - (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
 - (h) all other works including walls fences means of enclosure screening.
 - (i) the location, extent and layout of open space(s) play space(s)
 - (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

3. The development hereby approved shall be carried out strictly in accordance with the drawings numbered :
 - 426 001B Site location plan
 - 426 004 B land use plan (layout) received 14/5/14
 - Proposed Vehicular Access Strategy 21227-HAR-10A
 - Proposed Ghost Island Junction 21227-HAR-11A
 - Proposed Roundabout Junction 21227-HAR-12A
 - Roundabout X Section 21227-VER-10
 - Proposed pedestrian crossing A092521SK09

Unless further amendments have been agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in the interests of amenity.

PRIOR TO COMMENCEMENT

4. No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
 - a) methods to reduce the amount of waste material
 - b) methods to re-use the waste within the development
 - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
 - d) estimated quantities of excavated/demolition materials arising from the site
 - e) evidence that all alternative methods of waste disposal have been considered
 - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

The development shall be carried out in accordance with the approved statement.

Reason: to minimise the amount of waste produced and promote sustainable methods of waste management in accordance with policy WPC4: Waste Audit, of the adopted Devon County Waste Local Plan.

PRIOR TO COMMENCEMENT

5. 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.

6. No later than the submission of the first reserved matters application, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: in the interests of sustainability, the better functioning of the highway network and green travel.

PRIOR TO COMMENCEMENT

7. Prior to commencement of any phase of development the applicant shall provide a detailed design for the proposed site to demonstrate compliance with BS8233. The building envelope of all plots shall be constructed so as to provide sound attenuation against external noises, in accordance with the submitted noise assessment with window shut and other means of ventilation provided.

Reason: To protect amenity of future occupants

PRIOR TO COMMENCEMENT

8. Prior to commencement of development hereby approved an acceptable construction method statement will be required to be submitted to and agreed with the LPA, and this shall include:
- a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials (none of this will be allowed to stand or wait on the existing highway network, and it should be noted that low loaders currently experience difficulty negotiating part of this area and this must be resolved prior to commencement)
 - c) storage of plant and materials
 - d) wheel washing facilities
 - e) measures to control the emission of dust and dirt
 - f) estimates of the numbers of vehicles likely to visit the site during construction and daily hours of construction
 - g) a timetable of the works (including measures for traffic management)
 - h) wildlife protection measures required during construction.
 - i) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Informative: This list is not exhaustive.

Reason: In the interest of highway safety and prevention of public nuisance

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

10. There shall be only one retail unit on the site and the net retail floor area of this space shall be no larger than 250m² in total.

Reason: for the purposes of preserving the vitality and viability of the town centre.

11. The retail unit hereby approved shall sell convenience goods only and shall not sell comparison goods. The retail unit shall be a neighbourhood convenience store only and no other retail use.

Reason: in order to protect the vitality and viability of the town centre, and for the purposes of maintaining a sustainable development on this site.

12. At least 10% of energy used on the development shall be generated from decentralised and renewable or low carbon sources, or the development shall be constructed so as to be 10% more energy efficient than the standard for building regulations at the time of approval of reserved matters unless otherwise agreed in writing by the LPA.

Reason: for the purposes of sustainable development and a reduction in carbon emissions, (flexibility included due to emerging ministerial guidance.)

PRIOR TO COMMENCEMENT

13. Prior to the commencement of each phase, details of how fibre optic broadband connections to at least "superfast" (greater than 24Mbps) shall be facilitated to ensure that all Internet Service Providers (ISPs) are able to deliver their services to all premises within the phase and overall development area shall have been provided to and approved in writing by the Local Planning Authority. Such infrastructure as identified within these approved details shall be provided in phase with the development.

Reason: To support sustainable living and working patterns and ensure inclusiveness.

PRIOR TO COMMENCEMENT

14. Works to hedgerows that are likely to cause an offence against dormice shall not in any circumstances commence unless the LPA has been provided with either:

- a) A licence by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead; or
- b) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Reason: In the interests of the protection of protected species and biodiversity.

PRIOR TO COMMENCEMENT

15. Development shall not begin until details of a Landscape and Ecological Management Plan (LEMP) for the site have been submitted to and approved in writing by the LPA. The LEMP should detail management and maintenance of existing and new landscape, wildlife and open space features reflecting recommendations of ecology and landscape reports.

Reason: in the interests of biodiversity and environmental protection

16. Detailed mitigation, compensation and enhancement measures to be provided at Reserved Matters Stage (e.g. an Ecological Design Strategy or similar document) showing how impacts on wildlife will be avoided/minimised and how a net gain for biodiversity at the site will be achieved.

Reason: for the protection of wildlife, biodiversity and the environment

PRIOR TO COMMENCEMENT

17. Details of on-site play provision and open space shall be submitted to and approved in writing by the LPA before any development commences, and the development shall be carried out as approved .

Reason: in the interests of public amenity and wellbeing

18. The development shall be carried out in accordance with the revised Flood Risk Assessment received on 07/02/2014 as approved.

Reason: in the interests of flood protection, the environment and residential amenity

PRIOR TO COMMENCEMENT

19. Prior to the commencement of the development, details of the foul and surface water design including percolation test results and/or discharge flow rates and details of flow control devices where applicable, and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Prior to the commencement of the development, a plan identifying each phase of development and the order in which such phases shall be developed shall be provided and agreed with the local planning authority. The LPA must be notified before any changes to this plan are made. Such changes must be agreed with the LPA before they are implemented.

Prior to the commencement of each phase of the development, details of construction phase surface water management scheme for each phase shall be provided and approved in writing by the local planning authority. This shall include details of the management of surface water run-off, silt and debris containment and reduction for the duration of the construction works.

Prior to the commencement of each phase the development, details of the protection measures for existing watercourses, ditches, ponds and any other drainage feature affected by that phase of development shall be provided and approved in writing by the local planning authority.

Details relating to the maintenance and management responsibility of the drainage systems must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved foul and surface water drainage details shall be completed and become fully operational before the first occupation of that phase of development. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained

20. The proposed estate roads, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local

Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

PRIOR TO COMMENCEMENT

21. The development hereby approved shall not be carried out otherwise than in accordance with the 'amended phasing plan' which shall previously have been submitted to and approved by the Local Planning Authority in writing, dated August 2016, which indicates four phases: school, phase 1, phase 2 and phase 3. The timing of delivery of the phases does not need to follow in the numerical sequence implied. Phases can proceed concurrently.

Reason: To ensure the proper development of the site.

PRIOR TO COMMENCEMENT

22. No part of the development hereby approved shall be commenced until:

- A) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage (if required by this permission) has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

23. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

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

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

24. The following details shall be submitted at the same time as the layout under the reserved matters for each phase of the development hereby approved:

(i) location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion of each phase and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

25. The phased landscaping scheme as approved shall be fully implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity and landscape in order to protect and enhance the amenities of the site and locality

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of £397,533 per annum, payable for a period of 6 years.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application. Committee is also advised that the NHB system is under review.

Key issues for consideration

The application is to amend Condition 3 and Condition 21 of outline permission 01089/2013 to allow the development to be delivered in a phased manner.

The key issue is whether allowing the variation will ensure the delivery of the development as permitted and in accordance with the East of Okehampton Masterplan.

Site Description

The site forms part of a larger site allocated in the Council's adopted Core Strategy 2011. The application site is identified as parcel 2 of SP22a in the East of Okehampton Masterplan (the Masterplan).

It comprises approximately 14.7 hectares of land mainly in agricultural use for grazing. The application area is bordered to the east by the dense woodland of the Stockley Valley, to the north and east by Chichacott Lane and to the south by Crediton Road.

There are various constraints within and around this site, these include heritage and archaeological assets; to the west of Parcel 2 on the boundary of Chichacott Road is a Roman Fort, which is protected as a Scheduled Ancient Monument (SAM). This is a nationally significant asset. Some evidence of the fort is still available on the ground and as such the visual setting of this important heritage feature will be an important consideration in the layout of new development.

The Environment Agency has identified a flood zone through the Stockley Valley. This is classified as flood zone 3, which is considered to be at high risk of flooding. As such, residential development in this area is considered to be 'more vulnerable' and should not be located here. It is therefore proposed that no development takes place within the identified flood zone. There is also a minor watercourse in the northern part of the parcel. The watercourses and the woodlands which surround them are important habitats for local biodiversity.

The Stockley Valley forms a dense area of woodland and runs along the eastern boundary of Parcel 2. Lowland mixed deciduous woodland is present here. There is also a network of locally distinctive hedgerows present on this parcel. Parcel 2 can be viewed from the northern boundary of the Dartmoor National Park and in views towards Dartmoor. However, this area of land is relatively low lying and relates both physically and visually with surrounding built up development.

The Proposal

It is proposed to vary Condition 3 and Condition 21 of planning permission.

Condition 3 seeks approval of a revised / substituted drawing for the roundabout.

To provide appropriate background with respect to condition 21, the existing permission is the subject of the conditions listed earlier and the following provisions. None of the provisions below would be altered through the granting of the variation.

- land for primary school to be transferred to DCC
- 6% of residential properties would be Affordable Housing, with a commuted sum payable if less money is contributed to transport infrastructure, TROs and sport / recreation
- 50% of AH units will be ready for occupation when 50% of open market is completed
- 100% of AH units will be ready for occupation when 80% of open market is completed
- 250m² neighbourhood retail unit
- 50% primary and secondary education school funds paid to appropriate body after the occupation of 37 residential units (10%) in any phase
- 100% primary and secondary school funds paid to appropriate body after the occupation of 182 residential units (50%) in any phase
- vehicular access to primary school prior to the construction of any residential properties

- vehicular access to east of site via roundabout on Crediton Road, with roundabout operational prior to the occupation of the 150th property
- £50k for sport paid to Council prior to the occupation of the 38th dwelling, with additional payment would accrue if less money is contributed to transport infrastructure and TROs
- 50% of transport contributions, including funds for link road, to be paid prior to 10% occupation
- 100% of transport contributions, including funds for link road, to be paid prior to 50% occupation
- a s38 / 278 Agreement and TRO is required prior to the commencement of development, with no dwelling occupied until highway works completed to the satisfaction of the Highway Authority
- within six months of commencement of development a deed of dedication is required to allow construction of the link road free of charge to the Highway Authority
- funds for road infrastructure
- uplift (provision of more money) would accrue where, on the basis on viability assessment submitted following construction of the 112th and 225th units, profits are 20% higher than predicted

Condition 21 states that

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

The proposed phasing is shown in the drawing dated August 2016, which identifies the school and three separate housing phases.

Condition 3 would be amended to include a crossing at the roundabout.

The proposed programme of work is for the junction access to serve the school site to be provided prior to any dwellings at parcels 2, 3 or 4; and the roundabout to be provided upon the 150th residential occupation of parcel 2 or commencement of Parcel 3.

Consultations

Devon County Council **Highway Authority**, in their response dated 4th July, states no objection in principle on the basis of the following:

1. the school access should serve the remainder of the site;
2. references to parcels 3 and 4 are not relevant and should be deleted;
3. the roundabout provided ‘prior to occupation of the 150th dwelling; and
4. a condition requiring the provision of detailed plans for the school access road.

Okehampton Hamlets Parish Council raises, in their representation dated 6th July, the following concerns / comments:

Objection to the variation of Condition 21 on the grounds that it could delay the completion of the road linking Exeter Road and Crediton Road. To avoid major detrimental impact on the economy of the town, caused primarily by traffic congestion, the Parish Council considers that development of Parcel 2 should be completed before any further development.

With respect to Condition 3 the Parish Council defers to the judgement of the Highway Authority.

Relevant Planning History

Outline planning permission was granted for the development in 2014.

ANALYSIS

The application provides a revised roundabout design, which is acceptable to the Highway Authority.

The matter for consideration is whether the amendment to the proposed phasing allows the Council to retain appropriate control over the delivery of all aspects of the development.

It is the view of Officers that this can be maintained given two additional conditions. Firstly, that access is provided from the school access road to the remainder of the development at least and until the provision of the second access to the east; and secondly, that development does not commence on Parcel 3 until the roundabout and the second section of the Exeter Road / Crediton Road link are fully operational.

Conclusion

The proposed changes would secure, in principle, the delivery of the development as agreed in the original permission. The key issue, however, is the need to ensure the timely delivery of the link road, which sits outside this permission.

The solution is considered to be an appropriately worded conditional approval for the related application (2731/15/OPA) OR a s106 Agreement that covers Parcels 2, 3 and 4 together. Either of these can be achieved if permission is granted for the variation of condition and the recommendation is, therefore, approval.

Planning Policy

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments

SP4 – Infrastructure Provision

SP5 – Spatial Strategy

SP7 – Strategic Distribution of Housing

SP8 – Inclusive Communities

SP9 – Meeting Housing Needs

SP 12 – Retailing

SP13 – Community Services and Facilities

SP14 – Accessibility Planning

SP15 – Traffic Management

SP16 – Safer Communities

SP22 – Okehampton

West Devon Borough Council Local Plan Review 2005(as amended 2011)

BE3 – Listed Buildings
BE4 – Features and Artefacts of Local Importance
BE7 – Archaeology and Sites of Local Importance
BE8 – Archaeology and Sites of Local Importance
BE9 – Archaeology and Sites of Local Importance
BE10 – Archaeology and Sites of Local Importance
BE13 – Landscaping and Boundary Treatment
H26 – Open Space Provision in New Residential Developments
H42 – Disabled and Those with Mobility Issues
H44 – New or Replacement Community Uses
R5 – Neighbourhood and Village Shopping
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T3 – Protection of Existing Footways, Cycleways and Bridleways
T4 - Footpath Links to Okehampton Town Centre
T5 – Public Transport
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems

NPPF

East of Okehampton Design Brief

East of Okehampton Masterplan SPD

2007 Infrastructure and Facilities to Support New Development SPD

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.