

PLANNING APPLICATION REPORT

Case Officer: Ian Lloyd

Parish: Okehampton **Ward:** Okehampton South

Application No: 1771/17/FUL

Agent/Applicant:

Mr Gerry Binmore
Lucerne
Popes Lane
Colyford, Colyton
EX24 6QR

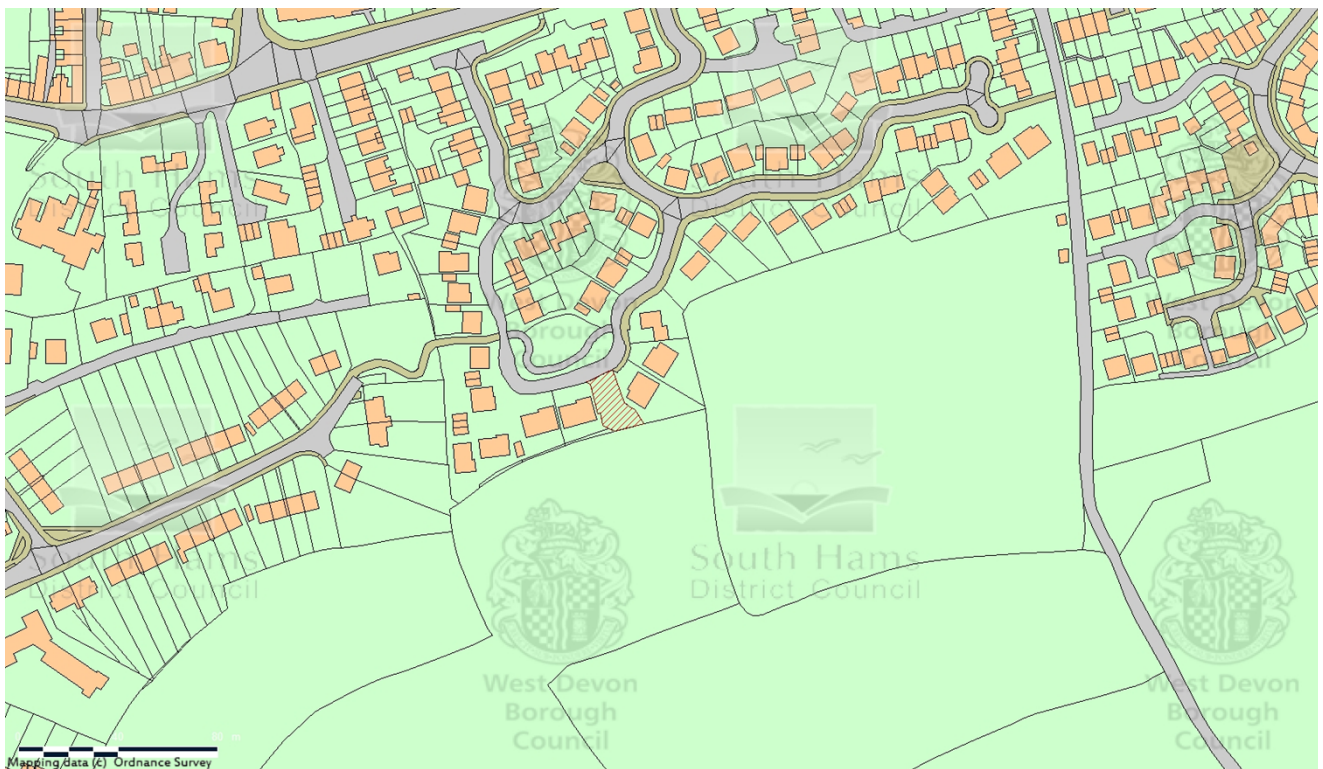
Applicant:

Mr A Jones
Doggamarsh
TQ13 8LB

Site Address: Land adjacent to, 10 Upper Crooked Meadow, Okehampton, EX20 1WW

Development: New dwelling

Reason item is being put before Committee: The Ward Member requests Committee consideration and a Member's site visit on the basis of density, impact on neighbours, privacy and drainage.



Recommendation: Conditional Approval

Conditions:

1. Time Limit
2. In Accordance with Approved Plans
3. Drainage (Grampian Condition)
4. Parking & Garaging provided and retained
5. Samples of Materials including walls roof and hard surfacing
6. PD rights removed (open plan estate)
7. PD rights removed extensions (gardens of limits size/neighbour impacts/drainage impacts)
8. Boundary details and landscaping details required
9. Side windows obscure glazed/non-openable unless the method of opening is agreed in advance
10. CEMP including photo survey

Key issues for consideration:

The main considerations surround:

The principle of development/sustainability: issues relating to a proposed dwelling located within the settlement boundary for Okehampton.

Flood risk & drainage: having regard to the location within a Critical Drainage Area (CDA) and the limited capacity of the site to accommodate a sustainable drainage solution, whether surface water run-off concerns and previous reason for refusal on this basis can be overcome.

Design/landscape: considerations of locating a detached dwelling within a small and steeply sloping infill plot within an existing housing estate.

Neighbour Amenity: considerations arising from an infill dwelling set close to the boundaries with neighbouring dwellings.

Highways/access: notably whether adequate, safe off-street parking can be provided. Also relevant are any highways implications arising out of the intended drainage solution

Site Description:

Upper Crooked Meadows is a modern early twenty first century residential estate, part of a slightly earlier, larger estate, on the south-eastern outskirts of Okehampton town centre. Accessed off Exeter Road (B3260) via De Brionne Heights, the site is a small infill plot in an elevated position on the south side of Upper Crooked Meadows backing onto agricultural land.

Set between two detached dwellings (Nos. 10 & 11 – the numbering runs consecutively) on a row of other detached dwellings, the plot is narrow and slopes from south to north such that the rear garden, like those of its neighbours, would be set at a higher level. The plot is currently undeveloped and is just beyond the crest of a rise in the land where levels begin to fall east to west across the site frontage.

The properties here all front onto a shared surface access, opposite an open green space.

The area has a modern suburban character, with the open space providing welcome relief from the built form. Properties have a similar form but subtle differences in appearance which contributes positively to the character of the area.

The Proposal:

The proposal seeks permission for a new detached dwelling, parking and associated works on an infill plot (0.03 ha.) adjacent to No.10 Upper Crooked Meadows, Okehampton.

The proposal is for a 4 bedroom dwelling with 2 parking spaces, one in an integral garage and one on the forecourt in front.

The property is stepped, to accommodate changing levels, being higher at the rear, and the rear garden will also be elevated, as are neighbouring rear gardens.

Consultations:

- County Highways Authority: Standing advice applies.
- Okehampton Town Council: Objection on the following grounds: density – site is extremely small for development size; impact on neighbours – overlooking & privacy issues; site levels – site is extremely steep to be built on; Drainage – surface water, the site is already renowned for overflowing of system during/after heavy rain.
- WDBC Specialist (Engineer) – Assets: This is a small scale minor application for the erection of a new dwelling within a Critical drainage Area (CDA). Development within the CDA requires the surface water to be managed on site to reduce the burden on the sewer network. Soakaways are the first choice and must be fully explored and discounted before an offsite discharge can be considered.

Following our previous objection dated 26th July, 2018, the applicant has provided further drainage information. The proposed method of surface water drainage is an attenuated discharge to South West Water (SWW) main sewer in Exeter Road (circa 200m away) at an attenuated discharge rate not exceeding 1l/s. Although it is likely to be a difficult and costly solution but is acceptable in principle as all other options have been exhausted and it is the only achievable sustainable solution that can currently be established.

Suggested condition:

No development above damp course level (dpc) authorised by this permission shall begin until the drainage works hereby approved, including surface water drainage incorporating a connection to the combined sewer in Exeter Road (circa 200m away) at an attenuated discharge rate not exceeding 1l/s has been made, to be to adoptable standards, and written evidence of both South West Water's certified approval of the completion of the works and Devon County Council's approval for the completion of works in the public highway have been submitted to and approved in writing by the local planning authority.

Reason: to ensure that a sustainable form of drainage is achieved to prevent the increased risk of flooding elsewhere and in the interests of highways safety. A condition precluding advanced built development above dpc level is necessary to ensure the extensive and expensive off-site drainage works in the public highway are implemented before the dwelling is constructed to avoid a scenario whereby a completed dwelling is built without sustainable drainage which would increase run-off and increase the risk of flooding elsewhere and it would be unacceptable to construct a dwelling without a sustainable drainage solution, which could result in unacceptable pressure on the Authority to allow occupation when to do so would be unsustainable. [Note, the wording of this suggested condition has been amended to reflect the twin aims of no development before SWW and County Highways have agreed the works and no work above dpc until the agreed sewer connection has been made/ works in the highway completed].

Representations:

Representations from Residents

5 comments have been received from the occupiers of 4 nearby properties objection on grounds summarised as:

- Soakaway tests conducted at the wrong time of year; water already floods onto Exeter Road;

- Vibration and possible property damage from the removal of shale rock;
- Loss of daylight to a room served by a small side window;
- Declaration refers to 10, not land adjacent to No. 10;
- Dwellings are stone and brick, not block and plaster and will be obtrusive/out of character;
- Plans are the same as those refused but in someone else's name;
- Site is too small for a house;
- Queries whether the land was left as future access to land beyond;
- Request a site visit is made before decision;
- More houses than originally approved should not be allowed;
- Car parking is inadequate
- Loss of daylight/privacy; windows facing; 2-storeys at rear
- Boundaries not shown;
- Potential for damp/noise/dust/mud on roads

Relevant Planning History

2076/2001/OKE Erection of 91 dwellings garages and associated estate road and sewers (revision of originally submitted application for 95 dwellings) Conditional Consent: 15 Oct 2002

00074/2015: FUL Erection of detached dwelling Refusal: 10 Mar 2015

ANALYSIS

Principle of Development/Sustainability:

The site is within a residential estate in a sustainable town, supported by Policies SP1 and H28, and there is no objection to the principle to the development. Previously a similar application proposal in 2015 was refused solely on drainage grounds. If drainage issues can be resolved and other material considerations addressed, there is no barrier in principle to approval of the development.

There is currently no five year supply of deliverable housing land and in such circumstances, where the development plan is out of date, advice in the NPPF (recently updated) and Planning Practice Guidance supports sustainable development. The delivery of one family dwelling in a sustainable location will make a small but valuable contribution towards meeting an identified housing need where there is a recognised shortfall in supply.

No objections are raised on policy grounds, subject to other material considerations surrounding compliance with the criteria in Policy H28, addressed under the headings below.

Flood Risk & Drainage:

Objections have been received, including from the Town Council on drainage and flood risk grounds, with the site identified as having surface water run-of problems during prolonged periods of wet weather.

The site lies within a Critical Drainage Area (CDA). Policies SP21 and PS2 seek to prevent problems arising from surface water run-off, including preventing the increased risk of flooding elsewhere. While the site is within Flood Zone 1 and at the lowest risk of flooding, the development must not lead to an increased risk of flooding elsewhere. Unless appropriate means to regulate surface water run-off can be achieved, there will potentially be an increased risk to flooding elsewhere and the development could not be supported in such circumstances (as was the case in 2015).

Prolonged and protracted discussions have taken place over a considerable period involving WDBC's drainage specialists and the applicant's consultants. Ultimately, despite exploring a number of different approaches, only one achievable acceptable sustainable drainage solution can be agreed.

This involves surface water run-off connecting into SWW's combined sewer in Exeter Road, some 200m downhill at a low rate not exceeding 1l/s and is the only achievable acceptable solution.

It should be noted that the successful future implementation of the drainage strategy is likely to be extremely costly. Estimates have been provided but the applicant would prefer to keep financial matters confidential. Nevertheless, information has been provided to demonstrate that, as the land is already owned, building a dwelling would be viable in current market conditions. The circa 200m length of works within the public highway and will be disruptive, requiring connection from the property to the combined sewer in Exeter Road. More is said about this in the report below under the amenity heading.

WDBC drainage specialists have agreed a condition to secure the necessary measures in these circumstances. A Grampian condition, a negatively worded condition, requiring no commencement until evidence that a connection is achievable has been received from SWW and Devon County Highways and that the drainage works are undertaken in advance of the construction of the house is considered necessary. This is to ensure that the connection is not only achievable **but achieved before the dwelling is fully built**, to avoid a scenario where in future, pressure for a less sustainable drainage solution may be applied - and which could cause additional run-off problems - if the dwelling was built but then finances not available for the costly connection to the combined sewer. In these circumstances Members could come under intolerable pressure to allow occupation of a constructed dwelling without the connection, which possible situation must be avoided.

It could also be the case that if the plot is marketed it could appear attractive to purchasers unaware of the likely cost of the only acceptable drainage solution, which again could increase pressure for a less sustainable solution. An informative is recommended advising future prospective purchasers of the issues.

Permitted development rights for extensions should be removed to prevent increased run-off problems arising in the future and also to retain the small garden as amenity space and prevent overdevelopment and neighbour impact issues.

Design/Landscape:

This late twentieth/ early twenty first century estate has been developed on steeply sloping land and the application plot is no exception when compared with its neighbours in this regard. It is though slightly narrower than most plots in the immediate vicinity.

This part of the estate comprises principally of detached dwellings, of different design (subtly so in some instances), largely using a shared palette of materials.

The Town Council are concerned at the steepness and density of development and that the proposed dwelling is too large for the plot. All the plots have been built on similarly steep ground.

While slightly smaller than the majority (though not all) of the other plots locally, the density is slightly higher than most, at 33.33 dwellings per hectare (dpha), but is in no way excessive and consistent with densities aimed at making best use of land. For comparison purposes, the density of No.10 is circa 29.0 dpha, No. 11 with its larger triangular corner rear garden is circa 22.22 dpha and Nos. 3 & 4 both comparable with the application site at circa 33.33 dpha and circa 34.01 dpha respectively. It can be seen that, despite the Town Council's concerns, the building is not unusually or excessively large for its plot when compared with others locally, though its frontage onto the road is comparably slightly narrower.

The gable is proportionately wider than most others locally, but front gables are a common feature in the area. What is important is that the dwelling would not look out of place, still maintaining a small degree of separation, as do other dwellings locally. The property is split level, slightly higher at the rear to take account of changing levels. Proposed external finishes include facing masonry and

rendered blockwork under a slate roof. While the dwelling would not be out of character with other development local, materials do depart from the stone and brick used locally and should be revised to reflect this. Materials should therefore be controlled by condition, requiring samples to be approved, consistent with the established palette of materials used on the estate.

Landscape issues are localised and limited to the townscape appearance, which is considered to be satisfactory. There are no wider landscape impacts.

The plot has limited visibility in the wider area as a result of the position of the neighbouring dwellings, the elevation of the land and curve in the road. Though these plots are detached, they seldom read as such as the gaps are narrow and not clearly apparent unless viewed from directly in front. No significant design and character concerns arise.

While the open garden land currently makes a positive contribution to the open setting of the neighbouring properties and the character of the area generally, reinforced by the public open space in front, its loss would not have a significant wider townscape impact. No undue design/landscape concerns arise.

The estate has an open plan layout and landscaping and boundary treatment details are required and permitted development rights should be removed to maintain the open character.

Neighbour Amenity:

The potential impacts are to the occupiers of properties immediately to the east and west.

The property to the east, No. 11, sits in a corner at the turn of the road and is angled such that part of its principal north-westerly outlook to the front is across the application plot frontage. While the application property is proposed to be set back, like its neighbours, to accommodate off-street parking to the frontage, part of the outlook from the property to the east would be lost, as the corner of the proposed dwelling would be visible in views out from habitable room windows. As this view is borrowed from across the application site and both properties are set back, no undue loss of amenity will result and the relationship is not considered to be unneighbourly.

The property to the west, No. 10, is set into the ground to address changing land levels and has a small east-facing side window towards the application site. There would be some loss of daylight and outlook to this window as a result of the proposed development and an objection has been received on these grounds. Again the amenity for this window is, to an extent, borrowed from across the application site. The principle outlook for the dwellings either side are front to back, not to the side, and though daylight will be reduced, impacts are limited, not unduly unneighbourly nor result in harm to any degree that would warrant refusal of the application on this basis.

Notwithstanding this, side windows in the proposed dwelling should be obscure glazed and if to be openable, should have fixed or limited opening to minimise overlooking, in accordance with a means of opening to be agreed by condition.

Having a dwelling built nearer than is currently the case will increase overshadowing and reduce daylight to an extent. However, the relationship of the proposed dwelling to its immediate neighbours is comparable with other relationships locally, in no way unusual and impacts fall within acceptable limits.

To the rear there are neighbour concerns about overlooking of rear gardens. While the rear of the proposed dwelling is two storeys and the neighbours are not, overlooking is oblique and the situation is in no way unusual or unduly unneighbourly.

Permitted development rights for extensions should be removed in the interests of neighbouring amenity as well as maintaining reasonable open space for future occupiers and avoiding increased drainage concerns.

There will be disruption during construction on this constrained plot. Additionally, circa 200m of public highway will need to be excavated to install a connection to the combined sewer between the application site and the nearest connection opportunity in Exeter Road. This will be extremely disruptive, though not grounds to refuse an application. This work will be best managed through a CEMP, to minimise nuisance and disruption, including access to properties and for emergency vehicles. A photographic survey should be part of the CEMP. More is said about these issues under nuisance during construction below.

Highways/Access:

Pedestrian and vehicular access is practical, as it is to neighbouring plots. By reducing land levels near the highway, off-street parking can be provided for 2 cars, one in an integral garage and one on the forecourt. Two spaces are appropriate for a 4-bed dwelling within a sustainable town location with good access to public transport. Pedestrian access is via a shallow incline.

Despite neighbour concerns about adequate parking, there is some capacity on street on approach roads for visitors to park and the impacts of additional vehicular traffic from one dwelling raises no significant concerns. Having regard to advice in paragraph 109 the NPPF, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A condition is recommended requiring parking to be provided prior to occupation and thereafter retained.

As referred to above, a connection to the combined sewer in Exeter Road is required, involving considerable works for circa 200m in the public Highway. Conversations have taken place with Devon Highways about this possibility. While such works are inevitably hugely costly and disruptive (it is estimated by highways that the works approximately 60m of works might be undertaken on average weekly and the highway sewer connection works would therefore likely take a little over three weeks) nevertheless, if the appropriate licenses were acquired and necessary agreements for the works secured from the highway authority, there would be no barrier in principle to the works going ahead. More is said about this under nuisance during construction below, including the need for a CEMP.

Other Matters:

Land stability – Land stability is a material planning consideration. There is no indication that the land is unstable, neighbouring development has been carried out successfully and the ground investigations to resolve drainage considerations do not raise potential stability concerns. Despite the likely need for retaining structures, Building Regulation Consent would be required for the dwelling. The land sits on rock and in the absence of identified concerns about stability, no stability conditions are considered necessary.

Heritage Issues – There are no Listed Buildings or other heritage designations nearby and no heritage concerns arise.

Ecology & Biodiversity – No concerns arise in relation to this infill plot on a modern residential estate.

Vibration – A neighbour has raised concerns about impacts from vibration from the removal of shale to build the dwelling. Such issues and impacts are covered under other legislation.

Nuisance during construction – as referred to above, the site is constrained, as are local roads and excavation would be necessary, including for the connection to the combined sewer in Exeter Road,

which could likely cause temporary congestion and nuisance. There is limited access for vehicles, plant and machinery and for construction workers to park. A CEMP condition is recommended as necessary. This should include the need for a photographic survey to establish a baseline.

Access to land to the rear – objectors have raised the issue that the site was intended as future access to land to the rear. There is nothing to suggest the site was intended as future access to adjoining land, nor would the land to the rear be unduly prejudiced by the development of this site.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP6 – Density of Housing Development
SP7 – Strategic Distribution of Housing
SP16 – Safer Communities
SP17 – Landscape Character
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton

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

BE5 – Important Open Space within Settlements
BE13 – Landscaping and Boundary Treatment
BE16 – Potentially Polluting Activity
BE17 – Potentially Polluting Activity
BE18 – Potentially Polluting Activity
H28 – Settlements with Defined Limits
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation and an interim report recently issued. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT3 Provision for new homes
 TTV1 Prioritising growth through a hierarchy of sustainable settlements
 DEV1 Protecting amenity and the environment
 DEV2 Air, water, soil, noise and land
 DEV10 Delivering high quality housing
 DEV20 Place shaping and the quality of the built environment
 DEV24 Landscape character
 DEV28 Protecting and enhancing biodiversity and geological conservation
 DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
 DEV30 Trees, woodlands and hedgerows
 DEV37 Managing flood risk and Water Quality Impacts

NPPF, including chapter 12 Achieving Well Designed Places, notably paragraph 127 and paragraph 109 relating to highways.
 Planning Practice Guidance

Neighbourhood Plan

The Okehampton Town & Hamlets Neighbourhood Plan is not sufficiently advanced to constitute a material planning consideration

Summary/Conclusions/Planning Balance

In principle a dwelling on this residential estate on the outskirts of Okehampton is an acceptable and sustainable form of development, subject to an achievable sustainable drainage solution.

Permission has been sought and refused previously due solely to problems achieving a sustainable drainage solution.

Due to the difficulties in restricting run-off rates on a constrained and sloping site on underlying shale, in consultation with WDBC's drainage experts, the only available option for an acceptable drainage strategy has been identified and an appropriate planning condition to secure its delivery has been agreed. This involves a connection to the combined sewer in Exeter Road some 200m away. Though likely extremely costly, this solution is claimed to be economically viable in circumstances where the land is currently owned. If the land is sold, future purchasers should be wary of the price to be paid for the land due to viability issues and an informative is recommended and a Grampian condition is considered necessary to ensure the sewer connection is delivered first and avoid a scenario where a house is built with no sustainable drainage solution financially feasible. An informative is also recommended such that if the dwelling is not built within the three year time limit, this would be a clear indication that, notwithstanding current assurances regarding viability, viability is a problem and serious consideration should be given to whether permission should be renewed in the event of a future re-application.

The plot is small, but the proposed dwelling can be accommodated satisfactorily on the site without impacting unduly adversely on the character of the area, the amenities of neighbouring occupiers or on highway safety/congestion. That said, disruption, including from the connection to the combined sewer in Exeter Road, will be considerable and a CEMP is required as being a proportionate response to these concerns.

A new dwelling will make a small but valuable contribution to the local housing stock where there is an identified need and no five year supply of deliverable housing land currently exists.

On balance, as there is a potentially achievable sustainable drainage solution, notwithstanding the difficulty and cost in achieving it, the application is recommended favourably.

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.

Conditions In Full

1. The development hereby approved shall in all respects accord strictly with drawing numbers Site Location Plan 1413 – PL01 Revision A, Site Layout/ Block Plan 1413 – PL02, Floor Plans 1413 – PL03 Revision A, Site Layout and Proposed Section 1413 PL04 and Elevations 1413 PL05 Revision B Received by the Local Planning Authority on 31 May 2017, and drawing numbers 17013 200 Revision E and Micro Drainage calculations dated 08/10/2018 received by the Local Planning Authority on 14 August 2018 and email dated 14 August 2014.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development above damp course level (dpc) authorised by this permission shall begin until the drainage works hereby approved, including surface water drainage incorporating a connection to the combined sewer in Exeter Road (circa 200m away) at an attenuated discharge rate not exceeding 1l/s has been made, to be to adoptable standards, and written evidence of both South West Water's certified approval of the completion of the works and Devon County Council's approval for the completion of works in the public highway have been submitted to and approved in writing by the local planning authority.

Reason: to ensure that a sustainable form of drainage is achieved to prevent the increased risk of flooding elsewhere and in the interests of highways safety. A condition precluding advanced built development above dpc level is necessary to ensure the extensive and expensive off-site drainage works in the public highway are implemented before the dwelling is constructed to avoid a scenario whereby a completed dwelling is built without sustainable drainage which would increase run-off and increase the risk of flooding elsewhere and it would be unacceptable to construct a dwelling without a sustainable drainage solution, which could result in unacceptable pressure on the Authority to allow occupation when to do so would be unsustainable.

4. The proposed garage and forecourt parking hereby approved shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter permanently retained and maintained for purposes not precluding the parking of private motor vehicles.

Reason: To avoid congestion in the interests of residential amenities and the free flow of traffic.

5. Notwithstanding the materials indicated on the application, prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed dwelling, which shall be consistent with the established palette of material locally, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details/ samples as approved.

Reason: In the interests of visual amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Class A including gates, fences, walls or other means of enclosure shall be erected or constructed between the dwelling and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality, which is characterised by an open estate layout.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in the following classes of Schedule 2 shall be undertaken without the express written consent of the Local Planning Authority other than those expressly authorised by this permission: Part 1, Class A (extensions and alterations), classes B and C (roof additions and alterations), Class D (porches), Class E (incidental buildings), and Class F (hard surfaces).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the area, the amenities of neighbouring occupiers and/ or increase the risk of flooding elsewhere.

8. Prior to the first occupation of the dwelling hereby permitted, the site shall be enclosed and laid out in accordance with details of boundary treatment and landscaping which shall first have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of neighbouring amenity and the character and visual amenities of the area generally.

9. The side windows hereby approved shall be permanently obscure glazed/ non-openable unless a method of opening has first been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of the privacy and amenity of neighbouring occupiers.

10. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) detailing measures to mitigate or reduce the impact of the construction activities shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the following issues:

- Contractor and construction traffic management, parking and vehicle delivery protocol in order to avoid obstructing the highway and aggravating congestion on the local road network, especially peak hour traffic and during refuse and recycling collection times, including no contractor's vehicles or delivery vehicles to be parked or unloaded on named local roads at any time (except where large delivery vehicles are too large to be able to off-load on-site, a minimum 48 hours advance notice must be provided to all properties affected In Upper Crooked Meadow as part of the vehicle delivery protocol);
- The size of vehicles and provision for the turning and maneuvering of vehicles, with banksmen if necessary;

- Pedestrian safety, including in Upper Crooked Meadow and anywhere along the route of the proposed off-site drainage works in the public highway connecting to Exeter Road;
- Emergency vehicle access protocol;
- Hours of operation of all activities (including no works to begin or vehicles to arrive before 8.00 am) and all hours of operation;
- Construction noise and vibration management;
- Highway mud management and cleaning;
- Water management (surface and groundwater);
- Complaint handling procedure including dedicated site manager contact name, telephone number and email address provided to all residents of Upper Crooked Meadow;
- A photographic condition survey including Upper Crooked Meadow and the along the route of the proposed off-site drainage works to the point of connection in Exeter Road;

Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A pre-commencement condition is necessary to minimise the effects of construction on local residents and for highway safety reasons

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.

4. CONSIDERABLE EXPENSE AND POTENTIAL DIFFICULTIES OF ACHIEVING THE ONLY IDENTIFIED SUSTAINABLE DRAINAGE SOLUTION INVOLVING A REQUIRED CIRCA 200M CONNECTION TO THE COMBINED SEWER IN EXETER ROAD, VIA WORKS IN THE PUBLIC HIGHWAY

For the avoidance of doubt, the only identified acceptable achievable drainage solution for this development involves the creation of a connection to the combined sewer in Exeter Road some 200m away. This would involve comparatively hugely expensive and disruptive works, including in the public highway, requiring the permission of SWW and Devon CC as Highway Authority, together with the appropriate licences.

A private drain would have to be subject to a licence (Section 50 Highways Act 1980) and also require the separate consent of the Highway Authority. It is estimated that 50m – 60m per week would be achievable and take circa 3 – 4 weeks. The works are likely to cost many tens of thousands of

pounds, if not more and the applicant and future potential purchasers are warned that the connection must be achieved before the house is built, as no other acceptable solution is presently conceivable. No exact cost has been verified and future owners/ developers are strongly advised to make their own robust enquiries.

It should not be assumed that an alternative drainage solution is achievable, as options have been explored and exhausted and the identified solution, though costly and disruptive, is the only presently identified achievable solution.

5. Without prejudice, in the event this development is not commenced and the drainage connection substantially completed within the three year time limit, the lpa may not look favourably upon any application to renew the planning permission as failure to implement could be construed as the scheme being demonstrably unviable, contrary to the case currently presented, on which this decision is based.