

Agenda for Development Management Committee

Tuesday, 2 October 2018; 10.45am



[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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01395 517542, Issued 21 September 2018

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[Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email (approximately 9 working days before the meeting) detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation. **Please note there is no longer the ability to register to speak on the day of the meeting.**

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website (<http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/development-management-committee-agendas>). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 24 September up until 12 noon on Thursday 27 September by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

- 1 Minutes of the Development Management Committee meeting held on 4 September 2018 (page 5-10)
- 2 Apologies
- 3 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 6 **Planning appeal statistics** (page 11-13)
Development Manager
- 7 **Publication of the new revised National Planning Policy Framework (July 2018) and implications for the determination of planning applications** (page 14-24)
This report provides summary information and commentary on the newly published (July 2018) revised National Planning Policy Framework and the key implications for planning decisions.
- 8 **Applications for determination**
Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.

18/1451/FUL & 18/1452/LBC (Other) (Page 25-40)

Otterhead

Woodhayes

Luppitt, Honiton, EX14 4TP

17/2035/MFUL (Major) (Page 41-79)

Whimple

Land to West of Moor View Industrial Estate

Straightway Head, Whimple, Exeter, EX5 2QT

17/2430/MFUL (Major) (Page 80-97)

Raleigh

Land East Of Hogsbrook Farm

Woodbury Salterton, Exeter, EX5 1PY

18/0920/FUL (Minor) (Page 98-109)
Raleigh
Hogsbrook Farm
Woodbury Salterton, Exeter, EX5 1PY

18/1426/FUL (Minor) (Page 110-117)
Ottery St Mary Rural
Land Adjacent to Tipton Garage
Tipton St John

Break

Afternoon Session – the applications below will not be considered before 2pm.

18/1282/FUL (Minor) (Page 118-130)
Exmouth Littleham
Regents Gate
(Land Adjacent to St Joseph's Primary School), Long Causeway, Exmouth

18/1502/FUL (Minor) (Page 131-140)
Exmouth Littleham
34 Cranford Avenue
Exmouth, EX8 2QA

18/1474/FUL (Minor) (Page 141-156)
Woodbury and Lympstone
Land Adjacent to Heathfield
Longmeadow Road, Lympstone, Exmouth, EX8 5LF

18/0869/FUL (Minor) (Page 157-170)
Woodbury and Lympstone
Strawberry Fields
Livery Yard, Meeting Lane, Lympstone, Exmouth, EX8 5HS

18/0762/FUL and 18/0763/LBC (Minor) (Page 171-190)
Sidmouth Town
49 High Street
Sidmouth, EX10 8LN

Please note:

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 4 September 2018

Attendance list at end of document

The meeting started at 10am and ended at 2.41pm (the committee adjourned at 11.56am and reconvened at 1.30pm).

***13 Minutes**

The minutes of the Development Management Committee meeting held on 7 August 2018 were confirmed and signed as a true record.

***14 Declarations of interest**

Committee Members

Cllr Geoff Jung; 17/3022/MOUT and 18/1081/FUL; Personal interest; Woodbury Parish Councillor

Cllr Geoff Jung; 17/3022/MOUT; Personal interest; Member of the Blackhill Quarry Liaison Group

Cllr Bruce de Saram; 17/2493/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/2493/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 17/3022/MOUT; Personal interest; Member of the Blackhill Quarry Liaison Group

Cllr David Key; 18/1444/FUL; Personal interest; acquaintance of the applicant

Non-committee Members

Cllr Paul Diviani; 18/1360/COU; Personal interest; Chairman of the Blackdown Hills AONB and Chairman of Making it Local.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution:

- Cllr Mike Howe, Cllr Susie Bond, Cllr Paul Carter and Cllr Geoff Jung advised that they had been lobbied in respect of application 17/3022/MOUT.
- Cllr Mike Howe, Cllr Colin Brown, Cllr Susie Bond, Cllr Jim Knight and Cllr Geoff Jung advised that they had been lobbied in respect of application 17/2493/FUL.
- Cllr David Key advised that they had been lobbied in respect of application 18/1451/FUL & 18/1452/LBC.
- Cllr Mike Howe, Cllr Colin Brown, Cllr Susie Bond, Cllr Jim Knight, Cllr Geoff Jung, Cllr Helen Parr, Cllr Brian Bailey, Cllr Paul Carter, and Cllr Bruce de Saram advised that they had been lobbied in respect of application 18/1444/FUL.

***15 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the one decision notified which had been dismissed.

The Development Manager drew Members' attention to the appeal of application 17/1177/FUL. The Committee were advised that the application consisted of the erection of two dwellings outside of the Built-up Area Boundary of Seaton. The Inspector dismissed the application with countryside protection and amenity reasons being upheld.

The Development Manager also advised the committee that following its decision on the appeal related to application 17/1270/FUL at the last Committee that the Council submit to the judgement of the Planning Inspector, the Planning Inspectorate had determined that the appeal should be determined by way of an Inquiry and that this subsequently led to the applicant withdrawing the appeal.

***16 Applications for Planning Permission and matters for determination**

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 2018/2019.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors:

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Brain Bailey

David Barratt

Susie Bond

Peter Burrows (present for applications considered in the afternoon only.

Apologies given for the morning session)

Paul Carter

Bruce de Saram

Ben Ingham

Geoff Jung

David Key

Jim Knight

Helen Parr

Officers present for all or part of the meeting

Richard Cohen, Deputy Chief Executive

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager (left the Chamber during consideration of application 18/1673/FUL).

Rob Murray, Economic Development Manager

Alison Hayward, Senior Manager – Regeneration and Economic Development

Andy Carmichael, Major Projects Team Leader

Jacqui Best, Technical Support and Monitoring Officer – Planning Policy

Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Paul Diviani

Douglas Hull

Andrew Moulding

Marianne Rixson

Apologies:

Committee Members

Councillors:

Mike Allen

Steve Gazzard

Mark Williamson

Non-Committee Members

Councillors:

Alan Dent

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 4 September 2018; Schedule number 4 – 2018/2019

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2580453/040918combinedDMCagenda.pdf>

AM Session

Woodbury and
Lympstone
(WOODBURY)

17/3022/MOUT

Applicant: Clinton Devon Estates (Mr L Rix)

Location: Blackhill Quarry, Woodbury, Exeter, EX5 1DH

Proposal: Outline application seeking approval of access for construction of up to 3251sqm (35,000sqft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration).

RESOLVED: APPROVED as per officer recommendation but with an additional condition to accord with the comments dated 28th August 2018 from Natural England to require the decommissioning and restoration of the site should the applicant vacate the site.

Woodbury and
Lympstone
(EXTON)

18/1081/FUL

Applicant: Mr Alford

Location: Exton Top Yard, Exmouth Road, Exton

Proposal: Creation of 'live/work unit', comprising removal of agricultural building and construction of dwelling and conversion of barn to associated 'work' unit.

RESOLVED: APPROVED as per officer recommendation.

Exmouth Town
(EXMOUTH)

17/2493/FUL

Applicant: Mr Harry Tucker

Location: Manor Hotel Garages, Beacon Place, Exmouth

Proposal: Demolition of existing garages and redevelopment of forecourt to form two new apartments over modified existing parking.

RESOLVED: REFUSED (contrary to officer recommendation). Members determined that the design of the building was harmful to the character and appearance of the Conservation Area contrary to Policies D1, EN9 and EN10 of the Local Plan.

Whimple
(WHIMPLE)

17/2749/FUL

Applicant: Mr Barkell - Schmitz

Location: British Telecom Telephone Repeater Station, Whimple

Proposal: Conversion works to ground levels and extension of telephone repeater station to form one residential dwelling.

RESOLVED: APPROVED as per officer recommendation.

PM Session

Otterhead
(LUPPIT)

18/1451/FUL & 18/1452/LBC

Applicant: Mrs Christine Page-Turner

Location: Woodhayes, Luppitt, Honiton, EX14 4TP

Proposal: 18/1451/FUL – Construction of single storey side extension and double storey rear extension.
181452/LBC – Construction of single storey side extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension.

RESOLVED: INSPECT
Reason: to assess the design of the extensions and their visual impact upon the listed building, its setting and features.

(Cllr Key withdrew from the debate and voting during this application)

Axminster Town
(AXMINSTER)

18/1444/FUL

Applicant: Mr Mark Hurford

Location: Westwater Barn, Land North Of Westwater, Westwater,
Axminster

Proposal: Conversion of barn to dwelling and change of use of
agricultural building to agricultural engineer's workplace to
comprise a tied live-work development.

RESOLVED: APPROVED (contrary to officer recommendation) subject to a
legal agreement linking the dwelling to the business use.
Members considered that the live/work benefits from the
proposal, the rural nature of the business, and location of the
site at the boundary of the AONB resulted in minimal impact
upon the AONB and an acceptable form of sustainable
development.

Yarty
(AXMINSTER)

18/1360/COU

Applicant: Mr Jolyon Wilde

Location: Cloverhayes Farm, Smallridge, Axminster, EX13 7JN

Proposal: Change of use and alterations to barn to form holiday let unit.

RESOLVED: REFUSED as per officer recommendation.

(The Development Manager left the Chamber during consideration of this application)

Seaton
(SEATON)

18/1673/FUL

Applicant: Mr and Mrs J Watts

Location: 110 Scalwell Lane, Seaton, EX12 2ST

Proposal: Construction of two storey rear extension, dormer window to
front elevation and first floor window to side elevation.

RESOLVED: APPROVED as per officer recommendation.

East Devon District Council List of Planning Appeals Lodged

Ref: 16/3036/MFUL **Date Received** 03.08.2018
Appellant: Mr & Mrs Tompkins & Waller
Appeal Site: 22 - 24 Albion Hill Exmouth EX8 1JS
Proposal: Demolition of 2 no. dwellings and construction of 11 no. apartments
Planning Inspectorate Ref: APP/U1105/W/18/3208947

Ref: 18/1335/TRE **Date Received** 16.08.2018
Appellant: Mrs Pamela Caporn
Appeal Site: 8 Hereford Close Exmouth EX8 5QT
Proposal: Fell one Whitebeam.
Planning Inspectorate Ref:

Ref: 18/0583/FUL **Date Received** 17.08.2018
Appellant: Mr & Mrs Rick
Appeal Site: 6 Shelly Court Pier Head Exmouth EX8 1ER
Proposal: Construction of rear extension and canopy, and installation of flue
Planning Inspectorate Ref:

Ref: 18/0110/OUT **Date Received** 06.09.2018
Appellant: Mr Chris Rudge
Appeal Site: The Old School Clyst Honiton Exeter EX5 2LZ
Proposal: Proposed dwelling (Outline application with all matters reserved)
Planning Inspectorate Ref: APP/U1105/W/18/3210898

East Devon District Council

List of Planning Appeals Decided

Ref: 16/2795/FUL **Appeal Ref:**

Appellant: Seaton Beach Developments Ltd

Appeal Site: Land at Seaton Beach (formerly Trebere) East Walk, Seaton

CIL Appeal: Planning Permission was granted on 9 February 2017 for the Demolition of 2 no. dwelling houses and replacement with an 8 unit five storey apartment building.
The appeal was against the imposition of surcharges in respect of the failure to submit a Commencement Notice and the late payment of CIL.

Decision: **Appeal Dismissed** **Date:** 29.08.2018
Surcharges upheld

Procedure: Written representations

Remarks: The surcharge for failing to submit the Commencement Notice is £2500 and the surcharge for late payment is £4355.99.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/L/18/1200175

Ref: 17/1270/FUL **Appeal Ref:** 18/00020/REF

Appellant: Green Hedge Energy Barn 2 Ltd

Appeal Site: Land To The South Of Pound Road (North Of Woodcote National Grid Sub Station) Hawkchurch EX13 5TX

Proposal: Construction of a 10MW battery storage barn to provide backup electricity services to the grid and construction of access track (temporary planning consent for 25 years sought)

Decision: **Appeal Withdrawn** **Date:** 29.08.2018

Procedure: Public Inquiry

Remarks:

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/W/18/3199871

Ref:	17/2457/OUT	Appeal Ref:	18/00014/REF
Appellant:	Mr & Mrs Simon and Jo West		
Appeal Site:	51B Salterton Road Exmouth EX8 2EF		
Proposal:	Outline application for construction of dwelling seeking approval for access and scale (matters of appearance, landscaping and layout are reserved)		
Decision:	Appeal Dismissed	Date:	30.08.2018
Procedure:	Written representations		
Remarks:	Delegated refusal, amenity reasons upheld (EDLP Policy D1).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/18/3196738		

Ref:	17/2109/FUL	Appeal Ref:	18/00015/REF
Appellant:	Mr & Mrs Payne		
Appeal Site:	Land South Of Orchard Cottage Exmouth Road Exton EX3 0PX		
Proposal:	Demolition of existing garage and proposed new dwelling and access		
Decision:	Appeal Dismissed	Date:	18.09.2018
Procedure:	Written representations		
Remarks:	Delegated refusal, countryside protection, green wedge/landscape reasons upheld (EDLP Strategies 7 & 8 and Policy D1).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/18/3196758		

Report to: Development Management Committee

Date of Meeting: Tuesday 2 October 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Publication of the new revised National Planning Policy Framework (July 2018) and implications for the determination of planning applications**

Purpose of report: This report provides summary information and commentary on the newly published (July 2018) revised National Planning Policy Framework and the key implications for planning decisions.

Recommendation:

That Members Note the following:

- 1. That the existing viability appraisal process will be used rather than using benchmark land values;**
- 2. That the Designated Rural Area is all parts of the district outside of the Wards of Exmouth, Honiton, Seaton and Sidmouth.**
- 3. That in the Designated Rural Areas there is no minimum threshold for the securing of affordable housing;**
- 4. That outside of the Designated Rural Areas affordable housing is secured for developments of 10 units of more;**
- 5. That the affordable housing calculator is being used to calculate the affordable housing contribution;**
- 6. That there is an allowance for proposals to demonstrate a lower, or zero, affordable housing contribution through the submission and consideration of viability appraisals.**
- 7. The position regarding the application of vacant building credit.**
- 8. The other changes resulting from the NPPF.**

Reason for recommendation:	To ensure members are aware on new national planning policy.
Officer:	Chris Rose, Development Manager
Financial implications:	No specific financial implications.
Legal implications:	The NPPF forms a material consideration when determining applications for planning permission. Members should therefore be aware of and have regard to any relevant policies contained within it when considering individual applications. There are no legal implications other than as set out in the report.
Equalities impact:	Low Impact No specific impacts issues are identified in respect of reporting on Government policy.
Risk:	Low Risk No specific risk issues are identified in respect of reporting on Government policy.
Links to background information:	<p>a) The revised National Planning Policy Framework (July 2018) can be viewed at: https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>b) The draft NPPF that was consulted on (March 2018) can be viewed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685289/Draft_revised_National_Planning_Policy_Framework.pdf</p> <p>c) The Committee report (of the 24 April 2018) that contained the Council response to the draft NPPF consultation can be viewed at: http://eastdevon.gov.uk/media/2445987/240418strategicplanningcombinedagenda.pdf</p> <p>d) The Government response to consultation comments received on the consultation draft can be viewed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728498/180724_NPPF_Gov_response.pdf</p> <p>e) The National Planning Policy Framework is complemented by Planning Practice Guidance, also published by the Government. This guidance is subject to regular updates and can be viewed at: https://www.gov.uk/government/collections/planning-practice-guidance</p> <p>f) For reference purposes, and to allow for comparison with the revised National Planning Policy Framework, the former framework (dated 2012) can be viewed at: http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2</p>

- g) Historic England have published a briefing on the NPPF that provides further useful background information, it can be viewed at:
<http://content.historicengland.org.uk/content/docs/planning/he-nppf-briefing-jul18.pdf>
- h) Link to report to Strategic Planning Committee outlining a summary of the main key changes to the new NPPF can be viewed at:
<http://eastdevon.gov.uk/media/2581497/040918strategicplanningcombinedagenda.pdf>
- i) Report to DMC April 2015 regarding the affordable housing calculator can be viewed at:
<http://eastdevon.gov.uk/media/1049543/210415-combined-dmc-agenda-compressed.pdf>

Link to Council Plan:

The National Planning Policy Framework covers a full range of planning matters and as such can be seen to have a planning and wider relevance to all council priorities.

1 Introduction

- 1.1 On the 24 July 2018 the Government published the revised National Planning Policy Framework (NPPF). Members of committee will recall that early this year there was a consultation draft of the NPPF and on the 24 April 2018 Strategic Planning Committee received and endorsed a report setting out feedback from this Council to the consultation.
- 1.2 The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous NPPF published in March 2012. In **Section 1 of the NPPF – Introduction**, at Paragraph 2, the importance of Government policy and legislation is clearly defined:

“2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”
- 1.3 The revised NPPF does not introduce any fundamental changes to the planning system or processes but it does bring about some more detailed changes, particularly with regard affordable housing provision, vacant building credit and viability assessments. This report provides a summary overview of the key development management issues covered in the NPPF and highlights and comments on specific matters that may have particular relevance in East Devon.

2 Section 4 of the NPPF – Decision-making

- 2.1 Paragraph 55 references upcoming changes by which conditions that require the agreement of details before commencement of development should be avoided. There will need to be a clear justification for pre-commencement conditions and agreement with applicants to their inclusion. This will come into effect from the 1st October 2018.
- 2.2 Paragraph 57 confirms that planning applications which offer full planning obligations should be assumed to be viable. In addition, it confirms that all viability assessments should be made publically available. Applicants are now advised that viability appraisals submitted with new planning applications will be made publically available unless that can demonstrate a particular special circumstance/sensitivity/reason that parts of the documents should be withheld in a redacted version. This is in accordance with the guidance in the Council's adopted Planning Obligations SPD.
- 2.3 In addition to the changes to the NPPF the government has also updated the Planning Practice Guidance (NPPG) which is a more detailed on-line document that provides detail about the implementation of the NPPF. The guidance is regularly updated and will continue to be updated over time in response to the above mentioned changes to the NPPF. The guidance has however been significantly updated already in terms of issues of viability and so it is worth considering those changes in more detail.
- 2.4 The government intend that viability assessment work is primarily undertaken at the plan making stage. The onus is on local authorities to undertake robust viability assessments to ensure that policies are realistic and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. Similar individual allocations should be assessed to ensure that they are viable and deliverable taking into account expected levels of affordable housing and infrastructure needs. Site promoters are similarly expected to engage in the plan making process and to take into account the costs of delivery in their own profit expectations and risk assessments ensuring that their proposals are policy compliant.
- 2.5 The implications of all of this mean a significant amount of more detailed assessment of sites at the plan making stage than would previously have been undertaken. If however this ensures that sites are viable and deliverable then clearly this would be beneficial, however there is a significant risk that things will have moved on by the time a planning application for the site is submitted and viability work undertaken at the plan making stage may by that stage be redundant.
- 2.6 Having undertaken the detailed viability work at the plan making stage it will be assumed that planning applications that comply with the policies of the plan will be viable. It will therefore be for the applicant to demonstrate whether particular circumstances justify the need for a re-assessment of viability and where this is proven it will be based on the work that informed the plan with the applicant providing evidence of what has changed in the meantime. This change appears to strengthen the local authority's ability to resist viability challenges other than where clear unforeseen issues arise.
- 2.7 The NPPG now gives clearer guidance on land values with these to be based on the existing use value of the land plus a premium for the land owner. It is however difficult to understand what an appropriate premium will be and this is likely to continue to vary on a

case by case basis taking into account factors such as abnormal costs, sales values and policy. We also need to be mindful that most sites in East Devon will be greenfield sites where the established use is agricultural and the existing use value is very low compared to residential value. Therefore what constitutes an appropriate premium for the land owner will remain a significant issue.

- 2.8 Whilst the position with future plan allocations is laid out in terms of assessing viability at the allocation stage and expecting subsequent applications to delivery all the necessary obligations, there will still be applications to consider in the meantime where viability is an issue.
- 2.9 For these application is it considered that the Council should continue to assess viability as it does at present (see Guidance Notes on our Website: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/> . This involves the applicant providing a viability appraisal and agreeing to cover the costs of this being assessed by a viability consult of the Council's choosing (currently through a consultancy service provided by Plymouth City Council). The viability will be assessed on the existing use value plus a premium for the land owner as detailed within the NPPG.
- 2.10 As land values vary over time, and as land values vary considerably across the district, it is not recommended at this stage that we set any existing benchmark land values. It would be more appropriate to do this at the plan making stage.

3 Section 5 of the NPPF – Delivering a sufficient supply of homes

Affordable Housing

- 3.1 Paragraph 63 states that affordable housing should not be sought for residential developments that are not major developments i.e. comprising 10 dwellings or more or where a site has an areas of 0.5 hectares of more – but note important caveats below that actually means for most of East Devon lower thresholds can apply.
- 3.2 Up until now, under a previous ministerial statement, proposals for 10 dwellings or fewer in Exmouth, Honiton, Sidmouth and Seaton were immune from the provision of affordable housing as the threshold started at 11 units. The NPPF lowers this threshold from 11 to 10 units.
- 3.3 Paragraph 63 has further implications in terms of the scale of development from which affordable housing can be sought as it states that in designated rural areas policies may set a threshold of 5 units or fewer. The Council has previously determined that it will apply the lower level in these areas. The designated rural areas are set by a 1985 Housing Act and represents all of the land outside of the wards of Exmouth, Sidmouth, Honiton and Seaton. The designated rural areas definition is not related to rural areas in terms of any policy determination or definition within the Local Plan.
- 3.4 In designated rural areas we have previously only been able to seek a financial contribution towards affordable housing from residential development of between 6 and 10 dwellings under the previous ministerial statement mentioned above. The revised NPPF

now supersedes this ministerial statement and not only opens up the opportunity for on-site provision in such circumstances, but changes the threshold at which affordable housing can be secured. Paragraph 63 of the NPPF stating that policies may set a lower threshold of 5 units or fewer. We therefore need to turn to Strategy 34 to establish what the implications are.

3.5 The relevant part of Strategy 34 states:

‘The thresholds at which this policy shall apply will be the minimum set out in Government policy or guidance (including any lower thresholds which Local Planning Authorities have the discretion to establish) subject to an up to date Council viability assessment showing that these thresholds can be justified. Where there is no applicable Government Policy or Guidance there will be no minimum size threshold at which affordable housing will be sought, subject to there being up to date strategic evidence that the general delivery of housing would not be significantly undermined.’

3.6 Whilst the NPPF has a clear policy that affordable housing can be secured on-site from developments of 10 dwellings (or 0.5ha) or more, the position with regard to development in rural areas (i.e. all of East Devon with the exception of the wards of Exmouth, Honiton, Sidmouth and Seaton) of up to 10 units is less clear as the NPPF does not put in place a threshold but enables one to be set by policy.

3.7 However, Strategy 34 states that ‘where there is no such applicable Government Policy or Guidance there will be no minimum size threshold at which affordable housing will be sought...’, and given that the ministerial guidance in the NPPG relating to securing contributions from between 6-10 units in rural areas is now out of date, Strategy 34 would require affordable housing provision in rural areas from all developments from single dwellings and upwards – subject to there being ‘up to date strategic evidence that the general delivery of housing would not be significantly undermined.’ As Strategy 34 allows applicants to demonstrate that such contributions may not be viable through the viability appraisal process, it is not considered that the policy would significantly undermine housing delivery, and there is clear strategic evidence of the need for affordable housing across the district. In addition, viability work is currently being undertaken by consultants on behalf of the Council to inform a review of the Community Infrastructure Levy charging schedule. This work will apply the affordable housing thresholds and targets in Strategy 34 i.e. no minimum site size in designated rural areas, and will therefore provide up to date strategic evidence that the general delivery of housing would not be significantly undermined. It is anticipated that this work will be published later this year.

3.8 In effect, the NPPF takes the Council back to the position it was in a couple of years ago before the ministerial statement and change within the NPPG that introduced the 5 unit rural area threshold. We can therefore revert back to securing affordable housing in the designated rural areas from applications for single additional dwellings and upwards.

3.9 Previously when the Council had no minimum size threshold, it was seeking financial contributions from all rural developments of between 1-10 units using the Councils affordable housing calculator. Members may recall however that this resulted in a number of viability appraisals being submitted as depending upon the location within the district the contributions were in a number of situations getting up to, or exceeding, the £40,000 level for development schemes of a single (open market) dwelling.

- 3.10 Attached as Appendix i) is the original report to committee in April 2015 explaining the application of the affordable housing calculator. The figures within the affordable housing calculator will be looked at over the coming weeks to see if they need to be updated to reflect increased costs since they were first calculated in 2015. If such increased costs are considered reasonable, the calculator will be amended. In the meantime, the existing figures will be used.
- 3.11 Officers are therefore now negotiating affordable housing contributions from the following development:
- All residential development (except C1 hotels, boarding and guest houses and C2 Care Homes) comprising 10 additional dwellings or more within the Wards of Exmouth, Sidmouth, Honiton and Seaton;
 - All residential development (except C1 hotels, boarding and guest houses and C2 Care Homes) comprising at least 1 additional dwelling in the designated rural area (all Wards outside of Exmouth, Sidmouth, Honiton and Seaton).
- 3.12 In accordance with Strategy 34, affordable housing should be secured on-site unless it is not mathematically possible (e.g. where 5 dwellings are proposed and 50% provision is required, or where on a single dwelling only is proposed), or where off site provision through the payment of a financial contribution is justified (such as there being no Registered Provider willing to take the unit or for other planning reasons). Experience at the moment suggests that Registered Providers are not willing to take on a hand-full of units due to the costs of managing and maintaining them. As such, unless site specific circumstances apply, officer will be securing financial contributions towards affordable housing across the district from application of between 1-9 additional residential units.
- 3.13 Where provision on-site is not possible in full or only in-part, the affordable housing calculator will be used to calculate the off-site financial contribution that will need to be secured through a S.106 legal agreement prior to the grant of permission.
- 3.14 The financial contributions collected will be put towards the provision of affordable housing across the district.

Vacant Building Credit

- 3.15 Paragraph 63 also moves the application of Vacant Building Credit from the NPPG to the NPPF stating that:

“To support re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”

- 3.16 The footnote confirms that the amount of reduction should be equivalent to the existing gross floorspace of the existing buildings. This will result in a reduction in affordable housing units, and/or financial contributions towards off-site affordable housing, that can be negotiated as existing floorspace will need to be deducted from the affordable housing contribution.

- 3.17 The change introduced by the NPPF means that the Council no longer have discretion over the implementation of Vacant Building Credit. Previously the Council could choose not to apply it where it considered that the affordable housing needs in the area outweighed its application. This is no longer considered to be the case.
- 3.18 In addition, it is considered that where a proposal benefits from the application of Vacant Building Credit, and provides a policy compliant level of affordable housing for the remainder of the development, this would make the development policy compliant and an overage clause should not be applied.

10% of homes to be affordable home ownership

- 3.19 The revised guidance sets out information on measuring affordable housing needs and at paragraph 64 advises of provision of at least 10% of homes on major developments being affordable home ownership as part of the overall affordable housing contribution from the site (with specific exemptions noted).
- 3.20 Officers are currently of the view that this means that development should provide at least 10% affordable housing home ownership as part of the affordable housing provision on the site. As the specific exemptions do not include conclusions drawn from viability assessments, it is currently considered that a refusal of permission could be justified where proposals provide less than 10% affordable home ownership. Obviously this position will get tested on appeal at some stage and as such this needs to be monitored.

Entry-level Exception Sites

- 3.21 Paragraph 71 of the new NPPF highlights what are termed “*entry-level exception sites*” suitable for first time buyers (or those looking to rent their first home) – they are specifically for affordable housing. These should **not** be allocated sites and should adjoin settlements, be proportionate in size to them and comply with local design policies (hence why they are “exceptions” and in an East Devon context such sites could be expected, assuming we follow policy approaches used in the past, to be outside of but well related to Built-up Area Boundaries). Entry-level exception sites should not be permitted in AONB’s.

Rural Housing

- 3.22 Paragraph 79 replaces the old paragraph 55 in identifying circumstances where isolated homes in the countryside will be permitted. The new NPPF has the same circumstances as before but with an additional one where “*d) the development would involve the subdivision of an existing residential dwelling...*”.
- 3.23 This would allow the subdivision of dwellings in rural areas and as there is no threshold indicated within the NPPF, it is considered that subdivisions could be permitted for a dwelling to go to a number of dwellings. This criteria would also appear to allow the conversion of an annexe to a separate dwelling.

4 Section 6 of the NPPF – Building a strong, competitive economy

- 4.1 Paragraph 84 states that planning policies and decisions should recognise that local business and community needs may need to be met through locations not well served by

public transport and that development of previously developed land in rural areas should be encouraged.

- 4.2 This paragraph gives more weight to the provision of employment and community facilities (but not residential development) in rural areas where they are not close to a range of services or facilities. This is a more flexible position than current local plan policies and will be a material consideration and could lead to greater support for the local of businesses in isolated rural areas.

5 Section 9 of the NPPF – Promoting sustainable transport

- 5.1 Paragraph 109 states the following and clarifies that there no longer needs to be a severe impact on highway safety for planning applications to be refused:

“109. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.”

6 Section 11 of the NPPF – Making effective use of land

- 6.1 Paragraph highlights density considerations and at 123 c) re-introduces reference to the need to make an efficient use of land stating the following:

“123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse application which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

- 6.2 The old NPPF did not reference the need for making an efficient use of land so this paragraph provides an opportunity to refuse development that does not make an efficient use of land.

7 Section 12 of the NPPF – Achieving well-designed places

- 7.1 An increasing importance attached to design considerations has been one area that has been widely commented on in the revised NPPF. The opening text of Section 12, at paragraph 124, advises:

“124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

- 7.2 Securing high quality design is seen as one means by Government to gain greater public support for new development, especially new house building. Neighbourhood plans are seen as having a key role to play and use of visual tools such as design guides and codes are promoted as is early and ongoing consultation with local communities.
- 7.3 How far the new emphasis upon design can be used to justify the refusal of planning applications will not be determined until it has been tested a number of times on appeal. Officers will however been using this to secure better quality design where proposals are considered to be unacceptable.

8 Section 15 of the NPPF – Conserving and enhancing the natural environment

- 8.1 Decision making in relation to the natural environment remains unchanged with the same, if not greater emphasis, on the need to give great weight to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty.

9 Annex 1: Implementation and Annex 2: Glossary

- 9.1 The revised NPPF concludes by way of two annexes, the first on implementation advises that the NPPF should be taken into account in considering applications from the day of publication (24 July 2018), i.e. it is already in use. The revised NPPF advises of early planning policy review but in paragraph 23 also sets out that:

“213. existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

- 18.4 The most notable change to the Glossary at Annex 2 is the change to the definition of Affordable Housing, which now covers all of the following:

'Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded

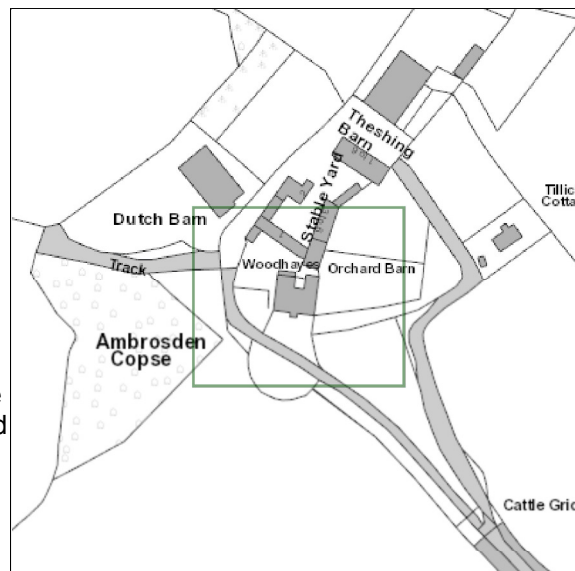
Ward Otterhead

Reference 18/1451/FUL &
18/1452/LBC

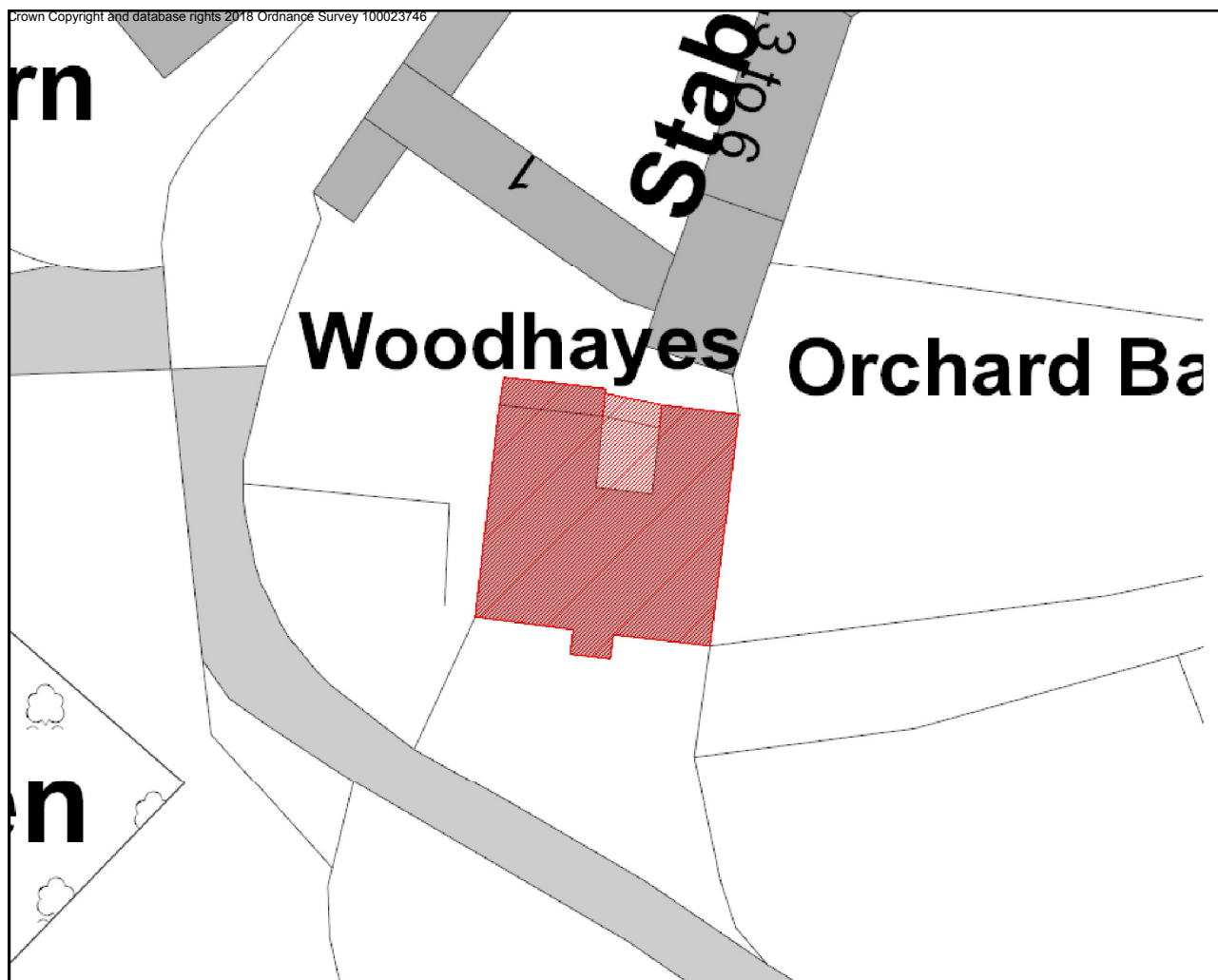
Applicant Mrs Christine Page-Turner

Location Woodhayes Luppitt Honiton EX14 4TP

Proposal 18/1451/FUL Construction of single storey side extension and double storey rear extension.
18/1452/LBC Construction of single storey side extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension.



RECOMMENDATION: 18/1451/FUL and 18/1452/LBC - Approval



		Committee Date: 2nd October 2018
Otterhead (LUPPITT)	18/1451/FUL & 18/1452/LBC	Target Date: 27.08.2018
Applicant:	Mrs Christine Page-Turner	
Location:	Woodhayes Luppitt	
Proposal:	18/1451/FUL - Construction of single storey side extension and double storey rear extension. 18/1452/LBC - Construction of single storey side extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension.	

RECOMMENDATION 18/1451/FUL and 18/1452/LBC: Approval

UPDATE REPORT

These applications were deferred at the September meeting for a Site Inspection to assess the design of the extensions and their visual impact upon the listed building, its setting and features.

The original report is attached for information.

Following the Committee decision to defer the decision for a Site Inspection, the applicant has submitted amended plans. These amended plans propose the following amendments to the proposal:

Single Storey Orange extension:

-) shortened by 1.5 meters**
-) the pyramid roof light has been replaced by flat roof lights**
-) the overall proportions of the windows and double doors have been amended**
-) the porcelain cladding has been removed and replaced by a render which will be painted white to match the existing paint colour**

The ground and first floor Infill:

-) the depth of projection has been reduced, the infill now ends at the edge of the existing lean to building line**

) the globe roof lights have been removed and replaced with flat roof lights.

These changes have addressed a number of the concerns outlined in the attached report that led to a recommendation of refusal – namely the scale of the side extension, its materials and inclusion of the rooflight in the single-storey side extension and the depth of projection and roof-lights on the two-storey rear extension.

Whilst the remaining window/door proportions to the single-storey extension still differ from the main dwelling, and the extension will have a visual impact from the garden, the amendments have addressed the main concerns regarding the side extension with the removal of the lantern, use of matching materials and smaller length being particularly welcomed. Whilst use of a pitched roof would have been preferable, the use of a flat roof due to the position of the first floor windows is understood.

Whilst it is considered that it would have been preferable for the projection of the two-storey extension not to extend beyond the rear of the main walls of the dwelling, the proposal glazed design and removal of the roof lanterns ensures that the extension will be viewed as a later extension with the harm to the listed building from this element of the proposal being sufficiently addressed.

As the amended design has addressed the main concerns raised in relation to the previous proposal, albeit that the window proportions to the single-storey extension could be further improved, it is considered that the proposal no longer harms the listed building. In addition, given that no impact to the amenity of neighbouring properties or wider context of the AONB has been identified, the applications are now recommended for approval subject to conditions.

RECOMMENDATION 1

18/1451/FUL

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Location Plan

02 July 2018

Proposed Plans and elevations 584/002 V3 11 September 2018

3D Renders 11 September 2018

RECOMMENDATION 2

18/1452/LBC

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.
 - Roofing materials including product details, sample and method of fixing.
 - Size, type and manufacturers model of all roof lights, including method of flashing.
 - New rainwater goods including profiles, materials and finishes.
 - New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
 - Type of render including proportions of mix, method of application and finishes.

The works as agreed shall be carried out in accordance with the approved details.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant listed building concerns have been appropriately resolved.

Plans relating to this application:

Location Plan	02 July 2018	
Proposed Plans and elevations	580/002 V3	11 September 2018
3D Renders	11 September 2018	

List of Background Papers

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

ORIGINAL REPORT

		Committee Date: 4th September 2018
Otterhead (LUPPITT)	18/1451/FUL & 18/1452/LBC	Target Date: 27.08.2018
Applicant:	Mrs Christine Page-Turner	
Location:	Woodhayes Luppitt	
Proposal:	18/1451/FUL - Construction of single storey side extension and double storey rear extension. 18/1452/LBC - Construction of single storey side extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension.	

RECOMMENDATION 18/1451/FUL and 18/1452/LBC: Refusal

EXECUTIVE SUMMARY

These applications are before Members as the applicant is related to an Officer of the Council.

The applications seek planning permission and listed building consent for single storey and two storey extensions to the east and north sides of the dwellinghouse, Woodhayes, a Grade II Listed Building located in open countryside of the Blackdown Hills. The extensions are proposed in a contemporary style utilising glass, porcelain cladding and aluminium.

Given the scale, form and position of the proposed extensions officers have identified harm to the setting and character of the Listed Building sufficient to object to the application.

Whilst no impact to the amenity of neighbouring properties or wider context of the AONB has been identified, given the harm to the listed building, and lack of wider public benefits to outweigh this harm, it is considered the proposals should be refused.

CONSULTATIONS

Local Consultations

Otterhead - Cllr D Key

I am in support of the alterations and extensions, this is an old property and listed, it is a private secluded house needing a lot of updating to bring it up to date for modern living.

Further comments:

Thank you for the email, I am still supporting this application as I believe that listed Buildings at sometime need updating and the design of the extensions are attractive and completely in keeping with modern design for a listed building.

Clerk To Luppitt Parish Council

Luppitt Parish Council raises no objections to this planning application and sees no issue with the scale of the proposed works in relation to the size of the house.

Technical Consultations

County Highway Authority

Does not wish to comment

Conservation

CONSULTATION REPLY TO HOUSE HOLDER
LISTED BUILDING CONSENT/ CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Woodhayes, Luppitt, Honiton, EX14 4 TP

GRADE: II APPLICATION NO: 18/1451/FUL & 18/1452/LBC

CONSERVATION AREA: Not applicable

PROPOSAL: Construct a single storey extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

LUPPITT ST 10 SE 10/66 Woodhayes 22.2.55 - II House. Early C19, possibly early C18 core. Flemish bond local brick, plastered on the front and sides; stone rubble or brick stacks with brick ; slate roof. Plan: U-plan building. The main block faces south and it has a 2-room plan with central entrance hall and main staircase. These are the principal rooms and each has a rear lateral stack. 2-room plan rear service blocks project at right angles to rear of each end. In both rear blocks the first larger room shares the main block stack. The right (east) rear block now contains the kitchen although the owner claims that the left (west) rear block was the original kitchen. Although the house looks like an early C18 house thoroughly refurbished in the early C19 there is no definite evidence of early C18 work. House is 2 storeys. Exterior: symmetrical 5-window front of 16-pane sashes (some of them horned replacements)

arranged around a central doorway behind a Hamstone porch on top of a flight of 3 steps. Its pediment is carried on Tuscan columns. The front doorway contains double 6-panel doors. The front doorway contains double 6-panel doors. The roof is tall and steeply-pitched with sprocketed eaves. There are similar sash windows each side and to rear and a couple of C20 casements with glazing bars at the back end of each service wing. There is, at the back of the right (east) rear wing a service doorway containing a fielded 2-panel door (is this from the early C18 house?) Interior: contains some original (that is to say early C19) joinery detail including an open string stick baluster stair. Listing NGR: ST1729402793

The above listing description, was an assessment of the asset in March 1955 at the date of listing. Which should be considered in conjunction with the supporting information on the assets evolution as a farmhouse, found in the Statement of Significance prepared by Peter Child in support of the current pre-application.

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

The proposal to 'construct a single storey extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension' as proposed through this formal application was subject to a pre-application request received on the 3 May 2018 and subsequent site visit and meeting held on the 31 May 2018, unfortunately the advice offered at pre-application stage, was not taken into account through the formal application, namely;

Removal of the walls within the dairy, as later partitions and partial removal of the kitchen wall adjoining the dairy to allow for a larger kitchen, which provides access to the proposed garden room and office. Would result in the loss of historic fabric and in turn the interpretation of the dairy as part of the historic farmhouse and its relationship with the farmstead sited opposite.

The loss of fabric, in this instance however, would allow for a more efficient kitchen, required for the catering element of the established B&B business and a larger area for family dinning. Therefore removal of the internal partitions as proposed would be acceptable as part of the evolution of the dwelling, and its long term viability, subject to a photographic recording programme.

Additional fabric to be removed within the same area, is through a newly formed opening in the existing utility room to provide access to a new day room and office 'orangery' (as described in the D&A statement) located on the east elevation.

As advised, the principle of a garden room 'orangery' to the east elevation is acceptable, however in its current form, the overall scale is considered to compete with the principal dwelling. Whilst I accept the east elevation is less formally articulated than that of the front, I would suggest it continues to be of significance, as part of the built form. Its historic relationship with the immediate setting as a garden area to the farmhouse remains of interest, when balanced against the close proximity of the farmstead to the north-west of the house and the need for private amenity space for the enjoyment of the occupants of the house.

Justification for the orangery is to provide a family room and office, removed from the core of the house and as such B&B guests. The current TV room being within the later infill of the area between the two rear projecting wings, accessed from the rear entrance hall opposite the current diary and ground floor toilet area, used by B&B guests.

Concerns were raised with the Agent and Owner during the pre-application site visit, regarding the future use of the existing TV room as a large corridor for guests to access the ground floor WC when balanced against the need for a the single storey extension, of similar proportions, as a Day Room including TV and office. Concerns being the underuse of the existing planform and making the building work harder without the need for additions.

As suggest the primary concern being the scale of the proposal and lack of full justification for the need to introduce a flat roof rendered single storey extension, with a large pyramid rooflight, sash proportion windows and large bi-folding doors, the scale and composition of which is considered to detract from the character of the heritage asset which is inherently an agricultural farmhouse.

Turning to the proposed two storey glazed extension to rear of the building, as identified the existing single storey, located between the rear projecting wings of the principal building, is a later infill of limited significance, its reconfiguration to form a permanent element of the planform at both ground and first floors is considered acceptable in principle subject to the scale and design of the proposed infill being sympathetic to the principal building.

In light of this, the current proposal albeit in glazing, terminates at the eaves of the existing 'wings' and projects past the built elevation of the farmhouse. Whilst glass has been proposed as a sympathetic material to that of the existing, which is acceptable, the overall scale of the glazed framed which is less transparent in nature, competes with the heritage asset as an infill.

As suggested on site, the principle of a new extension in this location is acceptable, however this should be set within the confines of the existing built form, so as not to dominate the character of the farmhouse.

The location of the plant room, as proposed would result in no harm, however little evidence or information has been provided on the actual harm the introduction of central heating pipes would have on the existing fabric of the house, to allow an informed comment to be give on actual harm.

In summary the introduction of additional space is considered acceptable subject to the mass, scale and design being reconsidered to reflect that of the host building (Woodhayes). Furthermore, little information has been provided on the central heating pipes to allow for an informed decision to be made on its actual harm, in this instance the works as proposed to Woodhayes are considered to result in non-substantial harm with no public benefit.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Other Representations

No third party comments have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
04/P1541	Change Of Use To Craft Workshops/ Offices	Approval with conditions	14.09.2004
04/P1545	Change Of Use To Craft Workshops/ Offices Requiring 4no New Openings	Approval with conditions	14.09.2004
05/2859/CPE	Use of part of building as a single unit of residential accommodation.	CPL Approve	28.11.2005
08/0458/COU	Conversion of farm building to office accommodation, holiday letting annexe and replacement store extension to farmhouse	Approval with conditions	28.08.2008
11/2837/COU	Conversion and extension of dutch barn to office and art gallery	Approval with conditions	13.04.2012
08/0459/LBC	Conversion of farm building to office accommodation, holiday letting annexe and replacement store extension to farmhouse	Approval with conditions	02.07.2008

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN8 (Significance of Heritage Assets and their Setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN17 (Notifiable Installations)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

Site Location and Description

Woodhayes is a Grade II Listed Building located to the north east of Honiton in open countryside of the Blackdown Hills Area of Outstanding Natural Beauty. Given its location above the valley floor on the rising hillside and white appearance it is readily apparent when viewed from the local area.

The wider site consists of the main farmhouse part of which is used as a B&B, a further dwellinghouse and mix of B1 uses accommodated within a courtyard of former agricultural barns to the rear, together with a former Dutch barn to the North West extended and converted to an office and gallery.

Proposed Development

The application is in two parts; firstly a proposed single storey extension to the east side to act as a day room / office with consequent opening up of existing walls on this side of the house included in the application for Listed Building Consent (LBC) to provide access from the existing floor plan of the house as well as removal of internal walls within the ground floor part of the building closest to allow more usable space.

Secondly the addition of a two storey element in the space between the wings of the building to provide a boot room, back hall lobby with gallery above and further new openings at ground and first floor levels to provide access to the existing building as well as bringing in an existing work shop space into the parameters of the overall building so that it can be converted to a cloakroom and plant room.

The extensions are proposed with mainly glazing to the two-storey extension and mix of glazing and porcelain rain screen cladding to the single-storey extension.

Procedural Matters

This is a joint report encompassing Planning Application 18/1451/FUL and application for Listed Building Consent 18/1452/LBC

The Luppitt Neighbourhood Plan is at a draft plan stage and therefore limited weight can be attributed to it.

The labels on drawing no 584/002 received on the 2 July are incorrect. For ease of orientation the elevation labelled as south west actually faces more or less east and is the location for the proposed single storey extension; that labelled SE faces more or less north and is the location of the two storey extension.

Considerations

The main consideration is the impact upon the setting, character and fabric of the listed building.

Setting aside the main issue for the moment in regard to the planning application it is not considered the proposals would be harmful to the amenity of neighbouring properties given the distance from Woodhayes to the nearest exceeds 300m. Additionally the proposal brings about no changes to access or parking arrangements to consider.

There is also no objection in principle to extensions to this building in this location and given the location of the extensions set against an existing building, there are no concerns regarding any harm to the landscape of the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Assessment of the impact upon the setting, character and fabric of the listed building

The single storey extension:

The internal changes necessary to break through the external wall to access the proposed single-storey extension are not objected to and not considered to cause harm, subject to photographic recording.

The Conservation Officer has objected to this element given the overall floor area proposed, the large pyramid style rooflight and the overall appearance of the extension (in particular the flat roof, window proportions and materials) which would detract from the character of this elevation of the Listed Building that is important in its relationship with the current garden area to the farmhouse. These concerns are shared by Planning Officers and the Statement of Heritage Significance forming part of the application acknowledges the harm to the building from the single storey extension as follows:

‘It will however have significant impact upon the east side elevation (fig 4) but this, unlike the front, is ‘undesigned’ with irregularly placed windows.’

‘The effect upon the appearance of this elevation will be considerable but given the elevation’s lack of architectural quality, the effect upon the building’s overall historic significance will be smaller.’

Although this side of the house is clearly less formal than the south side, the extension would cover almost 75% of this side of the building in terms of the length and juxtapose the rooflight with the underside of the first floor sash windows and although a not insignificant element would be formed of glazing the use of the white cladding gives the impression of weight to the extension and it is considered would result in an element that would compete with the principle building. This is illustrated in the drawing labelled 3D renders.

Whilst in pre-application advice the Local Planning Authority did not submit out of hand the addition of an extension to this east side, nor the removal of fabric that would be

required, it is considered that an extension of this scale and configuration would be harmful to the character and appearance and setting of the Listed Building.

An additional concern has been raised that an extension of this size to form a day room for guests and office is only required due to the loss of the existing office to create the two-storey extension, the ground floor of which would be a gallery space. Officers are concerned that this is an inefficient use of the building resulting in a lack of justification for the size of the single-storey extension proposed.

The two storey extension:

The internal changes necessary to break through the external wall to access the proposed two-storey extension are not objected to and not considered to cause harm, subject to photographic recording.

Officer's objections on this element are that it protrudes behind the existing rear building line as opposed to being kept within it, and would dominate this side of the dwellinghouse. Whilst it is designed in glass, the framing would be seen projecting beyond the existing 'wings'.

Again harm caused by this to the significance of the listed building is reflected within the Statement of Heritage Significance submitted by the applicant's heritage consultant and states:

'Although this new extension will clearly have an impact upon the appearance of the rear elevation of the house, its largely glazed construction will still enable the original character and form of the rear section of the house to be read and the effect upon historic significance will consequently not be great, particularly as this part of the house is not readily visible in conjunction with the rest of the building.'

Although the Statement of Heritage Significance states that the extensions will arguably enhance the historic significance by way of adding good quality architecture, it does not categorically state that the impact is acceptable and that harm will not be caused.

This harm is demonstrated on the true north and east elevation drawings, but also more apparent when viewed from the west given the shorter length wing which shows the termination of this element with glass bubble above the framing of the extension. It is considered this results in a somewhat awkward contrast with the more traditional pitched roof and eaves to the detriment of the character and appearance of the building. This extension is also proposed proud of the existing rear wings.

Given the form, position and scale it is considered that this element of the proposals competes with the heritage asset, and would be harmful to the character, appearance and setting of the Listed Building.

Other Issues

Whilst the applicant has put forward examples of other applications where extensions have been approved it is considered that none are directly comparable to Woodhayes itself; each proposal must be dealt with on its own merits.

Additionally though justification has been put forward in additional comments received from the applicant on the extent of both proposals, they do not outweigh Officers' views on the proposal.

CONCLUSION

Whilst extensions to the building are considered to be acceptable in principle, and no harm is identified to highway safety, the AONB or residential amenity of nearby residents, it is considered that the single-storey side extension (by virtue of its size, design and materials) and the two-storey rear extension (by virtue of its design and projection beyond the rear of the building) cause harm to the significance and setting of the heritage asset.

This harm is considered to be less than substantial.

Paragraph 193 of the NPPF 2018 requires decision makers to give great weight to a heritage assets conservation with paragraph 196 stating that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In this case there are not considered to be any wider public benefits that outweigh the harm identified. As such planning permission and listed building consent must be refused.

RECOMMENDATION 1

18/1451/FUL

REFUSE for the following reason:

1. The proposal by reason of the scale, form and materials, would fail to reflect the character of Woodhayes, impacting on the appearance of each of the elevations affected, which results in harm to the character and setting of the Listed Building. Although the harm is identified as less than substantial harm the justification put forward does not include public benefits sufficient to outweigh the harm identified in the overall planning balance. The proposals would be contrary to Policy EN9 (Development affecting a Designated Heritage Asset) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and paragraphs 193 to 199 of the NPPF 2018.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

Location Plan 02 July 2018

Proposed Plans and elevations 580/002 02 July 2018

3D Renders 580/003 2 July 2018

RECOMMENDATION 2

18/1452/LBC

REFUSE for the following reason:

1. The proposal by reason of the scale, form and materials, would fail to reflect the character of Woodhayes, impacting on the appearance of each of the elevations affected, which results in harm to the character and setting of the Listed Building. Although the harm is identified as less than substantial harm the justification put forward does not include public benefits sufficient to outweigh the harm identified in the overall planning balance. The proposals would be contrary to Policy EN9 (Development affecting a Designated Heritage Asset) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and paragraphs 193 to 199 of the NPPF 2018.

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In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

Location Plan 02 July 2018

Proposed Plans and elevations 580/002 02 July 2018

List of Background Papers

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

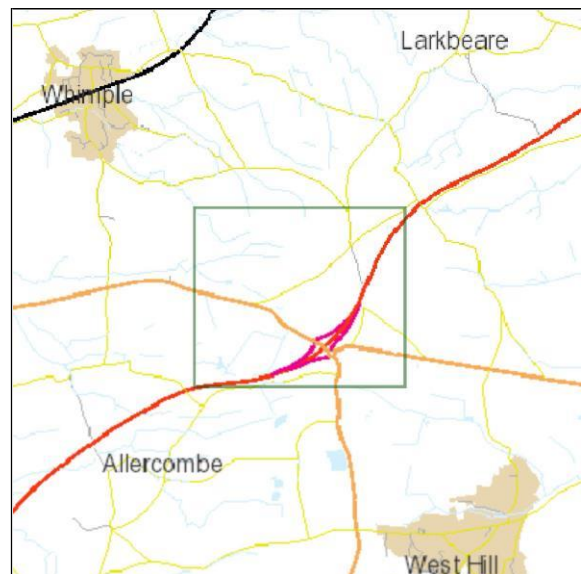
Ward Whimble

Reference 17/2035/MFUL

Applicant Mr & Mrs Gordon Podbury

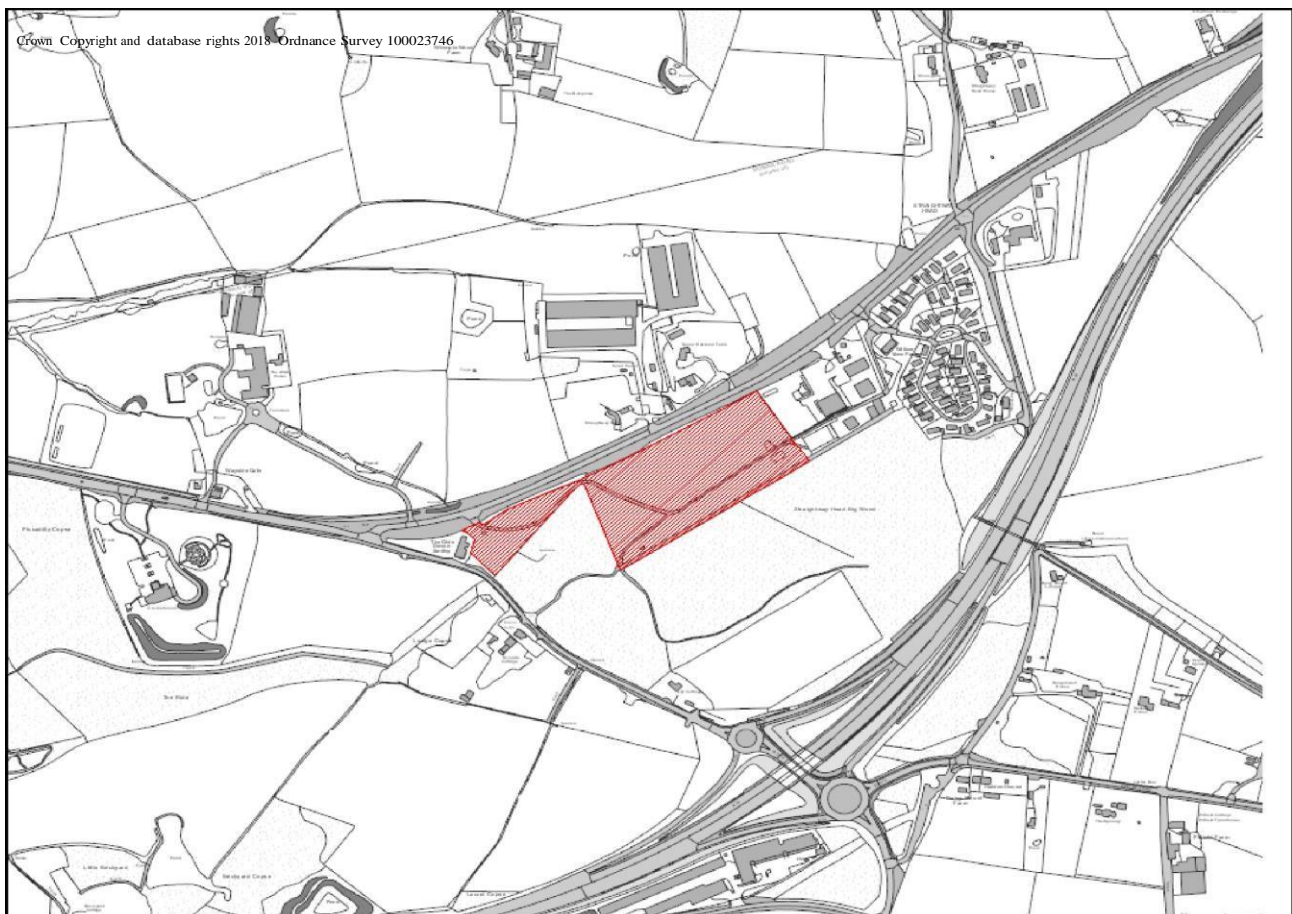
Location Land To West Of Moor View Industrial Estate
Straightway Head Whimble
Exeter EX5 2QT

Proposal Change of use of land to provide 49 no. units of holiday accommodation 2 no. fishing lakes, erection of manager's accommodation/farm shop and associated internal access roads.



RECOMMENDATION:

- 1. That the Habitat Regulations Assessment attached to this report be adopted;**
- 2. That the application be APPROVED subject to conditions.**



		Committee Date: 2nd October 2018
Whimble (WHIMPLE)	17/2035/MFUL	Target Date: 05.03.2018
Applicant:	Mr & Mrs Gordon Podbury	
Location:	Land To West Of Moor View Industrial Estate Straightway Head	
Proposal:	Change of use of land to provide 49 no. units of holiday accommodation 2 no. fishing lakes, erection of manager's accommodation/farm shop and associated internal access roads.	

RECOMMENDATION:

1. That the Habitat Regulations Assessment attached to this report be adopted;
2. That the application be **APPROVED** subject to conditions.

EXECUTIVE SUMMARY

This application is before the Committee as the proposed development represents a departure from the adopted East Devon Local Plan.

The site lies in the open countryside, although it is next to a small industrial site and storage area, and has been used in the past for the storage of materials associated with the construction of the A30 Honiton by-pass. The site is generally enclosed by substantial screening, with limited views into the main body of the area proposed for development.

Holiday accommodation and the provision of tourist facilities are an important contributor to the success of the local economy and there is general policy support for the expansion of existing or provision of new sites. This site does not strictly comply with the local plan as it is not located adjacent to an existing settlement, and is in a location that is isolated from a range of services and facilities, and indeed from tourist attractions. This weighs against the proposal.

Weighing in favour of the proposal is the significant contribution to the local economy, through the initial investment and subsequent tourist related spending, and lack of any visual harm. In addition the proposal would provide woodland walks, nature trails and the fishing lakes on the site.

The layout, design and quality of the proposal is considered to be appropriate to this location.

It is considered that the application is very finely balanced. The site is not located within a sustainable location, is a distance from tourist facilities and not near to a good range of services or facilities including bus routes. As such the proposal is contrary to Policy E19. However, the proposal will result in economic benefits and there is no harm identified from the visual impact or layout of the site.

In light of the lack of visual or other harm, and despite the questionable location of the site for a holiday park, on balance the application is supported due to the wider economic benefits.

CONSULTATIONS

Local Consultations

Parish/Town Council

07.12.17 - Whimble Parish Council have no objections to this application for development for holiday lets, fishing lake and onsite amenities in an easy accessible location. No overlooking property, nil issues with parking/access. This will bring tourists/business to the area and employment opportunities.

Further comments:

15/05/18 - Whimble Parish Council have no objection as long as the amended plans meet the required recommendations in the assessments obtained. This is an application for development for holiday lets, fishing lake and onsite amenities in an easy accessible location. No overlooking property, nil issues with parking/access. Will bring tourists/business to the area and employment opportunities

Technical Consultations

Economic Development Officer

RE: 17/2035/MFUL | Change of use of land to provide 52 no. units of holiday accommodation 2 no. fishing lakes, erection of manager's accommodation/farm shop and associated internal access roads. | Land To West Of Moor View Industrial Estate Straightway Head Whimble Exeter EX5 2QT

We have reviewed the application and associated documents. Most of the information relevant to our consideration is provided in the Design & Access / Planning Statement (V1.2).

For a scheme of this size, we are surprised by the lack of supporting information around the scheme's economic impact and provision of 10 equivalent FTE (6FTE, 15PTE). This degree of direct employment is broadly consistent with a 'destination venue' scheme of this significance. We would have encouraged the applicant to go further in providing specific estimates of their supply chain spend to identify the potential for additional associated employment generation.

We note the support offered by the Parish Council who highlight the suitability of this site for the proposed development. Proximity to the A30 is key aspect. Members have also noted the positive economic implications of the proposed scheme unlocking direct employment provision and tangible wider supply chain benefits to the local economy associated with increased visitor numbers. We also support the applicant's aspiration to increase visitor numbers in the shoulder season (Oct - March) when the visitor economy operates below capacity.

Accommodation and food sectors are a fundamental part of our district economy, accounting for 5,200 local jobs and comprising 12% of our employment base. Economic Development teams across Exeter & the Heart of Devon (EHOD) have acknowledged that leisure and tourism is unlikely to reduce the productivity gap or develop the knowledge economy, but appreciate that it does contribute significantly to the quality of life of people living in East Devon. This will play a role in encouraging local economically active people to stay in the area, and tourists to visit East Devon from outside the area (Shared Economic Strategy 2017-20: A collaborative approach to growth and productivity).

A 2016 report from the Devon Tourism Partnership shows that UK-originated and overseas trips to East Devon increased four per cent to 521,000 trips in 2015, compared to 502,000 trips 2014. The average number of nights per East Devon trip rose by eight per cent, equivalent to 166,000 additional nights in the local area. Associated spend by tourists visiting from outside the local area leapt by £7.6million to £117.3million in 2015. In 2015 alone, tourism contributed £3.5million more to the East Devon economy than it did in 2014, rising to £252.5million. As a 'destination venue' providing both holiday accommodation and a wider range of attractors for visitors (comprising the fishing lakes, woodland/nature walks/trails and farm shop), the scheme is well placed to further increase this degree of spend by tourists visiting from outside the local area to our pubs, restaurants and retail businesses. Furthermore, the resilience of this holiday park sector to withstand the impact of wider economic downturn is noted as domestic tourism commonly increases in response to wider macro-economic uncertainty.

The Design & Access Statement holds that 'Parks typically contribute 20% of the income to rural economies in popular tourism areas' and that 'Lodges can generate spends of £25,708 per unit. On this basis this scheme would generate spends of £1.3m' p/a into the local economy. We have no specific basis to challenge these statistics, but should highlight that a series of dated stats from a 2011 article within The British Holiday & Home Parks Association Journal isn't perhaps the most robust or objective of data sources. We agree the supposition of economic benefit but further data to support the positive impact of the scheme would warrant stronger and more informed support.

Notwithstanding, we recommend the application is supported.

EDDC Trees

Arboricultural Report

There is a line of mature Ash and Oak growing adjacent to the main site boundary to the north. The submitted site layout shows holiday lodges (22 through to 33) under the existing tree crown spread. This in the current situation is not a satisfactory relationship, but would become increasingly more inappropriate as the tree continue to grow and increase in size. This issue would be further exacerbated by the ground levels being increased adjacent to these trees (according to cross Section drawing). This would result in significant pressure to lop the trees back to the detriment of their amenity and physiological condition. No details have been submitted relating to how the location of the units 22 through to 33 has been planned to avoid damage to the boundary trees, or how they will be protected during construction.

Construction activity could cause serious damage to the woodland edge on the southeast boundary of the site and there is no information detailing how this will be avoided.

There is no information relating to service runs, spot levels in relation to tree Root Protection Areas.

Without an Arboricultural report addressing the above points, the application is contrary to our local planning Policies D1, D2 & D3 and could be refused on this basis.

Woodland Management Plan

It is unclear if the woodland, known as Straightway Head Big Wood, to the south of the proposed site is forming part of the development proposal or not? It is reference within the design and access statement, but is not within the redline of the application. Is the long term management of the woodland going to be formalised within a s106 agreement? Whilst the broad principles of the woodland management plan are considered acceptable, it lacks and detailed information necessary should it become a legal document.

There has been significant felling on site and little evidence of any planting, or satisfactory natural regeneration. The woodland management plan makes reference to a 2011/12 felling licence, presumably a condition of the felling licence was for restocking, what has happened to the new planting?

The design and access statement make reference to the formalisation and connection of the woodland's permissive path's to the existing site of Willow View park, yet this path does not appear within the woodland management plan document. In addition there have been no documents relating to new footpaths / upgrade and details of surface dressing.

There is insufficient details relating to restocking of the woodland including species, numbers, planting density, beating up.

Appendix 1 and appendix 7 make reference to two compartments (C1 and C2) which do not appear on the compartment plan.

Appendix 7 provide insufficient details relating to plan of operations should this document become part of a legal agreement.

It is unclear what timeframe the management plan is covering other than the five years implied in Appendix 7. There does not appear to be any reference to the review of the performance of the plan or when it will be updated.

Additional Observations following Site Visit

Tree clearance

There appears to be two areas of recent tree clearance and earth works (Figure 1 and Image 1 and 2) separate to the tree clearance as part of the felling license works.

Possible contaminated land

In the one area of tree clearance and earth movement (Figure 1) there was puddled water in the tracks left by the recent vehicle. The water had a cloudy/oily film on the surface (Image 3), this is possibly indicative of some sort of contamination from the stored / waste building / industrial materials on site. This may need further investigation or contaminated land survey as part of the planning application.

Further comments:

09/04/18 - Assuming this is a formal revision, or that one is imminent, I would recommend approval subject to condition covering tree protection. I can provide you with a draft condition as and when required.

09/04/18 - Woodland Management Plan.

I am now happy with the details contained within the woodland management plan.

Trees

I am still concerned with the relationship with the proposed units (22 through to 33) and trees growing on the northern boundary. There is scope for considerable future growth from these trees. These units need to be moved further to the south.

The current separation between the units and trees varies between 4.5 and around 8 metres. A mature oak will have a crown radial spread in excess of 10 metres. The trees will be under pressure to be lopped, to control their size, to reduce leaf, twig, acorn and bird mess falling onto and around the units. The likely extent of this pruning over time will result in unattractive regrowth and unnatural looking trees.

Based on the above I believe the application should be refused as it is contrary to our local planning policies D1 & D3 and could be refused on this basis.

Further comments:

24/05/18 - The most recent amendment to the layout of the units on the northern boundary is an improvement on the original scheme with regards to tree constraints. The amended scheme is now considered acceptable with regard to existing trees and woodland.

Any approval would need to be subject to condition requiring the submission of a tree protection plan and implementation of the woodland management plan.

I would ask that the landscaping to north of boundary as shown in Detailed Landscape Design Layout 10 is enhance with new hedging and additional tree planting as this is/will be an considerably open stretch of the road facing boundary. Without robust landscaping the two units adjacent to this boundary will detract from the general rural character of the area. This could be addressed via an amendment prior to approval or the subject of a planning condition.

Draft conditions regarding trees and woodlands could be worded as follows:

Tree protection

Prior to the commencement of the development hereby approved (including and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS [DELETE AS APPROPRIATE]:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) A full specification for the installation of boundary treatment works.
- d) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- f) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- g) Boundary treatments within the RPA
- h) Arboricultural supervision and inspection by a suitably qualified tree specialist
- i) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

Retained Trees

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the East Devon Local Plan 2016.

Woodland Management Plan

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; the submitted Woodland Management Plan by Lockhart Garratt, dated 30/04/2018 shall have been commenced. The works identified in the management schedule shall be undertaken at the specified timings. Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season shall be taken.

Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term / in perpetuity, in the interest of nature conservation and the visual amenity of the area and to accord with Policy D1 - design and Local Distinctiveness of the East Devon Local Plan 2016 and the NPPF.

DCC Flood Risk Management Team

LOCATION: Land To West Of Moor View Industrial Estate
Straightway Head Whimble Exeter EX5 2QT

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

Further comments:

02/05/18 - At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning

Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

-No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Report Ref.

22789/07-17/4778 Rev. B; Rev.B; dated March 2018).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving culvert is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving culvert which will be required to facilitate the development.

Reason: To ensure that the receiving culvert is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

Observations:

Following my previous consultation response (FRM/ED/2035/2017; dated 21st December 2017), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant will be required to clarify adoption and maintenance details at the detailed design stage.

The applicant should also clarify the exceedance routes at detailed design stage as it appears that some routes are currently directed between cabins.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land

Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management

Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Highways England

Council's Reference: 17/2035/MFUL

Referring to the notification of a planning application dated 6 December 2017 referenced above, in connection with the A30, and the change of use of land to provide 52 units of holiday accommodation, 2 fishing lakes, erection of managers accommodation, farm shop/store and associated internal access roads on land to the west of Moor View Industrial Estate, Straightway Head, Whimble, Exeter, Devon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

Highways Act Section 175B is not relevant to this application.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

Sally Parish, Planning Manager

Annex A Highways England recommended no objections

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application 17/2035/MFUL and has been prepared by the Planning Manager for the SRN in Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application seeks change of use for a currently disused site to the west of Moor View Industrial Estate. The development proposals include 52 units of holiday accommodation, 2 fishing lakes, a farm shop and associated facilities. The site is located to the north of the A30 and Daisymount junction, and screened by mature woodland. Access will be via an existing access from the "old" A30 and B3147.

Highways England was provided with the opportunity to comment on initial proposals at the pre application stage in October 2016. We note that the proposals now include some food retail provision within the reception area and the provision of a mini bus service to connect with local facilities/attractions.

From a review of the submitted documents, we are satisfied that the development is unlikely to result in a severe impact on the SRN, specifically the A30 and Daisymount junction, as defined by the NPPF.

Recommendation

Highways England has no objection to the proposed development.

Further comments:

08/05/18 - Thank you for providing us with the opportunity to comment on the revised plans in connection with the above application - in particular we note that the proposed number of lodges has reduced from 52 to 49.

We are therefore satisfied that our previous recommendation of no objections dated 8 December 2017 remains appropriate.

Further comments:

Thank you for providing us with an opportunity to comment on further information submitted in support of the above proposal. We note that this primarily relates to woodland management and drainage issues. We are therefore satisfied that our no objections response dated 8 December 2017 remains appropriate and we have no further comments to make.

Environmental Health

I have considered this application for holiday accommodation and facilities on this site. The site is located adjacent to a small industrial area, near to the A30 and just south of an egg producing poultry farm. All of these adjacent uses have the potential to impact on this site, but as this is not classed as permanent residential properties it is for the business owner to evaluate whether these uses will have a detrimental impact on the business itself. However the owner must be aware that the existing poultry unit has been reported to impact on nearby residents at times in terms of noise, smell and flies and therefore it is likely that these units will be so impacted upon at times possibly significantly.

There is an adjacent industrial area which again has the potential to impact on adjacent residents, and does so from time to time. I would therefore recommend that the owner of the new site consider the potential for this and erect a substantial timber fence along this boundary in order to mitigate any residual day time noise. A softer green boundary in the form of hedges and trees might also assist. The industrial area does not have general 24 hour working but there is a nearby storage area that does. Again this is for the applicant to consider potential impacts and to mitigate as part of this development where possible.

We do not have any concerns regarding the proposed development itself and do not anticipate that it will impact unreasonably on nearby residents. The submitted lighting scheme is acceptable to us, and again it is in the interests of the applicant to select units which will contribute to maintaining dark skies because the protection of the adjacent woodland fauna is an important element of this development.

Further comments:

11/05/18 - No additional comments.

Devon County Council, Minerals & Waste

Change of use to provide 52 units of holiday accommodation, Land west of Moor View Industrial Estate, Straightway Head, Whimble (17/2035/MFUL)

The eastern part of the site of the above application lies within a Mineral Consultation Area, and Devon County Council should therefore have been consulted in its role as mineral planning authority.

Policy M2 of the Devon Minerals Plan seeks to protect mineral resources within a Mineral Safeguarding Area from sterilisation or constraint by other forms of development. In addition, Policy M12 allocates land to the east of the application site at Straitgate Farm for mineral extraction, and a planning application for this development is awaiting determination.

While part of the safeguarded sand and gravel resource extends to the north west of the A30 and within approximately 100 metres of the application site, much of this small area of resource is already sterilised by existing development at Willow View Park, and the remaining area of resource is unlikely to be economic for extraction.

The planning application for Straitgate Farm includes assessment of potential nuisance from noise and dust arising from mineral extraction, and this concludes that there will be no adverse effects on existing residential properties at Willow View Park. Given that the application site for holiday accommodation is located further from the

proposed mineral site, it is unlikely that there will be adverse impacts in terms of noise and dust from quarrying upon occupiers of that accommodation.
In the light of these conclusions, Devon County Council considers that the proposed development is consistent with Policy M2 and therefore has no objection.
Please let me know if you require any clarification on this matter.

Other Representations

One representation has been received in support of the proposal on the basis that it will enhance the area and provide a productive use for this unused land.

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5 (Environment)
Strategy 7 (Development in the Countryside)
Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)
E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)
NPPF (National Planning Policy Guidance)

Site Location and Description

The application site lies to the east of Straightway Head (the old A30) and to the west of the realigned A30, close to the Daisy Mount junction. It comprises an area extending to around 3.25ha that is understood to have been previously used as a storage area during the construction of the new stretch of the A30.

The land to the south and west of the site comprises mature woodland which, although not part of the application site, is within the same ownership. To the north east is the Moor View Industrial Estate, a mixed use area of storage and small industrial units and workshops, beyond this is Willow View Residential Park, a residential mobile home park. To the north is a poultry farm and open countryside.

The site rises gently from the roadside entrance to the south east, with a total overall increase in height of around 15m to the wooded area, known as Straightway Head Big Wood.

The main body of the site is generally cleared with a number of spoil heaps and a track that extends from the road across the site to the industrial estate to the north east.

Proposed Development

Planning permission is sought for the construction of a Holiday Park, comprising holiday lodge accommodation with fishing lakes, woodland walks and nature trails. A reception lodge and farm shop, together with managers accommodation is also proposed.

As submitted the application sought consent for 52 lodges, however following concerns regarding the positioning of some of the lodges and the impact that these would have on the established trees on the northern boundary the proposal has been amended to reflect this.

49 lodges are proposed with the layout arranged around two fishing lakes, served by a circular internal road. The layout is such that the lakes would provide the focus within the site, with existing and proposed planting screening the development from the road and the existing industrial estate. The reception, farm shop and managers accommodation is housed in two lodges located close to the entrance of the site, where there is also a parking area proposed for arrivals. Whilst reference as a farm shop in the application, it is not related to a farm and as such is simply a shop to serve the site, and potentially the residents on Willow View Residential Park.

Access to the site is taken from an existing entrance onto Straightway Head which is set back from the road by a grassed area to the front of the site.

ANALYSIS

The main issues in the consideration of this application are in terms of the principle of the proposed development; the need for on-site managers' accommodation and the farm shop; landscape and visual impact; access and highway safety; and the impact of the proposed development on trees, ecology, residential amenity, and flooding.

Principle

The site is located within the countryside and is generally rural in character. Strategy 7 (Development in the Countryside) of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development

and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. The application site is not located within any locally or nationally designated protected landscape.

Strategy 33 (Promotion of Tourism in East Devon) recognises the importance of tourism to the local economy and encourages high quality tourism where this is sustainable and does not damage the natural assets of the area and where they can complement the high quality environment of East Devon.

Policy E19 (Holiday Accommodation Parks) is considered to be particularly relevant to this application as it deals with holiday accommodation parks and whilst the scale of these is not defined within the policy, it is considered to be applicable to all scales of development and provides support for the expansion or development of new sites in appropriate locations.

The policy states that outside designated landscape areas proposals for new sites and extensions of existing sites will be permitted subject to a number of criteria. The criteria to be met includes; scale in relation to surroundings and ability to mitigate landscape or ecological impacts; proximity to a settlement; impact on use of best and most versatile agricultural land; availability of services and utilities; traffic generation and safety, and; sustainability/renewable energy criteria.

Consideration of the proposal against each of the criteria identified in Policy E19 (Holiday Accommodation Parks) are considered below.

1. The proposal relates sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against adverse impacts. They do not affect habitats or protected species.

The application site has mature woodland to its south and western boundaries that would provide effective screening of any new development within it. There are some glimpsed views into the site from the north and north west, along Straightway Head, although the existing trees and hedging provides an effective boundary which it is proposed to reinforce with additional planting, and as such the proposal is considered to be reasonable in meeting the first part of the criteria.

In terms of habitat mitigation, the application has been submitted with a completed Unilateral Undertaking and appropriate payment to mitigate any impact on the Pebblebed Heaths Special Protection Area.

2. They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents.

The application site is remote from any settlement, with the nearest villages of Whimble and West Hill being over a mile from the site. The site therefore fails to comply with this aspect of adopted planning policy and has been advertised and is being considered as a 'departure'.

Ottery St Mary, the nearest town with a full range of services is over 1.5 miles away and not readily accessible on foot or cycling due to the lack of footways, lighting and nature of the roads.

In addition, the site is not closely related to any local tourist attractions. The application does propose two fishing lakes and woodland walks on the site to attract visitors but ultimately the location is not considered to be sustainable and fails to meet this identified criteria.

3. They would not use the best and most versatile agricultural land.

Part of the application site has been previously used for storage of materials in association with the construction of the new A30. Notwithstanding this the land is identified as Grade 3b agricultural land and is not therefore classified as 'best and most versatile' land. The constraints surrounding the site, with the mature woodland, and industrial area adjoining the site, and its limited size would realistically preclude any meaningful agricultural activity taking place on the site. The loss of agricultural land is not therefore significant.

4. They will be provided with adequate services and utilities

The site is understood to have an existing water and electricity supply, and lying adjacent to a main road is considered to be able to be adequately resourced in this respect. It is understood that there are no foul sewers within the vicinity of the site which will necessitate the provision of an independent system. Subject to appropriate details of the proposed system and installation in accordance with these, there is no objection raised in respect of this issue.

5. Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved.

The site lies within reasonably close proximity to the national trunk road network and is considered to be easily accessible to other primary roads. There are good visibility splays in either direction onto Straightway Head such that there are no highway safety concerns relating to the proposed development.

The proposal will inevitably generate more traffic than is currently the case, however it is considered that the access arrangements and highway network are capable of accommodating this.

6. The development will be subject to the provisions of plan policy in terms of sustainable construction and on site renewable energy production.

The application has been submitted with a number of sustainable construction and operational proposals, including sustainable drainage, roof mounted Solar PV panels/Photovoltaic Cells, and grey water harvesting systems.

Whilst the application has attempted to address the policy requirements of E19 (Holiday Accommodation Parks) and there is some support for the development in the countryside, it is considered that on the face of it the site is not located in a sustainable

location, and as it would not meet all of the criteria identified in policy E19 and there are no other policies within the Local Plan that would specifically support the proposed development the application has been advertised as a departure.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The material consideration in this instance being the economic/tourism related benefits. These are considered below before a final assessment of the suitability of the proposal is considered in the Conclusion below.

Economic and tourism benefits

The economic objective of sustainable development is concerned with contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

The new NPPF states that significant weight should be placed on supporting economic growth and productivity with paragraph 83 stating that planning decisions should enable 'sustainable rural tourism and leisure development which respect the character of the countryside.'

The application has been submitted with some supporting information regarding the potential economic benefits of the proposal including the creation of 6 full time and 15 part time jobs. Further details regarding the importance of the tourism industry to the economy of Devon have also been submitted and information from the Councils Economic Development Officer suggests that the nature and location of the proposed development, given the additional facilities being offered as well as the quality of the proposed accommodation would be well placed to further increase the degree of spend by tourists visiting from outside the local area to pubs restaurants and other retail businesses.

The application states that the 'proposed development will provide between £2.2m and £3.9m of local business turnover into the local economy supporting between 43 and 63 actual jobs, 21 of which will be the new jobs at Willow View Lakes & Lodges'.

The increase and continued success of high quality short break destinations is also recognised, and additional information has been provided which seeks to demonstrate further the value that such developments can bring to the local economy.

The Council's EDO is supportive of the proposal which will clearly boost the local economy by providing accommodation to visitors and tourists. It is considered that the tourism, employment and economic benefits from the proposal clearly weigh in favour of the proposed development and should be afforded a significant amount of weight within the overall planning balance.

Managers Accommodation

Policy E19 permits ancillary facilities to support existing and proposed holiday parks and it is considered that a park of the size proposed could reasonably be expected to

have an on-site warden/managers unit. The location of this is considered to be appropriate from a security point of view, and subject to an appropriate condition restricting the occupation of the lodge to persons employed on the site this aspect of the proposal is considered to be acceptable.

Farm Shop

The need for some form of small scale on-site shop is considered to be reasonable on a development of the scale proposed, and the offer of a farm shop is generally considered to be acceptable in principle where it is related to an existing rural business. It is not considered, however that a general retail store would be appropriate in this location and appropriate restrictions on the nature of goods/services being offered from the shop will be required prior to the operation of this being commenced. This will ensure that the shop serves as a local facility and not as a wider destination.

Landscape and Visual Impact

The site is well screened from wider public views, with an established hedge and tree belt along the road frontage and mature woodland to the south and west of the site. The nature of the development is such that the proposed holiday lodges and associated development are modest in height and will not be readily visible from outside of the site.

Whilst the development of this site will require alterations and improvements to the existing entrance on the highway, in terms of formalising the roadway and introduction of signage, it is not considered that this will necessarily be detrimental to the essentially rural character of the area.

Access and Highway Safety

There are no highway safety concerns relating to the proposed use, with the site access having appropriate visibility splays and easy vehicular access to the wider highway network.

Whilst the proposed use will result in an increase in vehicular movements within the vicinity of the site, the levels of additional traffic, with the transport statement identifying peak flows of around 5 movements in the morning and 13 in the evening, are considered to be able to be accommodated without having a significant or unacceptable impact on highway safety.

Trees

During the course of the application and following initial concerns regarding the layout and the protection of the existing trees on the site, particularly those on the road frontage, the position of the lodges in this area has been amended to afford greater distances from the root protection areas. Additional planting is also proposed, both to the roadside boundary and particularly to the boundary of the site with Moor View Industrial Estate which will both screen the proposed development from external views, and provide a visual and sound barrier between the proposed lodges and the industrial activity beyond.

The woodland to the south of the site is within the ownership of the applicant and it is suggested that the proposal will facilitate access to this in the form of nature trails, walks and woodland activities which are more detailed within the submitted Woodland Management Plan that has been submitted. It is also suggested that links from the holiday park to the existing footpath network could also be created through the wood which would provide a safe walking route over the A30 and the wider footpath and bridleway network to the south of the main road. Although this woodland is not located within the application site, and cannot therefore be guaranteed, or relied upon, access to the woodland would be an additional area of support and to weigh in favour of the proposal by providing alternative access and leisure opportunities.

Ecology, Habitats Regulation Assessment and Appropriate Assessment

The application site is essentially an unmanaged field, part of which has been used for material storage and which is considered to be of little ecological value. The submitted ecology report found that the habitats on the site are not ecologically valuable but have the potential to support reptiles. With this in mind a further reptile survey report identified the presence of a slow work and common lizards which will require further mitigation.

The mitigation strategy will require additional works to ensure that the reptiles identified are suitably protected and that their habitats managed, including the targeted relocation of any reptiles and enhancement of the site for reptiles following any development works.

In addition to the above it is proposed that further habitat enhancement measures are employed within the Straightway Head Big Wood located to the south of the site. This would reduce the pressure on the use of the Pebblebed Heaths and Exe Estuary and can be secured through a condition requiring the implementation of the works within the Woodland Management Plan.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment (see attached). In partnership with Natural England, the Council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. An appropriate mitigation contribution has been secured as part of this application and the additional financial contribution will be secured through CIL receipts from this or other chargeable development. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Residential Amenity

There is only one property within close proximity to the site which is located adjacent to the entrance of the site. As such there is the potential for the occupiers of this dwelling to experience some additional noise and disturbance, particularly through traffic movements, arising from a more intensive use of the site. Having said this the main accommodation and leisure activities would be located beyond a significant area of woodland which will act as a visual and acoustic buffer, providing what is considered to be an effective screening between the existing dwelling and the holiday park.

The managers' accommodation, farm shop and reception parking would be located to the north east of the property and have the potential to create additional noise and disturbance, although the main activity arising from this would be during the day when the shop and reception would be open and a reasonable level of activity would be acceptable.

Flood Risk and Drainage

The application is not located within an area identified as being at risk of flooding and addition information has been submitted to demonstrate that appropriate surface water drainage measures can be provided on the site.

Other Matters

The site also lies within a minerals safeguarding area, however due to the nature and locational constraints of the site no objection to the development of the site in the manner proposed have been raised by DCC Minerals and Waste.

CONCLUSION

Policy E19 deals with Holiday Parks and whilst the proposal complies with the majority of the policy criteria, it fails to accord with criteria 2 as the site is not within close proximity to an existing settlement. This criteria seeks to ensure that new holiday parks are well located close to a range of services and facilities whilst the site is a considerable distance from any settlements or services and facilities. On this basis the proposal is contrary to Policy E19, represents a departure from local plan policy and this weighs against the proposal.

However, weighing in favour of the proposal is the high quality of the accommodation being provided along with a desire for the units to be occupied throughout the year and support in the NPPF for tourism developments that respect the character of the countryside. The proposed facilities on site, including fishing lakes, woodland activities and the farm shop would provide an attractive holiday offer.

In addition, it is considered that the visitors would also contribute towards the local economy by visiting pubs, restaurants and retail businesses and the proposal would result in the creation of a number of jobs and economic investment within the area. There are no landscape, amenity or highway concerns.

Although consideration of the application is finely balanced, and approval of permission could lead to similar proposals that are not well located, on balance, the economic/tourism benefits from the proposal, coupled with the nature of the application in terms of the facilities being provided (the fishing lakes, woodland management and associated walks), and lack of visual, amenity or highway concerns, leads officers to a recommendation of approval

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment attached to this report be Adopted: and**
- 2. That the application be APPROVED subject to conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. The residential occupation of the lodge identified as managers' accommodation shall be restricted solely to persons directly employed in the operation of the holiday park and their partner and any resident dependents and shall at no time be separated from the holiday park, or otherwise used as a person's sole or main residence in any manner unconnected from managing the holiday park.
(Reason – To ensure the accommodation is not occupied in a residential manner or is subsequently separated from the holiday park as there is no justification for an independent unit of accommodation in this rural location and where such an unrestricted use would represent an unsustainable form of development contrary to Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031.)

4. The development hereby approved shall be occupied for holiday purposes only. At no time shall the accommodation be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all occupiers and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
(Reason - The location of the site makes it unsuitable for additional permanent residential occupation and to comply with Strategy 7 (Development in the Countryside) and E19 (Holiday Accommodation Parks) of the East Devon Local Plan, as well as guidance contained within the National Planning Policy Framework.)

5. Prior to the occupation of any of the holiday accommodation full details of the operation of the on-site shop shall be submitted to and approved in writing by the local planning authority. Such details shall include the following

-) Details of the amount and layout of retail floorspace
-) Stock list of goods for sale
-) Hours of operation

(Reason – The proposed on-site shop has been approved on the basis of it being commensurate to the needs of the accommodation proposed and in order to prevent unrestricted sales of goods in an unsustainable location, in accordance with Strategy 7 (Development in the Countryside) and policies D1 (Design and Local Distinctiveness), E15 (Retail Development in Rural Areas) and TC2 (Accessibility of New Development) of the East Devon Local Plan and guidance contained within the National Planning Policy Framework).

6. Before the development hereby permitted begins on the site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented and completed before any holiday unit hereby permitted is occupied.

(Reason - To ensure that suspected contamination of the site is corrected prior to development in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

7. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures detailed in the Ecological Assessment undertaken by Pure Ecology, dated March 2017, and Reptile Survey Report undertaken by Acorn Ecology Ltd dated 22 May 2017.

(Reason – In the interests of nature conservation and in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

8. Prior to the commencement of the development hereby approved (including and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS [DELETE AS APPROPRIATE]:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) A full specification for the installation of boundary treatment works.
- d) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- f) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- g) Boundary treatments within the RPA
- h) Arboricultural supervision and inspection by a suitably qualified tree specialist
- i) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

(Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016.)

9. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

(Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the East Devon Local Plan 2016.)

10. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; the submitted Woodland Management Plan works by Lockhart Garratt, dated 30/04/2018 shall have been commenced. The works identified in the management schedule shall be undertaken at the specified timings. Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season shall be taken.

(Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term / in perpetuity, in the interest of nature conservation and the visual amenity of the area and to accord with Policy D1 - design and Local Distinctiveness of the East Devon Local Plan 2016 and the NPPF.)

11. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

(Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible and designed into the proposal before works commence in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2016 and the provisions of the National Planning Policy Framework.)

12. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Report Ref.

22789/07-17/4778 Rev. B; Rev.B; dated March 2018).

(Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, is designed into the proposal before works commence, and is managed in accordance with the principles of sustainable drainage systems and Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2016 and the provisions of the National Planning Policy Framework.)

13. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area and in accordance with the principles of sustainable drainage systems and Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2016 and the provisions of the National Planning Policy Framework.)

14. No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving culvert is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving culvert which will be required to facilitate the development.

(Reason: To ensure that the receiving culvert is of a satisfactory condition to receive the surface water runoff generated from the proposed development and in accordance with the principles of sustainable drainage systems and Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2016 and the provisions of the National Planning Policy Framework.)

15. Notwithstanding the submitted information further details of additional planting to the northern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs and herbaceous plants. The scheme shall also give details of fencing and landscaping to the eastern boundary. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

Plans relating to this application:

AGENT LETTER WITH FURTHER INFO (ADDITIONAL)	General Correspondence	04.04.18
17-1074 : DETAILED LANDSCAPE DESIGN (ADDITIONAL)	Landscaping	20.04.18
17-1074 : LAYOUT 1 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 2 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 3 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 4 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 5 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 6 (ADDITIONAL)	Layout	20.04.18

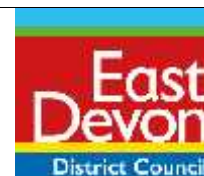
17-1074 : LAYOUT 7 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 8 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 9 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 10 (ADDITIONAL)	Layout	20.04.18
17-1074 : LAYOUT 11 (ADDITIONAL)	Layout	20.04.18
17-1074 : COIR ROLL INSTALLATION (ADDITIONAL)	Other Plans	20.04.18
WOODLAND MANAGEMENT PLAN (AMENDED)	Other Plans	30.04.18
ARBORICULTU RAL IMPACT ASSESSMENT (AMENDED)	Arboriculturist Report	26.04.18
FINISHED FLOOR LEVELS V1.1 APRIL 2018 (AMENDED)	Other Plans	30.04.18
18-0132 V1 : SECTION A-AA (ADDITIONAL)	Sections	30.04.18
18-0132 V1 : SECTION B-BB (ADDITIONAL)	Sections	30.04.18

FLOOD RISK ASSESSMENT 22789/07- 17/4778 REV C (AMENDED)	Flood Risk Assessment	26.04.18
TRANSPORT+S USTAINABILITY STATEMENT (AMENDED)	General Correspondence	26.04.18
LIGHTING IMPACT ASSESSMENT (AMENDED)	General Correspondence	26.04.18
(AMENDED)	Design and Access Statement	26.04.18
	Ecological Assessment	18.09.17
REPTILE SURVEY	Protected Species Report	18.09.17
LP/2.0	Location Plan	23.11.17

List of Background Papers

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

The Conservation of Habitats and Species Regulations 2017, Section (63)



Appropriate Assessment

Application reference no. and address:	17/2035/MFUL
Brief description of proposal: (Bullet point list of key proposals)	Change of use of land to provide 49 no. units of holiday accommodation 2 no. fishing lakes, erection of manager's accommodation/farm shop and associated internal access roads
European site name(s) and status:	East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC, (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)

Stage 1 - Baseline conditions and Features of interest

List of interest features:

East Devon Heaths SPA:

A224 Caprimulgus europaeus; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)
A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies

the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)
A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features

- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)

Stage 2: Assessment of potential impacts

What potential hazards are likely to affect the interest features (refer to the risk factors listed below)?

Sensitive interest feature	Potential hazard	Outline exposure to hazard	Nature of impact	Likely impact (if known)*
<u>Heathland SAC</u>				
North Atlantic wet heaths with cross-leaved heath <i>Erica tetralix</i>	Nitrification of ground conditions recognising the species preference for acidic nutrient poor substrates	Air borne pollution as most recently recorded by APIS is noted as being a significant component of nitrogen deposition. While any increase in residential population has the potential to increase associated air pollution levels, distance	Low indirect but cumulative	13% visited site Comprising: 7% 1-5 visits (12months) 2% 1-2 visits (1-2 months) 1% 2-3 visits

	Drying, drainage, and fragmentation of the environment	<p>from source will help to limit exposure. As such with the exception of an increase in visitors directly accessing the habitat by car, such a source of pollution is limited.</p> <p>Dog walking and more particularly dog faeces are a more significant factor in the localised increase in nutrients on the heathland and subsequent plant succession.</p> <p>An increase in more general recreational usage of the habitat could result in increased levels of erosion</p>	<p>Direct and cumulative</p> <p>Direct</p>	<p>(1 month) 1% 1-2 visits (1 week) 1% 3-4 visits (1 week)</p> <p>(NB 14 respondents identified their direct trips to Woodbury Common)</p>
European dry heaths	<p>Nitrification of ground conditions recognising the species preference for acidic nutrient poor substrates</p> <p>Erosion</p>	As above	As above	
populations of southern damselfly <i>Coenagrion mercuriale</i>	Loss of shallow flushes and runnels due to climate change	Erosion, as a result of increased recreational pressures could result in the provision of new channels, of changed geomorphology and/or the increase in silt laden water, which have the potential to redirect streams, change the dynamics of the habitat and cause the streams and runnels to become clogged.	Indirect	
<u>Heathland SPA</u>				
breeding nightjar	Reduction in food supply	Reduction in the quality/nature of the water	Indirect	13% visited site

<i>Caprimulgus europaeus</i>	(night flying insects) Disturbance of nests which are located on the ground	environment as a result of both climate change and increased pollution/litter, risks reducing the insect population Increased recreational pressures (through walking, dog walking, cycling, model aircraft flying etc) all associated with an increase in the local population have the potential to cause disturbance to birds nesting/roosting on or close to the ground. This is a particular problem when activity takes users of the heathland off existing pathways.	Direct	Comprising: 7% 1-5 visits (12months) 2% 1-2 visits (1-2 months) 1% 2-3 visits (1 month) 1% 1-2 visits (1 week) 1% 3-4 visits (1 week) (NB 14 respondents identified their direct trips to Woodbury Common)
breeding Dartford warbler <i>Sylvia undata</i>	Disturbance of nests which are close to the ground Loss of appropriate gorse	As above Associated with climate change and the potential for drought conditions there is a risk to the amount and type of gorse available due to fires – which can in part be caused by recreational activity and or the dropping of litter	- Indirect	
<u>Exe Estuary SPA</u>				
Slavonian Grebe Brent Goose Wigeon Red-breasted Merganser Cormorant Avocet Oyster Catcher Dunlin Grey plover Lapwing Black tailed Godwit	Loss of foraging time Increased energy expenditure Disturbance during times of roost, feeding and nesting from noise and direct activity	Exposure to the hazards for this environment, largely result from varying forms of interference:- Land based activities include walking, dog walking, bait collection, kite flying etc. In addition water based activity results in noise, movement wash etc all of which result in disturbance of birds – this is particularly sensitive during the winter	Direct Direct	73% visited Exe Estuary Comprising: 47% 1-5 visits (12months) 16% 1-2 visits (1-2 months) 8% 2-3 visits (1 month) 2% 1-2 visits (1 week)

Whimbrel	Wash from crafts and water based activity	and spring when the assemblage of birds in the estuary is at its greatest.		91% visited Exmouth Seafront Comprising: 48% 1-5 visits (12months) 27% 1-2 visits (1-2 months) 12% 2-3 visits (1 month) 3% 1-2 visits (1 week) 1% 3+ visits (1 week) 13% taking part in water sports Comprising: 12% 1-5 visits (12months) 1% 1-2 visits (1-2 months)
<u>RAMSAR</u>				
Shallow off shore waters, mud and sand flats and salt marsh together with birds as above	As above	As above	Direct	As above
<u>*Interpretation Note in respect of Impact</u>	Figures quoted represent the percentage of respondents from the Cranbrook community survey undertaken in 2016 and are based on a total of 280 completed questionnaires. (Results shown are very similar to those recorded in 2015)			
Sources of evidence used:		Ecology Solutions Ltd (2006): East Devon New Community – Information for an appropriate assessment of the impacts on the East Devon Pebblebed Heaths Special Protection Area And Special Area of Conservation Pursuant to Regulation 48 (2) of the Conservation (National Habitats and C) Regulations 1994 Liley, D., Hoskin, R., Lake, S., Underhill-Day, J. & Cruickshanks, K. (2013). South-east Devon European Site		

		<p>Mitigation Strategy. Footprint Ecology. Unpublished report for East Devon District Council, Exeter City Council and Teignbridge District Council</p> <p>Liley, D. & Underhill- Day, J. (2015) Habitats Regulations Assessment of the East Devon Local Plan – Updated for Proposed Changes, August 2015. Footprint Ecology</p> <p>Cranbrook Community Questionnaire results from 2015 and 2016</p> <p>Air pollution information system - http://www.apis.ac.uk/overview/pollutants/acid-deposition</p>
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Are there other proposals in the area which may give rise to ‘in combination’ effects?
(List other proposals which have been considered)

Cranbrook development nearby

The original outline permission of 2900 is a few miles to the west of the site. Currently there are around 1000 houses which have outline permission but are still awaiting their detailed consent.

Cranbrook Expansion

The current adopted Local Plan makes provision for an expansion of the town and proposes in the region of an additional 4300 houses

East Devon Local Plan housing

The Local Plan makes significant provision for additional housing within the West End of Devon identifying that within the plan period between 1 April 2013 to 2031 the following is planned for (in addition to Cranbrook):

-) Pinhoe 1314
-) North of Blackhorse 1480

In addition a number of area centres that are within a potential sphere of influence of the European designated sites have allocations/additional housing numbers comprising:

-) Budleigh Salterton 133
-) Exmouth 1229
-) Ottery St Mary 497
-) Sidmouth 292

Outline potential cumulative or 'in combination' effects.

In 2014 and affecting developments within East Devon, the South East Devon European Mitigation Study (SEDEMs) identified links between the provision and occupation of new houses and the usage of both the Pebblebed Heaths and Exe Estuary for a range of activity – most focused around recreational uses. Through visitor surveys the following key statistics were recognised:

Exe Estuary

-) Separate on site and postal household surveys undertaken
-) Household survey showed that the majority of visits to the Exe Estuary were for walking (41% of annual visits to the whole estuary) followed by dog walking (14%) and then wildlife watching (13%). The most popular location for dog walking was the Maer (19% of annual visits to the Maer were made by dog walkers) ((para 4.10))
-) Both visit rate curves (derived from separate analysis of the onsite and household surveys) showed that residents living within 5km of the Exe Estuary tend to visit disproportionately more than residents which live a greater distance away. For all activities and all modes of transport combined, visitor rates to the Exe Estuary decline sharply to 8km and then 'flatten off' at around 10-12km, although this distance is reduced to 5km for foot visitors (from the household data) ((para 4.12))
-) Overall and based on current houses, there are 8.8 million annual visits to the Exe Estuary from residents within 10km ((para 4.26))
-) When new planned and committed development is identified the highest level of increase in the number of visits is within 3km and also 10km where a 27% increase in total visits is predicted ((para 4.26)), due to the level of new housing proposed at a 10km distance
-) Based on the current level of housing, there are 8.8 million visits per year to the Exe Estuary from residents within 10km. This is predicted to increase by 2.4 million (27%) as a result of new housing within 10km.

Heathland

-) The household postal survey data showed that most visits to the Pebblebed Heaths (83%) came from East Devon residents ((para 4.18))
-) The majority (80%) of visits to the Pebblebed Heaths were made by car, with half of all car drivers living within a distance of 10.6km whereas visitors on foot accounted for only 10% of visits. Dog walking is the most popular activity and accounts for 40% of visits, followed by 34% for walking ((para 4.18))
-) The onsite survey revealed that the main origins of visitors were Exmouth (34%), Exeter (28%), Sidmouth (8%) and Budleigh Salterton (7%). Visitors from all other destinations were less than 2% of the total in each case. Nearly 70% of visitors came at least weekly and some 85% stayed between 1-3 hours ((para 4.19))
-) The visit rate drops sharply from over 160 annual visits within 1km to 35 per year at 5km and then starts to level off at less than 5 visits per year around 10km ((para 4.21))
-) From the predicted visit rate curves, currently the Pebblebed Heaths attract 2.4 million visits per year from within 10km of the site. As the percentage increase in housing rises sharply with distance from the heaths from 8.06% within 1km to 35.16% within 10km, the visit rate rises more gradually to 19.41% within 10km due to the relatively local pull of the site compared to the Exe Estuary ((para 4.29))

-) The anticipated change in the level of housing (35% increase) is predicted to be linked to a 19% change in access, i.e. 470,000 additional visits.

Simplified summary table extracted from the SEDEMS report (2014)

VISITS	Current (2014)	New/additional household visits per year	% increase
Site	0-10km	0-10km	
Exe Estuary	8.84million	2.15 million	27
Pebblebed Heaths SPA and SAC	2.43 million	0.47 million	19.4

Potential effects

The effects set out in detail at the start of this stage recognise the range of impacts that can occur as a result of recreational pressure affecting the designated environments. In understanding the most recent evidence base there is significant additional housing development either proposed or planned for in the coming years and as a result, the risk of the impacts are likely to increase. It is not anticipated that further unidentified impacts would result, only that those already recorded are more likely to occur, and could pose a greater level of risk.

Cumulatively it is considered that this outcome would result in a likely a significant effect, resulting in a failure to deliver to the identified conservation objections for both the Exe Estuary SPA and Ramsar site and the Pebblebed Heaths SAC and SPA.

Stage 3: Potential Mitigation

Potential Mitigation Measures

(Describe the mitigation measures that are proposed as part of the submitted application)

Article 6(2) of the Habitats Directive, which applies to SPAs classified under the Birds Directive, SACs designated under the Habitats Directive and Ramsar sites requires member states to take appropriate steps to avoid deterioration of natural habitats and the habitats of species, as well as disturbance of the species.

The SEDEMS report (2014) jointly commissioned by East Devon, Exeter and Teignbridge Councils, have identified mitigation that would be appropriate to address the key objectives of these Directives which essentially comprise the preservation, protection and improvement of the quality of the environment, taking measures to conserve deteriorating habitats and creating a coherent European ecological network of sites in order to restore or maintain those habitats and species of community interest as a priority. In the setting of this wider context, the SEDEMS report also

recognises that while necessary “a precautionary approach should never be so over-precautionary that it is not based on sound justification or common sense”.

In understanding how to apply the general mitigation strategy, it is recognised that the approach should be to:

1. Avoid any impact
2. Where significant effects cannot be ruled out or avoided, implement measures to mitigate for any potential impact
3. Use compensation as a last resort

Recognising that point 1 can't be achieved if the housing and growth agenda that is required for the greater Exeter area is to be delivered, it is necessary that significant emphasis is placed on point 2.

Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the European sites will not occur. As new residential development is permanent in nature, the mitigation secured should equally provide lasting protection for the European site interest features. Mitigation measures will therefore include measures that will need to fulfil their function in-perpetuity

As such, mitigation was addressed in the SEDEMS report and options summarised below:

SEDEMS options

Management option Description

1. Habitat Management

- 1a New habitat creation
- 1b Habitat management

2. Planning & Off-site Measures

- 2a Locate site development away from sensitive sites
- 2b Management of visitor flows and access on adjacent land (outside European site)
- 2c Provision of suitable alternative natural greenspace sites ('SANGs')
- 2d Provision of designated access points for water sports
- 2e Enhance access in areas away from designated sites

3. On-site Access Management

- 3a Restrict/ prevent access to some areas within the site
- 3b Provide dedicated, fenced dog exercise areas
- 3c Zoning
- 3d Infrastructure to screen, hide or protect the nature conservation interest
- 3e Management of car-parking
- 3f Path design and management

4. Education and Communication to Public/Users

- 4a Signs and interpretation and leaflets
- 4b Codes of Conduct
- 4c Wardening
- 4d Provision of information off-site to local residents and users.
- 4e Contact with relevant local clubs
- 4f Establishment of Voluntary Marine By agreement of interested parties.
- 4g Off-site education initiatives, such as school visits etc

5. Enforcement

- 5a Covenants regarding keeping of pets in new developments
- 5b Legal enforcement
- 5c Wardening
- 5d Limiting visitor numbers

APPLICATION SPECIFIC MITIGATION

-) The application proposes a managed woodland including paths that will reduce pressure on the Exe Estuary and Pebblebed Heaths from dog walkers in particular.
-) Offsite contributions are set out on the basis of three components in respect of the mitigation required for the identified SPA, SAC and RAMSAR sites. Importantly the Infrastructure element of contributions is covered by CIL. This application is however making a non-infrastructure contribution per unit to mitigate this part of its impact. This is in accordance with the agreed joint approach between East Devon, Teignbridge and Exeter. The contribution from this development totals £4575.85 reflecting a full contribution for the permanent on-site manager's accommodations, and 58% provision per unit for the holiday units. The 58% contribution is based upon average tourism occupancy rates and reflects that fact that holiday accommodation is not generally occupied throughout the year and as such proportionally has a the potentially to create less impact than a permanent residence.

Stage 4: Conclusions and final assessment

Conclusion: Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?	<p>Based on the above assessment, it is considered that without mitigation a likely significant effect to the designated environments comprising the Exe Estuary and the Pebblebed Heaths would occur.</p> <p>While a 'do nothing' approach is not an option as this would result in the cessation of housing development within the growth area of East Devon's west end, it has been evidenced that adequate mitigation can be secured through both on-site measures through the management of the adjacent woodland with paths, via any CIL contribution and via a</p>
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	<p>separate contribution towards non-infrastructure to provide mitigation for the developments impacts..</p> <p>This approach follows the mitigation hierarchy and avoid the need for the delivery of compensatory habitat which would otherwise be a more expensive and more difficult form of mitigation to achieve as well as less appropriate than simply trying to prevent harm to the original environment. Based on the approach outlined and the ability to take into account the mitigation identified it is considered that the development either alone or in combination would not result in a likely significant effect</p>	
Natural England's Response		
Do we need to consider alternative solutions	No	
Are there imperative reasons of Overriding Public Interest (IROPI)	N/A	
Final Assessment and Recommendation	That subject to the secured mitigation there be no likely significant effects.	
Local Authority Officer		Date:

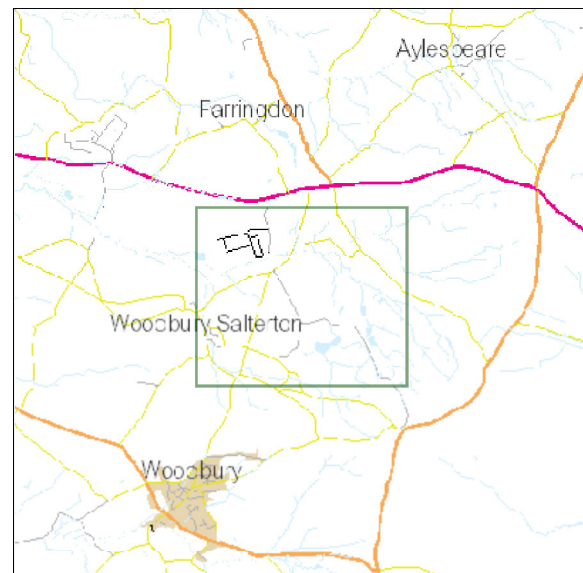
Ward Raleigh

Reference 17/2430/MFUL

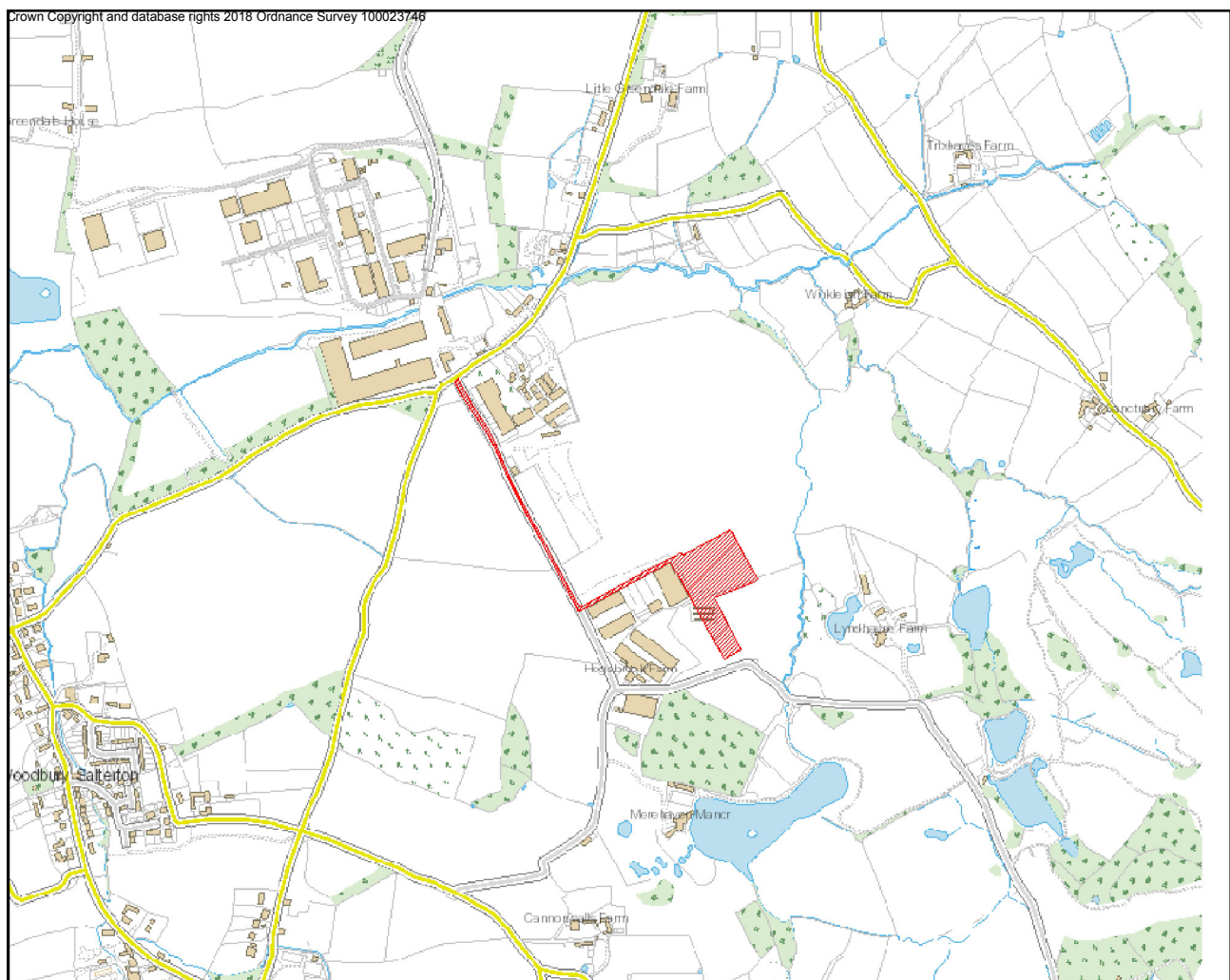
Applicant Mr T Smith

Location Land East Of Hogsbrook Farm Woodbury
Salterton Exeter EX5 1PY

Proposal Proposed agricultural building, construction of
attenuation basin and retention of raised levels



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2018
Raleigh (WOODBURY)	17/2430/MFUL	Target Date: 15.01.2018
Applicant:	Mr T Smith	
Location:	Land East Of Hogsbrook Farm Woodbury Salterton	
Proposal:	Proposed agricultural building	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This planning application is before Members because the recommendation of officers differs from the view of the Ward Member.

The proposal is for the construction of an agricultural building at Hogsbrook Farm, Woodbury Salterton.

The application falls to be considered under policy D7 of the East Devon Local Plan. The main consideration relates to the justification for the building and whether there are any existing buildings that could be used. The applicant has explained that the proposed new building is 1,580 metres square, capable of holding 171 suckler cows with calves. The calving period will be stretched to enable a regular supply of stores. If sucklers numbers are low within the building over the grazing months the building will be stocked with finished cattle. The maximum capacity for finished cattle in the unit would be approximately 400 head.

The business aims to source more home-grown stores to the finishing unit, when store prices are high. This will require the business to increase suckler numbers over the next 6 months to increase profitability to the enterprise. It is considered logical that the applicants would want to construct the building on owned, rather than rented, land and to be in close proximity of the existing farm buildings.

Agricultural businesses need to adapt to be profitable and there are large differences in profitability in farming. Since 2015 the level of projected profit has increased, as has the demand for Greendale shop. The proposal to expand the suckler herd housed outside at Hogsbrook in the winter months could then be reared and available for finishing over the late spring to mid-summer period. It is therefore considered that the principle of development is acceptable.

It is not considered that there are any other technical reasons that would give rise to an objection in planning terms and despite the applicant having raised land

<p>levels to facilitate the development, the visual impact is acceptable and the application is recommended for approval.</p>
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CONSULTATIONS

Local Consultations

Raleigh - Cllr G Jung

I have viewed Planning Application 17/2430/MFUL for a proposed agricultural building on land East of Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY

I note that there have been objections from the Parish Council, the Residents Association and 7 residents. I fully support their concerns and objections to this application.

The Local Plan covers these building under D7 and in my view, I believe this building will have a significant impact on the environment and therefore do not comply to our local plan.

It will not integrate well with its surroundings as the, scale, when viewed together with the recently approved "redundant" Agricultural Units converted to Industrial use will harm the character, biodiversity and landscape of the rural area particularly as it can be viewed from the AONB

It will be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.

It has not been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.

No details of how roof and surface waters will be drained separately from foul drainage and how foul drainage will be discharged.

The Proposals do not have an appropriate Waste Management Plan.

Previous Agricultural Units changed to Industrial use

There has been continuous stream of agricultural units which become redundant and then being turned into industrial units, followed by more agricultural units being built, followed by more being turned into Industrial units, over and over again for the last view decades. As one resident states:

"This application is an excellent example of the cynical misuse of the planning system and should not be permitted."

This abuse of the planning system has been an issue between the residents of the Village of Woodbury Salterton and the owners of Greendale Business Park and Hogsbrook Park for a long time. These cynical abuses of the planning system should be stopped and this application should be refused.

An Agricultural need?

In various previous planning applications we are told there is a need for housing more cattle to justify the need for more sheds then we are told they are not needed and months later once the units are permitted for a change of use they again say they need more cattle housing! The applicant states the housing is required because of the success of the farm shop but the farm shop only uses a fraction of the farm output of beef cattle.

There is no justified Agricultural need for this further unit.

Considering the above points and taking into account the other respondents views I do not support this application.

Further comments on submitted additional information:

I have reviewed the further documentation related to 17/2430/MFUL for a proposed agricultural building on land East of Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY

Unfortunately, the document provided by the farm Business Consultant does not provide the clarity and justification that is required for this further Agricultural building. The Consultant states that they "finish" 4,000 head of cattle and the number are increasing. However, this statement does not state the amount of cattle held at any one time.

The Consultant also states:

"That the biggest and most progressive enterprises on the farm is the cattle herd."

He then states that:

"All costs and income are measured monthly to address the profitability of the cattle enterprise and I can confirm the enterprise is profitable and will be sustainable for the long term"

However, these statements conflict with an Agricultural Statement made only a year earlier. For a previous application 16/1786/FUL

"6.3 As a consequence the beef rearing enterprise has been reduced from approx. 1,600-1,700 head of cattle to 500-600 to reduce losses, whilst maintaining sufficient numbers of beef to enable the expanding shop sales to continue. In addition, the level of working capital invested in the beef animals compared to the level of return was not sustainable."

"6.4 Based on welfare, health and financial security of the beef enterprise, the current accommodation, handling facility and silage clamps are sufficient to enable the beef enterprise to continue at the current levels without the need for the additional buildings originally utilised when beef numbers amounted to 1,600-1,700 head."

It appears that the justification for converting Agricultural Buildings to Industrial in late 2016 was the beef enterprise was in decline and the herd was being reduced to return the enterprise to being profitable. Just 12 months later the consultant is saying the enterprise is profitable and will be sustainable for the long term with increasing numbers of cattle.

In view of these inconsistencies I am unable to determine if there is a justifiable agricultural need.

I also note that compliance to the local Plan D7 1,2,6 have not been addressed
Therefore, I cannot support this application at this time

I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Comments received 18th January 2018

I have reviewed the further documentation related to 17/2430/MFUL for a proposed agricultural building on land East of Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY

Unfortunately, the document provided by the farm Business Consultant does not provide the clarity and justification that is required for this further Agricultural building. The Consultant states that they "finish" 4,000 head of cattle and the number are increasing. However, this statement does not state the amount of cattle held at any one time.

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In view of these inconsistencies I am unable to determine if there is a justifiable agricultural need.

I also note that compliance to the local Plan D7 1,2,6 have not been addressed

Therefore, I cannot support this application at this time

I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Comments received 10th August 2018

I have viewed the extra documents for Planning Application 17/2430/MFUL for a proposed agricultural building on land East of Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY.

I note that the land that this proposed building has been raised approximately 7 metres higher than the original land.

I also note that part of this land was to provide a bund with appropriate landscaping to shield the large Cattle Shed already built. The landscaping and bund were never completed.

The raised land and some substantial large cattle shed on top, will be able to be viewed from considerable distances of the surrounding countryside including the AONB area of Woodbury Common.

The amount of landscaping and size of bund required to shield this new proposal will need to be enormous, thus creating a large artificial feature incongruous to the form of the current landform.

Under D7 Agricultural Buildings and Development under Paragraph 4

It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.

In Conclusion.

There has been a dozen previous Agricultural Buildings converted at Hogsbrook Farm and Greendale over recent years.

It would seem most logical that rather than applying for yet additional agricultural unit they merely revert one of the original buildings back to Agricultural needs.

This will then remove the necessity to build further into the Countryside.

I reserve my final views on this application until I am in full possession of all the relevant arguments for and against

Clerk To Woodbury Parish Council

NOT SUPPORTED. The cumulative effect of this building is regarded as over development of this site. There needs to be clear evidence that there is no other building on this agricultural holding that can be used to meet this need. There is no waste management plan associated with this application but this is essential for this area.

Further comments on additional information:

NOT SUPPORTED as previous applications for this farm have given differing numbers for the number of animals farmed here and there is no clear agricultural justification

Technical Consultations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

DCC Flood Risk Management Team

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has noted in the planning application that surface water will be disposed of via soakaway, however, no details have been submitted regarding this.

County Highway Authority

Does not wish to comment

Other Representations

14 letters of representation objecting have been received raising concerns of:

-) Very recently converted redundant barns to industrial and now need this new building.
-) There is no requirement for new buildings
-) The cynical industrialization of the countryside by Greendale.
-) The need for more cattle was used to obtain further agricultural building permission this was then followed rapidly by a supposed decline in cattle numbers and an application for the conversion from agricultural to industrial.
-) Increased noise, traffic, and light pollution will be the result for the residents of Woodbury Salterton.
-) Once again there will be noise pollution, loss of amenity for local residence and a further increase in traffic. Please put a stop to this.
-) It should therefore not be considered until the industrial boundary in the Village plan has been confirmed.
-) It is very near buildings which have recently been allowed on appeal to be converted.
-) The reasons for this agricultural need are extremely dubious, statements about cattle rearing being contradictory depending on which document is being read.
-) This application should therefore be refused and, if as usual it is constructed before permission has been decided, strict enforcement of its removal applied.

- It is quite distressing to see how this beautiful rural area has already been destroyed by existing lawful and unlawful overdevelopment then diverted into non-agricultural use.
- The alleged straw needing storage could be stored in one of the several existing storage facilities on the actual farm close to the intensively farmed cattle it is intended for.
- Has it been established that there are no other suitable buildings on the holding or in the vicinity
- How will the surface water drainage be managed?
- Previous applications stated that conversion of the buildings to industrial uses would not undermine the viability of the existing agricultural enterprise.
- There are no landscaping plans
- There will be traffic issues - signage needed for Stony Lane and Dog Lane to deter large vehicles
- The building and its siting is totally alien to the landscape and ambience and historical significance of an area which boasts a semi ancient woodland and a Saxon Drove Road
- Would have serious ecological impacts.
- There would not be any need for the building if the other buildings had not been converted to industrial use.
- Should this be built, it is more than likely going to be turned into another industrial unit, as other units have been done previously near to site.
- If there is an agricultural need, then perhaps the industrial units could be converted back into agricultural units
- I note that the Appraisal document which has now been produced is based only on information provided by the applicants.
- It is stated that, since July 2016 (Report in support of Application 16/1786) cattle numbers sold have increased from 500-600 per year to 4000. In two years an increase of approximately 800%. This is incredible.
- However it is very disappointing that the appendices, referred to in the report as supporting information, are not attached.
- It would have been hoped that the extract of the accounts, which should have been appendix 2, would have provided information to support the comments on page 5 of the report where relevant figures have been obscured.
- It is difficult to understand why experienced farmers, using regular management meetings to monitor the cattle business since March 2016 did not realise that the cattle enterprise was about to make an outstanding recovery which might require further buildings.

1 letter of support

-) Will be a secure and reliable supplier
-) Appreciate the investment Greendale Farms in helping to meet demand for West Country product.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1936/FUL	Retention of conversion of building to 3 no. industrial units (use class B8 Warehouse & Distribution)	Appeal allowed	07.09.16
15/1950/FUL	Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry)	Appeal allowed	07.09.16
16/1786/FUL	Retention of conversion of buildings to 13 no. industrial units (Use Class B1(c) light Industrial, B2 General Industry and B8 Storage and Distribution)	Approved	8.11.16

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

EN22 (Surface Run off Implications of New Development)

Strategy 7 (Development in the Countryside)

Site Location and Description

The site refers to land at Hogsbrook Farm, Woodbury Salterton. It is set to the south east of an anaerobic digester and to the east of an agricultural building. To the south west are former agricultural buildings which have been converted to industrial uses. The site occupies a fairly prominent position with views available to the site from the A3052.

The land slopes in north easterly direction, and for planning purposes is located in open countryside.

Proposal

The proposal is to construct an agricultural building for the housing of 171 suckler cows. It would measure around 30m in depth by 36m in width and 9m in height. It would have a fibre cement sheeting roof and galvanised fences to the front of the cattle pens.

The building would be located next to existing farm buildings and an anaerobic digester on land that has been raised by approximately 7m without consent.

ANALYSIS

The main issues for consideration are the principle of development, the visual impact of the building and drainage.

Principle of Development

The site lies in the open countryside as defined by Strategy 7 of the East Devon Local Plan where development must be strictly controlled to ensure that it would not detrimentally impact on the character and appearance of the area, furthermore the proposal must be in accordance with a specific policy contained in the plan.

Policy D7 (Agricultural Buildings and Development) is the relevant Local Plan policy that deals with proposals for the construction of new agricultural buildings which reads:

“New agricultural buildings and/or buildings intended for intensive agricultural activities that could give rise to adverse amenity, landscape, environmental or other impacts will be permitted where there is a genuine agricultural need for the development and the following criteria are met:

1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.
2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.
4. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.
5. It will not lead to an unacceptable increase in traffic on the local highway network
6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.

Proposals for the development of new large scale buildings for livestock or for other use that could have polluting impacts should be accompanied by a Waste Management Plan”.

A number of objections have cited the lack of demonstrable need for the development and concerns over its visual impact and as such consider that the proposal does not comply with Policy D7.

Whilst the criteria above will be disused in the report, the main issues are considered to relate to the agricultural justification for the building, its visual impact and drainage.

Agricultural justification

On submission of the application, there was very little information as to why a new building was required and why an existing building could not be used.

Policy D7 in the opening text states that there needs to be a genuine need for the building with criteria 4 stating that "It must be established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need."

The supporting justification states that the suckler cows are housed in the yard at Hogsbrook as there is no shed space available elsewhere.

As has been raised by a number of objectors, and as evidenced in the planning history for the site, it is considered that the lack of alternative buildings is because 4 of the largest buildings at Hogsbrook have been recently converted to industrial uses, partly through appeal, to create 23 separate units. At the time of the unauthorised conversion of these buildings, and during the appeal process, the applicant advised that the buildings were surplus to requirements as they had cut back on their cattle numbers due to a fall in prices.

There is a large main cattle shed, a grain fertiliser store and a cattle race handling area which are in use. The applicants have submitted a location plan which shows the number of parcels of land being claiming under the Basic Payment scheme. Hogsbrook and the surrounding land is owned; the majority of the land further away is rented. The business would like to build the cattle building on land that is owned not rented. It is considered that it would make long term business sense to construct such a building on owned land, which is in close proximity to the existing farmyard. It would appear that there are no other suitable buildings available for use.

Looking into the planning history more closely the agricultural justification within those applications states that "with the reduction in beef numbers from 1600 -1700 to 500 there is no longer the requirement to utilise the buildings at Hogsbrook it can be seen that the current accommodation utilised by the cattle is sufficient in conjunction with the other facilities used to provide the necessary health and welfare of the cattle now housed at Hogsbrook, without the need for the additional buildings originally used when cattle numbers were higher".

It states that there is an existing building of 4222m² but this is being used by 581 head taking up an area of 2850m² or 3950m². Given that buildings close to this proposed site were found not to be needed and existing buildings to be sufficient to house the existing cattle where numbers were reducing, information was sought as to how it has been established that there are no other suitable buildings on the holding that could

be used. The applicants have stated that the farm comprises 680 hectares (1,680 acres), of which 240 hectares are owned and 440 hectares rented on long term agricultural tenancy agreements. The farming business consists of many different enterprises, including cattle, fish, sheep, pigs and free range egg production. The business also has an anaerobic digester and commercial properties on site.

Supporting information states that Greendale Farm finish 4,000 cattle per year and this number is gradually increasing. These are fed on predominantly home grown feed. The cattle are sold on contract with approximately 10 per week sold to the farm shop. The number taken by the farm shop fluctuates, depending on demand, but it is predicted numbers will increase. This is in contrast to 2015 at the time of the previous industrial use applications when it was anticipated that 234 animals would be sold direct to the farm shop, but the figure is currently 500 animals per year. Profits have also increased since 2015 when there were losses in the cattle enterprise. The profitability has been driven by an increase in beef price, but there has also been a new farm manager and consultant and nutritionist working together to monitor the beef enterprise. The management team identify cattle to purchase and the length of time for fattening enabling the business to focus in detail on profitability.

There is currently one building for the housing of finished stock. This is 6512m² and currently accommodates 1,100 cattle places (5.92m² per head).

The proposed new building is 1,580 metres square, capable of holding 171 suckler cows with calves (9.23m² per head). The calving period will be stretched to enable a regular supply of stores. If sucklers' numbers are low within the building over the grazing months the building will be stocked with finished cattle. The maximum capacity for finished cattle in the unit would be approximately 400 head (3.95m²). Based on current stocking and following Red Tractor Farm Assurance standards the building may only stock 270 finished cattle if they enter as large stores.

The agricultural justification states 'The proposed new building will be purpose built to house the suckler enterprise, maximising calf growth rates and minimising calving issues. The building can also be used for finishing cattle, if suckler numbers are low through the grazing months'. The feeding system has also changed to a total mixed ration, fed through a feeder wagon. This has reduced cost and significantly improved growth rates and profitability in the enterprise. This is a factor enabling the business to purchase concentrates and create a mixed product to supplement the clamped silage. The change in the feeding system has significantly reduced time spent feeding cattle and enabled cattle to be fed twice a day maximising feed intake and increasing growth rates. This facility will develop further as new technology becomes available to monitor cattle feed intake. Long term relationships have been built with abattoirs, including Woodhead Brothers and ABP, both businesses purchase a large proportion of the cattle and are keen for Greendale Farm to increase supply. These businesses are providing customised facilities such as long term secure pricing and grid specification to enable FWS Carter to achieve a significant premium for the beef, in return for supplying a regular monthly quantity. The Greendale Farm Shop (owned by the same business) is also increasing its requirement for beef animals. In 2016, 153 animals were sold from the farming business to the farm shop over the course of a year. This number is anticipated to increase to 500 + animals per year. These animals are sold at a premium, significantly above prices paid by an abattoir. Selling direct to

the farm shop also provides a long term secure market, an area which will continue to expand as customer numbers grow.'

'All costs and income are measured monthly to show the profitability of the cattle enterprise. Although the enterprise is profitable, monthly figures show when stores are purchased at increased prices, margins are reduced. To overcome this, the business aims to source more home-grown stores to the finishing unit, when store prices are high. This will require the business to increase suckler numbers over the next 6 months to increase profitability to the enterprise. The proposed new building will be purpose built to house the suckler enterprise, maximising calf growth rates and minimising calving issues. The building can also be used for finishing cattle, if suckler if suckler numbers are low through the grazing months.'

Whilst it is considered one of the reasons for the additional new building is that the previous agricultural buildings, which might have been used, have been converted to industrial uses, the situation is that they have been converted, and their current industrial use which was found to be policy compliant on appeal is not going to be ceased.

Although there are concerns that due to the fluctuation of prices and practices at the farm that this building could become surplus to requirements with a subsequent application to convert to employment units, the applicant has submitted justification of the building as part of the application. It is however clear from the site history that any subsequent application for the conversion of this building to business units should be refused given the history for the site showing that to cater for market changes and changes in farming practices, there is an on-going need for space capacity to be retained going forward.

Location of the building and visual impact

It is accepted that if the farm is to invest in this new building, it is logical for it to be placed on land in their ownership, and on land adjacent to the existing farm buildings for operational efficiency and to minimise the visual impact from such buildings and avoid them being provided in more isolated locations where arguably the visual impact could be greater.

The practical and most logical location to construct the proposed building does therefore appear to be at Hogsbrook Farm. Although space is limited, it makes practical sense to locate the livestock next to the silage and manure storage facilities. The farm is fully served with mains water and electric and there is a stockman onsite to oversee the livestock. Welfare of livestock is very important to minimise losses and maximise output from the unit. Locating the proposed building away from the existing unit would prevent irregular checking of the stock and delay treatment of ill animals.

The cattle are now fed three times a day, this is an efficient task when located at Hogsbrook next to the silage store with machinery onsite for feeding and pushing up of silage. If the proposed building was located off site it is considered that this could introduce welfare issues and reduce the business's profitability. Agricultural business need to adapt to be profitable and there are large differences in profitability in farming. Since 2015 the level of projected profit has increased as has the demand for

Greendale shop. The proposal to expand the suckler herd housed outside at Hogsbrook in the winter months could then be reared and available for finishing over the late spring to mid-summer period. Given all of the foregoing, it is considered that there is justification for a new agricultural building in this location subject to minimising its visual impact.

The proposal is sited within the open countryside for planning purposes, but is not within any particular designation. The proposed building would have a height of 9 metres but would take the form of a vernacular cattle building. The building is large and an existing bund to the adjacent AD Plant would need to be re-located and extended to accommodate and help reduce the visual impact from the proposal. This bund/landscaping has not yet been secured as it is currently the subject of a draft legal agreement (in relation to an application to vary the layout of the AD Plant). Once this legal agreement is signed, the landscaping will be provided.

However, whilst visible from some parts of the A3052 to the north and from some vantages in north westerly direction from the AONB located approximately 0.7 miles from the site, the proposal would be located and read in conjunction with the existing group of farm buildings and adjacent anaerobic digester plant. Although no detailed landscape scheme had been submitted with the planning application, the submission of a scheme (and maintenance plan) could be secured by way of a planning condition if the development were deemed acceptable. This would help the proposal assimilate into the landscape.

It is noted that earthworks have been carried out over the past year or so and this appears to have resulted in the site being raised and levelled. It is however unclear exactly how much the land has been raised although it appears to be in the region of approximately 7m. Whilst this obviously has a wider landscape impact, the land and buildings are viewed against Hogsbrook and the anaerobic digester and as such it is difficult to raise an objection to this, particularly once the landscaping is provided.

It is however considered necessary to require level details of the proposed building from a fixed datum point. The datum suggested could be the anaerobic digester to ensure that the proposal would be read in context with this and the surrounding buildings.

Whilst there would inevitably be a visual impact from a building of this size in this location, given the justified need for the building, and given the practical need for it to be near to the existing farm buildings, it is considered that the visual impact viewed against the existing farm buildings and anaerobic digester is acceptable.

Highways impact

No details have been provided indicating the numbers of vehicle movements to and from the site in relation to the delivery of cows to the building. However, the statutory consultee in this matter (DCC Highways) has not raised an objection. Furthermore, the supporting information indicates that the silage would be generated by the applicant's adjacent buildings housing livestock and therefore there would be no importation of waste from other sources (or used to feed the adjoining AD Plant).

Noise

In response, the view of the statutory consultee on such matters (EDDC Environmental Health) has not raised an objection on these grounds therefore the proposal is considered to be acceptable in relation to this criterion of Policy D7 together with the requirements of Policy EN14 of the EDDC Local Plan.

Other objections on potential nuisance grounds have been cited, however these would fall under the remit of other pollution control regimes. The NPPF advises that Local Planning Authorities should assume that these regimes will operate effectively and should focus their attention on whether or not the development itself is an acceptable use of the land; the use of the land in this instance (agriculture) is considered to be acceptable.

Flooding/drainage

Devon County Flood Risk Team has stated that they cannot support the proposal due to lack of detail regarding surface water runoff. However these details have now been submitted and show an attenuation pond to serve the development. This is considered to be acceptable and confirmation of the details from Devon County Flood Risk Team will be updated once received.

Ecological impact.

The proposal is sited within and adjacent to the existing complex of buildings at Greendale. Given its position it is not considered that it would cause any harm to the ancient woodland and Saxon drove road.

Waste Management

The Environmental Health Officer does not raise an objection to the proposal and do not anticipate any environmental concerns.

A waste management plan has been submitted and it is considered that there are no objections to this element of the scheme.

Gas Pipeline

The site is located within a major pipeline hazard area as a major pipeline runs underground from Kenn to Aylesbeare. In planning terms the pipeline comprises an inner, middle and outer vulnerability zones. This proposal is within the middle and outer zone. The Health and Safety (HSE) Use Planning Methodology document gives guidance on such matters when a proposal is within a hazard area. Following the guidance, the proposal would fall within a "sensitivity DT.1" Within such areas and within a "middle zone" the advice of the HSE is "don't advise against development". It is therefore considered that there are no objections to this aspect of the proposal.

CONCLUSION

Although the concerns expressed regarding the need for the proposal and its location are understood, the application provides adequate information in order to justify the need for the building.

In addition, the location chosen is the most logical and practical and whilst there will be a visual impact from the building and raised levels, it will be viewed in association with the adjoining farm and business buildings and the anaerobic digester.

Whilst the concerns regarding the history of farm buildings being declared surplus and being converted to business units is appreciated, it would be difficult to resist this application on that basis. It is however recommended that an Informative be placed on any consent to make it clear to the applicant that a conversion of this building to employment use will not be supported in the future as the history of the site and farm demonstrates a need to retain agricultural buildings into the future to cover changes to the farm holding.

In light of the above, and in the absence of any other concerns with the proposal, the application is supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development shall be carried out and implemented in accordance with the approved drainage details.
(Reason - In order to ensure that drainage details are designed into the proposal from the outset in the interests of surface water management in accordance with policy D7 - Agricultural buildings and development) and EN22 (Surface Run off Implications of New Development) of the East Devon Local Plan.
4. Notwithstanding the details provided, prior to the construction of the building a detailed landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. Any soft landscape proposals shall be accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each specie and notes describing how the scheme will be

implemented. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In order to ensure that the details are considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

5. Prior to the commencement of development level details in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

(Reason – In order to ensure adequate levels from the commencement of development in the interests of the appearance of the site and surrounding area in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

The applicant is advised that given the history of buildings in the area at Hogsbrook, a future application for the conversion of the building to employment (or other non-farm related uses) is unlikely to be supported. It is expected that should the need for this building become surplus to requirements in the future, that it be retained to ensure that there are sufficient farm buildings on the holding to cater for future changes to the farming practice and holding going forward.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

If you have any queries regarding this, please contact us on 01395 571585 or email cil@eastdevon.gov.uk

Plans relating to this application:

7484-02 REV C Proposed Site Plan 11.10.17

7484-03 REV A	Proposed Combined Plans	11.10.17
7484-04	Existing Site Plan	11.10.17
7484-05 REV A	Location Plan	11.10.17

List of Background Papers

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

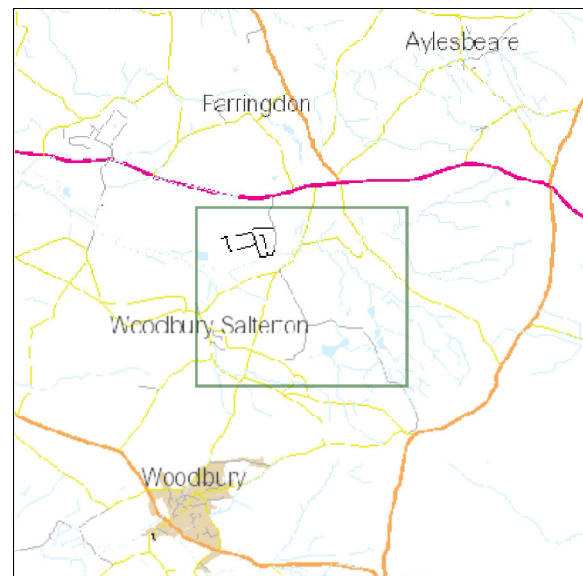
Ward Raleigh

Reference 18/0920/FUL

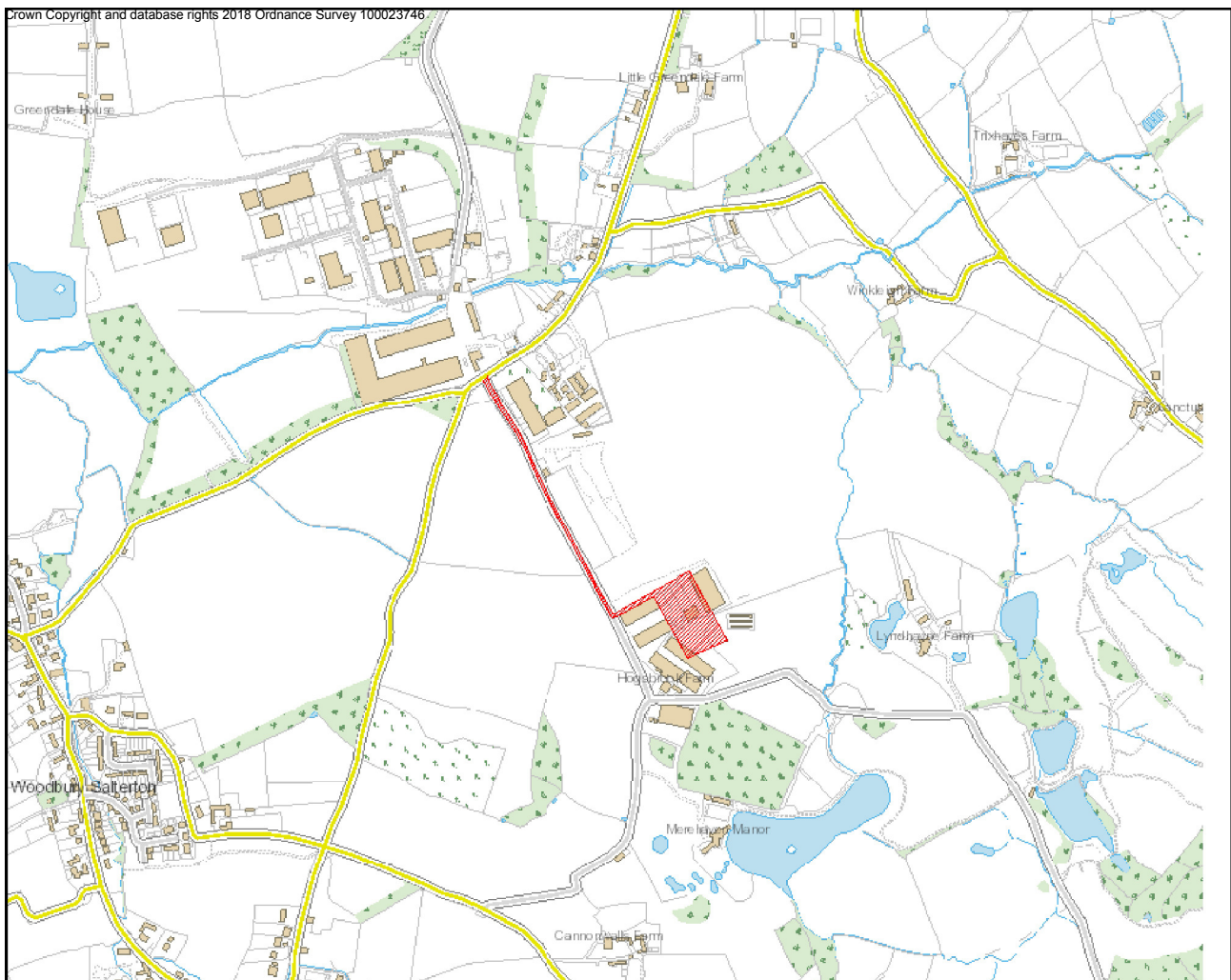
Applicant Mr T Smith (FWS Carter & Sons Ltd)

Location Hogsbrook Farm Woodbury Salterton Exeter
EX5 1PY

Proposal Proposed agricultural building.



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2018
Raleigh (WOODBURY)	18/0920/FUL	Target Date: 15.06.2018
Applicant:	Mr T Smith (FWS Carter & Sons Ltd)	
Location:	Hogsbrook Farm Woodbury Salterton	
Proposal:	Proposed agricultural building	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This planning application is before Members because the recommendation of officers differs from the view of the Ward Member.

The proposal is for the construction of an agricultural building at Hogsbrook Farm, Woodbury Salterton.

The application falls to be considered under policy D7 of the East Devon Local Plan. Given that buildings on the site have been constructed to industrial uses, the main consideration relates to the justification for the building and whether there are any existing buildings that could be used. The business requires a separate isolation unit next to the handling system. All cattle entering the unit require a minimum of two weeks to adapt to a change in diet, new location and change in stock around them. The welfare of the livestock is key to the success of this enterprise; thus, minimising stress is an important factor. When the animals enter the unit at Hogsbrook, they are moved through a handling system and ear tagged, vaccinated and wormed. Prior to this, they may have been stood in a livestock market and transported to and from there, resulting in 1 - 2 days of stress. The priority to minimise stress levels, can be managed by handling and moving the cattle to a pen as soon as possible. Normally cattle are transported in groups (which they may have been with for most of their life), keeping these animals in the same group is important throughout this process.

The cattle kept in a separate isolation unit for the first couple of weeks can adapt to the change in ration and stockmen are able to check these cattle closely. If there is a problem with any animals within the first few weeks, the stock are located next to the handling system, so can very quickly, with no stress, be moved back into the handling system to be treated. This will make more efficient use of time, resulting in a saving in labour costs to the business and improve the welfare of the livestock.

It is considered that the agricultural justification offered is acceptable and there are no other buildings available for this use. Concerns regarding drainage have been raised by the Environment Agency and drainage details have been received from the applicant.

The design and visual impact of the building are acceptable, being surrounded by existing buildings and it is not considered that there are any other technical reasons that would give rise to an objection in planning terms and the application is recommended for approval.

CONSULTATIONS

Local Consultations

Raleigh - Cllr G Jung

Comments received 24.04.2018

I have viewed the documents for the Planning Application 18/0920/FUL for a proposed agricultural building at Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY.

I note that there have been objections from the Parish Council.

I also note that there is another application not yet determined for an agricultural building at the same farm holding (planning application 17/2430/MFUL.) and I understand that this is awaiting further agricultural justification.

Unfortunately, this further agricultural buildings documents also fail to provide enough information to provide an agricultural justification.

I also note that it has not been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.

Over the last 2 years the applicant has requested a change of use from "redundant agricultural buildings" to be used for industrial, commercial uses because the business case for rearing cattle was unviable. These 4 buildings were given permission for a change of use which are directly next to this proposed development, but unfortunately on the plans provided by the applicant they are shown as agricultural units.

For clarity these plans should be corrected to show the correct use these buildings are now used for.

Due to the above I cannot support this application at this time.

Please note, these are my preliminary views taking account the information presently made available. I will reserve my final view on this application until I am in possession of all the relevant arguments for and against.

Further Comments 13.08.2018

Planning Application 18/0920/FUL (Further Information)

I have read the further documentation regarding planning application 18/0920/FUL for a proposed agricultural building at Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY

I note that there is a new location plan correctly describing the units to the West as Industrial units (Previously described as Agricultural)

I also note that the area is to be used for 3 separate purposes.

1. To keep newly introduced cattle in isolation for approximately 2 weeks before moving them into the main cattle shed.
2. To keep "finished" cattle separate prior to them being shipped for slaughter.
3. To store Straw imported into the farm from the Donkey Sanctuary.

I am also concerned that the requirement for Drainage has not been adequately been dealt within the documents provided.

It is most unusual for the storage of used straw from a Donkey Sanctuary. Therefore, I attach an explanation found in a Press Release from the Donkey Sanitary in 2015

"The Donkey Sanctuary is working collaboratively to dispose of its donkey manure in an environmentally friendly way.

Annie Brown, General Farm Manager for the eight UK sites, is responsible for the care of 2,600 donkeys and says: "Our donkeys produce around 5,200 tonnes of straw-based manure waste each year which all has to be disposed of."

Our research team has recently found that due to the inevitable build-up of parasite eggs in the manure there is an increased risk to the donkeys' health if we continue to compost the manure and then spread the resultant soil conditioner on the grazing and haymaking pasture land.

This is because our composting process does not reach high enough temperatures to kill all the parasite eggs. Once this problem was identified we stopped spreading the composted manure onto our fields so that we minimise the transfer of parasite eggs onto the pasture.

The composted manure has since been exported to local farmers who reap the benefit of the manure by ploughing it into their arable land, where the parasite eggs can do no harm. We have since been investigating other ways of processing the manure.

Faith Burden, Head of Research says: "Finding environmentally friendly ways of managing parasites in our donkey herds is a top priority. By controlling parasite contamination levels in the environment by careful manure management we are able to decrease the amount of de-worming drugs given to our donkeys thus reducing drug resistance and reducing the amount of chemicals released in to the environment. Working collaboratively with other farms enables us to benefit our donkeys, our natural environment and of course the farms themselves."

Woods Farm is home to more than 500 of our donkeys. To recycle the straw-based manure from this site we have collaborated with Rowan and Mathew Carter from Greendale Business Park and Farm Shop.

Our donkey barns get mucked out on a two-week cycle as part of our parasite control strategy and the manure is transported straight to the storage area at Greendale; this dirty donkey bedding is used to supplement the cattle bedding,

The Carters supply farm waste from their cattle sheds as fuel for the anaerobic digester on the Greendale site, the digester produces methane which is converted to electricity that powers the Greendale Farm Shop and Restaurant."

Under D7 Agricultural Buildings and Development under Paragraph 4

It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.

In Conclusion.

There has been a dozen previous Agricultural Buildings converted at Hogsbrook Farm and Greendale over recent years.

It would seem most logical that rather than applying for yet additional agricultural unit they merely revert one of the original buildings back to Agricultural needs.

This will then remove the necessity to build further into the Countryside.

I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Parish/Town Council

Comments received 3.05.2018

NOT SUPPORTED as no agricultural justification provided. Suggest an independent report.

Comments received – 21.08.2018

NOT SUPPORTED as no agricultural justification provided. Suggest an independent report.

Technical Consultations

Environmental Health

I have considered this application and do not foresee any Environmental Health Pollution issues with this proposal therefore I have no further comment to make.

County Highway Authority

Does not wish to comment

Other Representations

3 letters of objection have been received on the grounds of:

-) There is no agricultural justification given for this application which is near buildings converted from agriculture recently.
-) At the time they were converted they were stated to be not necessary for agriculture.
-) The continual increase in agricultural and industrial uses in the area is causing noise nuisance and making the roads dangerous from over large tractors and trailers and commuter traffic to the estate.
-) Industrial buildings should be converted back to agricultural
-) Other applications presumed a bund would be put in but this has not happened.
-) Yet another building will be taken from agriculture and used for rental.
-) Ground has been raised.

PLANNING HISTORY

Reference	Description	Decision	Date
16/1786/FUL	Retention of conversion of buildings to 13 no. industrial units (Use Class B1(c) light Industrial, B2 General Industry and B8 Storage and Distribution)	Approved	03.10.16

APP/U1105/W/16/3151307 - Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry) (Appeal Allowed 07.09.16)

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

D7 (Agricultural Buildings and Development)

EN16 (Contaminated Land)

Site Location and Description

The site refers to land at Hogsbrook Farm, Woodbury Salterton. The site comprises a number of mixed uses including agricultural and industrial uses. It is set on the western side of Warkidrons Way and is visible in distant views from the A3052.

The land slopes in north easterly direction, and for planning purposes is located in open countryside.

Proposal

The proposal is for the construction of a new agricultural building. It would be an open building measuring around 24m in width by around 18.5m in depth with a height of around 8m. It would be sited centrally within the site between existing buildings.

ANALYSIS

The main issues for consideration are the principle of the development, need for the development and its visual impact.

Principle of Development

The site lies in the open countryside as defined by Strategy 7 of the East Devon Local Plan where development must be strictly controlled to ensure that it would not detrimentally impact on the character and appearance of the area, furthermore the proposal must be in accordance with a specific policy contained in the plan. In particular, consideration needs to be given to conformity with Policy D7 (Agricultural Buildings and Development).

A number of objections have cited the lack of demonstrable need for the development. The proposed new agricultural building needs to be considered and assessed against the requirements / criteria of Policy D7, which reads:

‘New agricultural buildings and/or buildings intended for intensive agricultural activities that could give rise to adverse amenity, landscape, environmental or other impacts will be permitted where there is a genuine agricultural need for the development and the following criteria are met:

1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.
2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.
4. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.
5. It will not lead to an unacceptable increase in traffic on the local highway network
6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.

Proposals for the development of new large scale buildings for livestock or for other use that could have polluting impacts should be accompanied by a Waste Management Plan.’

Whilst the criteria above will be discussed in the report, the main issue is considered to relate to the agricultural justification for the building.

Agricultural justification

On submission, there was very little information as to why a new building was required and why an existing building could not be used.

Policy D7 in the opening text states that there needs to be a genuine need for the building with criteria 4 stating that “It must be established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.”

As has been raised by a number of objectors, and as evidenced in the planning history for the site, it is considered that the lack of alternative buildings is because 4 of the largest buildings at Hogsbrook have been recently converted to industrial uses, partly through appeal, to create 23 separate units. At the time of the unauthorised conversion of these buildings, and during the appeal process, the applicant advised that the buildings were surplus to requirements as they had cut back on their cattle numbers due to a fall in prices.

The agricultural justification within these applications states that "with the reduction in beef numbers from 1600 -1700 to 500 there is no longer the requirement to utilise the buildings at Hosbrook it can be seen that the current accommodation utilised by the cattle is sufficient in conjunction with the other facilities used to provide the necessary health and welfare of the cattle now housed at Hogsbrook, without the need for the additional buildings originally used when cattle numbers were higher".

Given this statement information was sought as to how it has been established that there are no other suitable buildings on the holding that could be used and to provide justification for further buildings.

In response, the applicants have provided an agricultural justification for the building carried out by the Farm Consultancy Group. This sets out the case for the building as below.

The business requires a separate isolation unit next to the handling system. All cattle entering the unit require a minimum of two weeks to adapt to a change in diet, new location and change in stock around them. The welfare of the livestock is key to the success of this enterprise; thus, minimising stress is an important factor. When the animals enter the unit at Hogsbrook, they are moved through a handling system and ear tagged, vaccinated and wormed. Prior to this, they may have been stood in a livestock market and transported to and from there, resulting in 1 - 2 days of stress. The priority to minimise stress levels, can be managed by handling and moving the cattle to a pen as soon as possible. Normally cattle are transported in groups (which they may have been with for most of their life), keeping these animals in the same group is important throughout this process.

The cattle kept in a separate isolation unit for the first couple of weeks can adapt to the change in ration and stockmen are able to check these cattle closely. If there is a problem with any animals within the first few weeks, the stock are located next to the handling system, so can very quickly, with no stress, be moved back into the handling system to be treated. The applicant states that this will make more efficient use of time, resulting in a saving in labour costs to the business and improve the welfare of the livestock. To maximise sale price of these livestock, the business needs to comply with Farm Assurance. Standards continue to increase, and a separate housing facility is one example of where FWS Carter and Son need to adapt to improve standards.

Since animals are sourced from different units and markets, there is a risk of disease and other health issues, which could spread to other livestock. A two-week isolation period will identify these problems and provide enough time to treat them as efficiently as possible, whilst also preventing the use of additional vaccination. Cattle are purchased in batches and when new animals enter a building, this creates stress not only to the new incoming animals, but also the existing animals housed in the unit. This new facility will enable cattle to enter in batches and once a sensible number of cattle have been housed in the isolation unit for a couple of weeks, they can then enter the finishing unit in one group to minimise stress.

When cattle exit the unit, they can be collected in different batches, for example when animals are sent to the abattoir for use in the farmshop. The animals are collected at different times of day and night and therefore to minimise stress and reduce danger to

the stockmen a separate housing facility is required. The business needs to extract the finished cattle from the main unit, up to one week before they exit the site. These then need to be handled in the race, weighed and housed in a separate unit, prior to exiting at various times of day and night. This creates efficient use of staff, minimises hassle for the haulage company and most importantly, minimises stress to other cattle in the unit. The business aims to construct a straw building, capable of storing some of the straw harvested from the farm, plus straw collected from the local donkey sanctuary to help the charity. All straw is used by the cattle unit. The straw collected from the donkey sanctuary is loose straw that has already been used by donkeys, this is collected regularly and must be stored under cover to minimise the risk of getting wet. The applicants say that last autumn the business was collecting straw from the donkey sanctuary and storing it outside but rainfall made this straw wet and as a result created combustion and caused a fire. This could have caused significant damage to machinery, other hay and straw located close by and could have spread into the livestock unit. It is important this does not happen in the future and the obvious way to overcome this is to put a roof over the straw storage area. The applicant has stated that FWS Carter and Son are a successful business and the cattle finishing enterprise is generating sufficient returns to justify the viability of this building. The quality of stock is recognised by abattoirs and several positive reports are being received from these outlets. This shows the business is striving to achieve a good quality product, which can only be done by minimising stress and improving efficiency of the system that this building will help to achieve.

Following this justification it is considered by officers that this building has to be located close to the main handling unit to minimise stress, and there are no available buildings which are sufficiently proximate in order to achieve this. Given the foregoing, it is considered that there is sufficient justification for the building.

Highways impact

No details have been provided indicating the numbers of vehicle movements to and from the site in relation to the delivery of cows to the building. However, the statutory consultee in this matter (DCC Highways) has not raised an objection. It is not therefore considered that an objection could be raised in this regard.

Noise

In response, the view of the statutory consultee on such matters (EDDC Environmental Health) has not raised an objection on these grounds therefore the proposal is considered to be acceptable in relation to this criterion of Policy D7 together with the requirements of Policy EN14 of the EDDC Local Plan.

Other objections on potential nuisance grounds have been cited, however these would fall under the remit of other pollution control regimes. The NPPF advises that Local Planning Authorities should assume that these regimes will operate effectively and should focus their attention on whether or not the development itself is an acceptable use of the land; the use of the land in this instance (agriculture) is considered to be acceptable.

Landscape

In terms of the visual impact the building would be surrounded on all sides by other buildings whether agricultural or industrial. It is considered that the proposed building would be read in the context of the surrounding buildings and there would not be any harmful impact on the landscape.

Drainage

The site is already a hardstanding area which is used by cattle. The applicants have supplied a drainage plan and the comments of the Environment Agency have been sought. It is not expected that the Environment Agency will object to the application but their final comments will be report verbally to Committee.

Other matters

Concerns have been raised that the new building will simply be turned into an industrial use. However the application must be determined on its own merits and it is considered that a reasoned justification why the applicants need the building has been provided.

Whilst the concerns regarding the history of farm buildings being declared surplus and being converted to business units is appreciated, it would be difficult to resist this application on that basis. It is however recommended that an Informative be placed on any consent to make it clear to the applicant that a conversion of this building to employment use will not be supported in the future as the history of the site and farm demonstrates a need to retain agricultural buildings into the future to cover changes to the farm holding.

As noted above by the Ward Member there is concern regarding the use of straw from the Donkey Sanctuary in the anaerobic digester adjacent the site following a newspaper article from 2015. This is potentially an issue because a condition on the digester states:

“The maize and fodder beet feedstock for the digester hereby approved shall only sourced from Hogsbrook Farm and land in the control of FWS Carter & Sons Ltd whilst the farm manure feedstock shall only be sourced from Hogsbrook Farm.

(Reason - To define the permission as detailed in the application documents, in the interests of highway safety and as the application is only considered to be acceptable and sustainable on the basis that the waste being processes is sourced locally in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) and the guidance contained within the National Planning Policy Framework”).

The use of straw has been queried with the applicants who have stated that:

“The donkey straw is used for bedding our cattle before entering the AD plant as manure so we see no problem with this in respect of the planning condition on the AD plant. The condition stipulates ‘farm manure feedstock shall only be sourced from Hogsbrook farm’ which it is. There is no restriction on what we can use to bed the

cattle at Hogsbrook. This condition is to ensure we are not putting anyone else's manure directly into the AD plant. It may just be poor wording in the article which could give the impression we are putting the donkey straw directly into the AD plant as a feedstock, which we are not."

Given these considerations it is not considered an objection can be raised to this.

CONCLUSION

The applicant has demonstrated a need for this agricultural building and a need for it to be located on this site.

The building will have an acceptable visual impact and matters of drainage are being addressed with the Environment Agency.

Despite concerns that this building will be converted to industrial use, the application needs to be considered on its merits. Should the applicant later decide that the building is no longer required for agricultural use, permission could be refused if it were felt that this could lead to subsequent applications that would be harmful.

As the application is considered to accord with Policy D7 of the local plan, it is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Informative: The applicant is advised that given the history of buildings in the area at Hogsbrook, a future application for the conversion of the building to employment (or other non-farm related uses) is unlikely to be supported. It is expected that should the need for this building become surplus to requirements in the future, that it be

retained to ensure that there are sufficient farm buildings on the holding to cater for future changes to the farming practice and holding going forward.

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Plans relating to this application:

7764-03	Proposed Combined Plans	18.04.18
7764-04	Proposed Elevation	18.04.18
7764-05	Location Plan	18.04.18
7764-01 B (AMENDED)	Existing Site Plan	26.07.18
7764-02 Rev A (AMENDED)	Proposed Site Plan	06.09.18

List of Background Papers

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

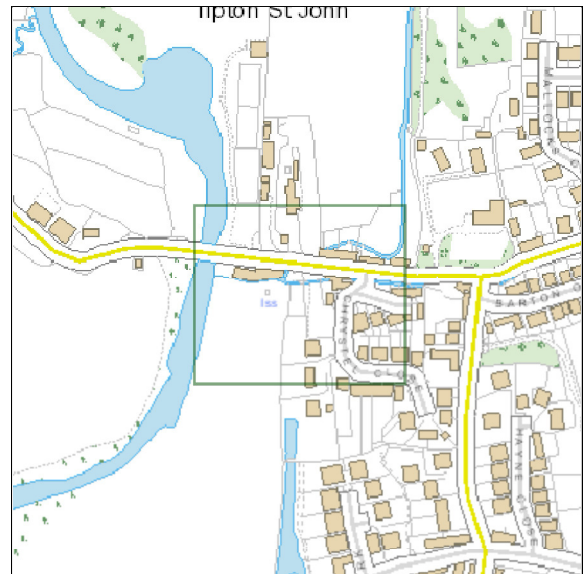
Ward Ottery St Mary Rural

Reference 18/1426/FUL

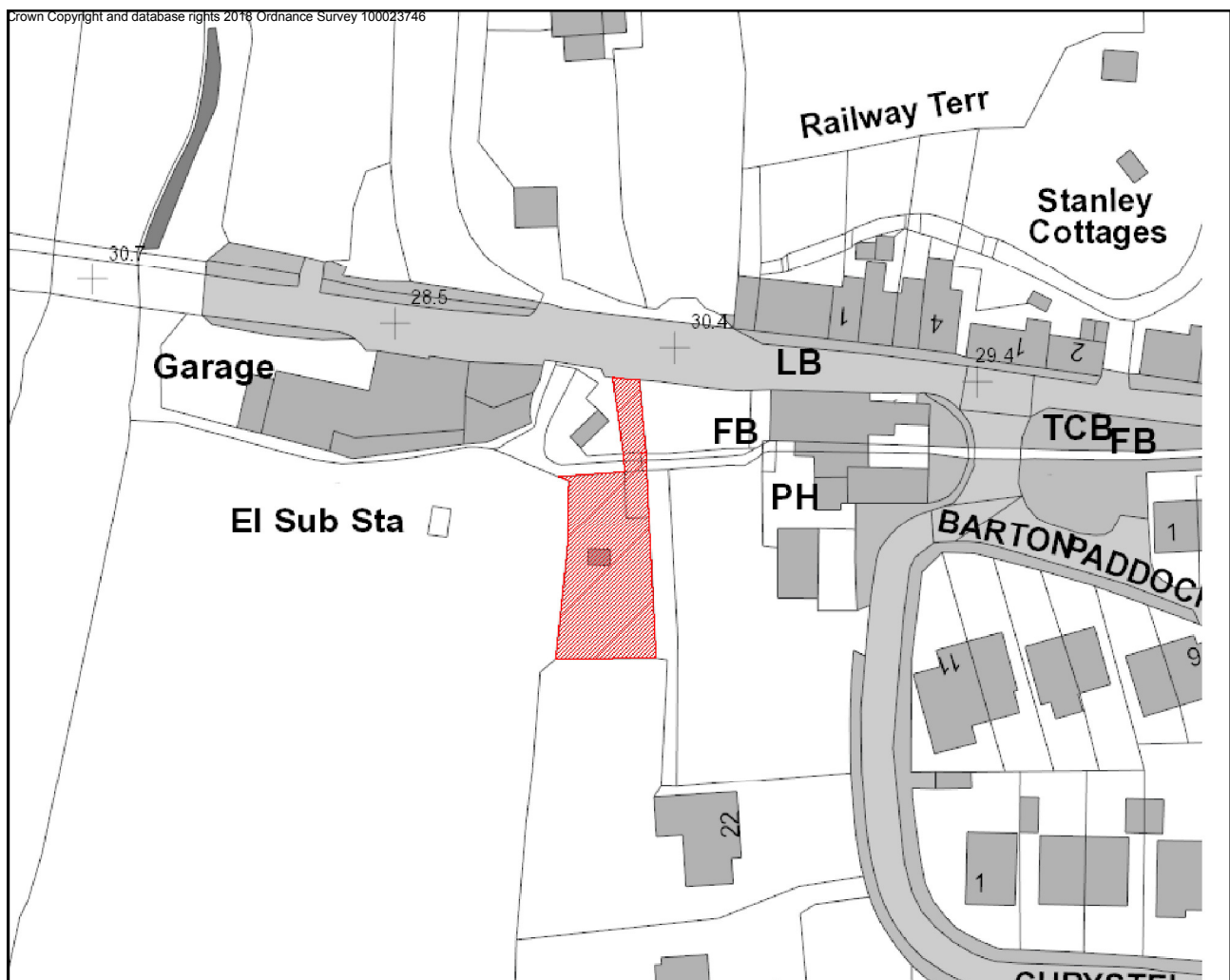
Applicant Mr R Miles

Location Land Adjacent Tipton Garage Tipton St John

Proposal Storage building for cars.



RECOMMENDATION: Refusal



		Committee Date: 2nd October 2018
Ottery St Mary Rural (OTTERY ST MARY)	18/1426/FUL	Target Date: 16.08.2018
Applicant:	Mr R Miles	
Location:	Land Adjacent Tipton Garage Tipton St John	
Proposal:	Storage building for cars.	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the views of the Ward Members are contrary to the Officers recommendation.

This application is a renewed attempt at gaining planning permission for a garage to store cars. Previously the site had been considered to be located in Flood Zone 3b which is classed as functional flood plain. Here there is an in- principle objection to 'less vulnerable' development therefore the application was refused as it would have resulted in further development within the flood zone.

The EA has since reclassified the site as falling within Flood Zone 3a. Whilst the Environment Agency does not object to the application, they have stated that it is down to the Local Planning Authority to apply the Sequential Test.

Although the visual impact from the proposal is acceptable and it benefits from suitable access, there are other reasonably available sites with a lower probability of flooding than the application site that would be appropriate for the type of development proposed. Therefore the development fails to satisfy the Sequential Test and would conflict with national planning policy as set out in the National Planning Policy Framework and Policy EN21 (River and coastal Flooding) of the East Devon Local Plan.

CONSULTATIONS

Local Consultations

Technical Consultations

Parish/Town Council

The Council supports this comment subject to the Environment Agency approval on the grounds of flooding.

County Highway Authority Highways Standing Advice

Ottery St Mary Rural - Cllr P Carter

Regarding the Planning Application 18/1426/FUL Land adjacent to Tipton Garage, I would like to support this application on the evidence received from the EA addressing the flooding issue and also support the planning gain in the removal of an unsightly building already on site and with this a great improvement to the street scene one of the most prominent parts of the village.

Environment Agency

STORAGE BUILDING FOR CARS

LAND ADJACENT TIPTON GARAGE, TIPTON ST JOHN, DEVON, EX10 0AF

Thank you for consulting us on this application.

Environment Agency position

We have no objection to the proposed development as submitted.

Reason

We have reviewed the flood risk assessment (FRA), prepared by Dennis Gedge (dated April 2018). The FRA has correctly assessed the flood risks to the site and has demonstrated that the development will be safe over its lifetime without increasing risk elsewhere.

The author has engaged with us in the preparation of the assessment and the resulting content is as expected from earlier discussions. The assessment defines the location as flood zone 3a where less vulnerable development is appropriate.

Historic flood levels have been analysed to define a design water level, which in turn has been used to influence finished floor levels. Safe access and egress has been appropriately considered along with the need to preserve a potential flood flow route through the southern end of the site.

Advice - Sequential Test

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be

aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

TC7 (Adequacy of Road Network and Site Access)

E5 (Small Scale Economic Development in Rural Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location

The site comprises a parcel of land approximately 0.035 hectares in area located on the southern side of the Class C road that runs through Tipton St. John. It is positioned between the car park of the Golden Lion public house and the Tipton Garage premises.

It mainly comprises a grass paddock served by a gated access from the highway and a concrete bridge over a channelled stream that crosses the site from east to west a short distance inside this entrance. The stream joins the river Otter just beyond the garage to the west. Adjacent to it on its northern side is a prefabricated sectional concrete single garage. The main portion of the site, to the south of the stream, is at a lower level than the road. It contains a shed.

The site is bordered by a grass bank along the eastern boundary for the majority of its length. A timber post and rail fence features on the site side of the bank. The southern boundary is defined by a row of evergreen trees behind a further post and rail fence while the western boundary comprises a post and wire fence with some vegetative growth.

Planning History

The site is subject to a previous planning application under reference 17/0482/FUL. The application proposed the same development and was refused due to the following;

'The application site occupies a location in the countryside within Flood Zone 3b and, as such, forms part of the functional flood plain. The proposed development amounts to 'less vulnerable' development that would reduce its effectiveness by resisting the flow or storage of water in the event of a flood. As a consequence, the proposal would be contrary to policy contained in the National Planning Policy Framework, guidance set out in Planning practice guidance and the provisions of Policy EN21 (River and Coastal Flooding) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031.'

The applicant has submitted a revised flood risk assessment and liaised with the Environment Agency to review the 'functional floodplain' designation of this part of Flood Zone 3. Previously the site was considered to fall into category 3b where 'less vulnerable development' is inappropriate. It has now been agreed that the site falls within flood zone 3a.

The Proposal

The application proposes the erection of a storage shed for classic cars owned by the applicant. The proposed store would have an overall footprint of 10 x 10 metres sqm with an overall ridge height of 4.7m. It would be of steel framed construction with steel cladding to both the walls and the roof. Two rooflights would feature on each of the roof planes. A single roller door and pedestrian entrance door are proposed for the front (north) elevation. These aside, the building would be entirely devoid of openings to any of the remaining elevations.

ANALYSIS

The main issues for consideration relate to the principle of development, flood risk and the visual impact from the development.

Principle

The site is located, in Local Plan policy terms, within the countryside within which Strategy 7 (Development in the Countryside) only permits development where in accordance with a specific Local or Neighbourhood Plan Policy and where it would not harm the landscape, amenity and environmental qualities of the surrounding area, including land form, settlement patterns and important natural and manmade features and public views that contribute to local landscape character.

Policy E5 of the Local Plan supports small scale economic development in rural areas subject to a number of criteria. In this case the application is for a building for the storing of cars and as such relates to a B8 storage and distribution use. The proposal

is therefore acceptable in principle subject to it having an acceptable visual impact, suitable access and adequately dealing with flood risk.

Visual Impact

The garage is to be set back from the public highway, is of modest scale and constructed of materials appropriate to its rural setting and use. Whilst the development would be visible from the rear of The Golden Lion, and with glimpsed views from the public highway, the development is not thought to be visually intrusive. The application also proposes to remove an existing shed and brick building. Both buildings are of limited architectural merit and their removal has the potential to tidy the site up.

The visual impact from the development is therefore considered to be acceptable.

Flood Risk

The previous application under reference 17/0482/FUL was refused on flood risk grounds due to the site previously falling within Flood Zone 3b also classed as functional flood plain. Technical Guidance to the National Planning Policy Framework classifies development in accordance to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case 'less vulnerable' development within the functional floodplain was deemed unacceptable.

In this case the classification of 'functional floodplain' in Flood Zone 3 has been reviewed by the applicant and Environment Agency. The western boundary of the site is seen as the extent of the functional floodplain that serves the river Otter. The EA have accepted the site as falling within Flood Zone 3a, where the guidance states that 'less vulnerable' development can be considered as appropriate.

The EA have stated that they have no objection to the proposed development and believe the submitted Flood Risk Assessment has correctly assessed the flood risks to the site and has demonstrated that the development would be safe over its lifetime without increasing risk elsewhere. However the EA state that the local authority must be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the NPPF. Failure of the Sequential Test is sufficient justification to refuse planning permission.

In this case it is considered that the proposed development could be located in an area with a lower risk of flooding. There are other reasonably available sites with a lower probability of flooding than the application site that would be appropriate for the type of development proposed. The development is not directly associated with the nearby garage, and is not associated with an adjoining property, and as such could be located elsewhere. Therefore the development fails to satisfy the Sequential Test and would conflict with national planning policy as set out in the National Planning Policy Framework.

The agent response to the application of the sequential test is acknowledged. The argument has been put forward that the proposal should be considered as 'householder development' and therefore classed as 'minor development' which is

excused from the Sequential Test. However National Planning Guidance makes it clear that only development within the curtilage of the existing dwelling can be considered householder development. The applicant lives approximately 500 metres away and the site does not have a lawful use as residential garden. Therefore it is considered that the development cannot be reasonably considered as householder development and the sequential test needs to be applied.

Highway Safety

There is an existing access to the site that is considered to be adequate to serve the development.

CONCLUSION

The application proposes a storage building within flood zone 3b.

Whilst there are no concerns regarding the principle of the development, its visual impact or highway safety, the application needs to satisfy the sequential test.

As the site is not related to any adjoining buildings or uses that means that use must take place on this site, and as it is not in use as a residential garden, the site fails the sequential test on the basis that the use could be reasonable located elsewhere outside of Flood Zone 3a.

In light of the fact that the application proposes a form of development within Flood Zone 3 that could be located elsewhere outside of a flood zone, the application is considered to be unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The Environment Agency has confirmed that the site lies in flood zone 3a where there is a high risk of flooding. There are other reasonably available sites with a lower probability of flooding than the application site that would be appropriate for the type of development proposed. Therefore the development fails to satisfy the Sequential Test and would conflict with national planning policy as set out in the National Planning Policy Framework and Policy EN21 (River and coastal Flooding) of the East Devon Local Plan 2013-2031

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	21.06.18
TGCS 5	Block Plan	21.06.18
TGCS 15	Proposed Combined Plans	21.06.18
TGCS 10	Layout	21.06.18

List of Background Papers

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

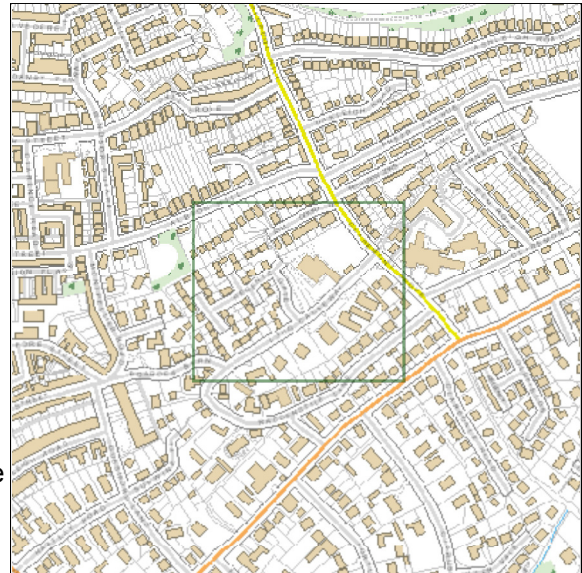
Ward Exmouth Littleham

Reference 18/1282/FUL

Applicant South West Water Ltd

Location Regents Gate (Land Adjacent To St Josephs Primary School) Long Causeway Exmouth

Proposal Provision of sustainable urban garden drainage system feature (rain garden)



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2018
Exmouth Littleham (EXMOUTH)	18/1282/FUL	Target Date: 03.10.2018
Applicant:	South West Water Ltd	
Location:	Regents Gate (Land Adjacent To St Josephs Primary School)	
Proposal:	Provision of sustainable urban garden drainage system feature (rain garden)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the land is owned by EDDC and objections to the application have been received.

The site refers to an open space amenity area located adjacent to St Joseph's Primary School, Exmouth and forms part of a residential development for use as amenity land from 1995 on the site of an old convent. The land is roughly rectangular in shape with a bell mouth on its southern end. A public footpath runs through the area.

The proposal is to use the land as a swale and rain garden which is a shallow depression with absorbent free draining soil. The rain garden is intended to act as an attenuation structure to hold back flood water and provide storage during the peak of a storm and then drain down. The main consideration relates to the loss of the amenity land. It is considered that the land clearly has a value to the local residents in terms of the use of the space. However it is also recognised the wider benefits the proposal would have in terms of offering sustainable drainage within an urban environment. It is also recognised that the plans to enhance the existing public open space will provide additional amenity, whilst also reducing the risk of sewer flooding, and pollution from combined sewer overflows downstream of the site. This ties into East Devon District Council's own project "Watershed Exmouth" whose overall project objective is to reduce the load on the foul sewer system and the Exmouth (Maer Lane) Waste Water Treatment Works during rainfall.

As such the project is in line with the Council's adopted Greenspace Plan and priorities set out within the Council Plan and will provide an enhanced amenity area that can also act as an attenuation feature at times of heavy rainfall. On balance therefore the application is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson

I support this application and agree with the one letter of representation submitted. This is an attractive and innovative scheme which has both educational and environmental benefits. I hope that, if Approved, officers will note this for possible inclusion in the programme of thematic visits for Council Members as it illustrates a small scale project modelling local sustainability. I question why, in view of the NPPF, this application requires Planning Permission.

In the event that this 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/Town Council

Date of meeting 25th June 2018 - No objection

Further comments - Meeting 04.09.18:

No Objection to the amended plans subject to agreement between EDDC and SWW regarding future maintenance of the site in light of concerns from local residents on the up keep of the area. Members requested that they were kept informed of the outcome of the arrangements agreed for future maintenance.

Technical Consultations

EDDC Engineers - Dave Cook And Dave Turner

Thank you for the opportunity to comment on the above planning application, East Devon have reviewed the proposals and I can confirm we are supportive of the plans to enhance the public open space adjacent to Regents Gate.

The plans to enhance the existing public open space will provide additional amenity, whilst also reducing the risk of sewer flooding, and pollution from combined sewer overflows downstream of the site. As such the project is in line with the Council's adopted Greenspace Plan and priorities set out within the Council Plan.

East Devon will continue to work with South West Water to agree future maintenance of this area to ensure it does not place an unacceptable level of additional demand on our StreetScene team.

County Highway Authority

Does not wish to comment

EDDC Trees

Support the principle of the scheme, however looking at the submitted plans there is potential for significant damage to the rooting environment of the two mature oak trees growing on the schools western boundary.

The rooting environment of the trees does not appear to have been considered in the design of the proposed scheme. Currently the proposed scheme is contrary to our planning Policy's D1, D2 and D3.

We will require a full BS5837:2012 Tree Survey, which includes an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement prior to determining this application. As a result of this survey the location of the attenuation basin may need adjusting along with the siting of the street lamp.

DCC Flood Risk Management Team

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The applicant should details clarifying how the proposed surface water system will work. It is noted that a check dam is proposed close to the inlet of the swale. The top of this check dam is higher than the soffit level of the inlet, which is thought could cause the pipe to surcharge. It is also noted that the overflow grate is located about 0.50m higher than the base of the detention basin. The applicant should clarify the materials that will form the basin (including any planting), whether any lining is necessary and whether infiltration in the vicinity is known.

The applicant should clarify the necessity of a check dam in front of the overflow grate. The applicant should provide details for maintaining the system. It is assumed that South West Water shall own the system and so will maintain it.

Other Representations

14 letters of objection have been received raising issues of:

-) Who will be 'policing' the proposed site on completion, if consent is granted, especially with regard to out of school hours, weekends, and in the school holidays?
-) Who will be responsible for maintaining the completed site with regards to litter clearance, planting and repairing any vandalism that will no doubt occur such as graffiti, destruction of property, broken bottles, tin cans etc. and subsequent health and safety issues.
-) Seating will cause antisocial problems
-) Should be within the school grounds
-) Project site would be better utilised in providing extra car parking for the parents in order to alleviate the traffic congestion around the school/Regents
-) Better left at present as open, manageable common ground.
-) Can't see the need for a bike/scooter rack on this area as this should also be incorporated within the school grounds if required.

-) Should be a meeting to discuss the proposal with residents and decision delayed until the meeting
-) As one crosses the road at the junction of Regents Gate and Long Causeway water is continually running underground and periodically overflows the manhole covers and runs down Long Causeway towards the town.
-) With the periodic sluicing of this project an overload could be placed on the general drainage system thereby creating a problem on both public and private systems.
-) We request that SWW provide us with written assurance that these problems will not occur should planning consent be given on this project.
-) If this project is allowed outside the school then we fear for the health and safety of the school children as they walk to and from school
-) Health & Safety The rain garden is effectively an open ditch (swale) and would be filled with stagnant water, encouraging rats, vermin and mosquitoes.
-) It would also become a potential hazard for drowning if young children fell in.
-) Concerns over the regular maintenance of the water ditch, which will also become susceptible to litter and dog fouling.
-) Seating and bike racks This will encourage a "hangout" area for people, resulting in litter and anti-social behaviour,
-) Soakaways The ditch would give rise to additional flooding during periods of heavy rainfall, of which there are many.
-) The handover of Regents Gate from Barratt Developments to Council was delayed for 8 years because of problems concerning discharge of water on the development, exacerbated by the presence of the underwater springs running beneath Long Causeway .
-) Council Tax Banding Most of the properties in Regents Gate have the high Council Tax Band F such a scheme would not justify the residents continuing to pay such a high tax as the scheme could affect property values in Regents Gate.
-) Developer did not speak to all of the residents.
-) Plans are being waved through
-) No one has requested a rain garden.
-) This is the only amenity that the estate enjoys and should not be appropriated by SWW, EDDC or indeed Exmouth Town Council.
-) The proposed development is to replace the only Amenity Land on Regents Gate (serving 40 properties).
-) People walk over this area, and exercise their dogs. It is also on a through north-south pedestrian route.
-) Everyone will be forced into a narrow strip occupied by the only access route into the estate. This green area is an integral part of the Regents Gate development, and is a significant loss for local residents.
-) The rain garden will be dry for most of the time, the dry streams will attract water-borne debris and rubbish, and will require constant maintenance in perpetuity.
-) It will become a magnet for meeting-up, like a mini Phear Park, but in the wrong location.
-) A development of this kind, benefitting the school, should be within the large area of land on the school campus. The educational value of the rain garden can then be fully realised in a controlled and secure area.

-) There is conflicting information as to whether there will be provision for a scooter/ cycle park and also benches for 'relaxation' purposes.
-) In the past we have suffered from trees being vandalized, paint stolen from the school being spread on the road then splashing onto cars driving through.
-) If a scooter / bike park is needed for people visiting the school, surely it would be better placed within the grounds. The school's existing security would then provide protection to items left there.
-) The provision of benches adds nothing to the effectivity of the drainage system; but does add cost and more work for the EDDC maintenance team.
-) The path along Long Causeway is uneven and difficult to walk on forcing those of us with mobility issues to use the road.
-) At times the road, too, is inaccessible due to the parking of cars belonging to parents of school children dropping off/collecting. Cars park along this stretch of road for long periods as there is limited parking at the nearby hospital.
-) Any restriction in use of the area in front of the school is going to make parking and the use of the road even more difficult than it already is.
-) We have had a problem with people using our private car park as they drop off/collect from school and visit the hospital and worked hard to solve the problem.
-) Restrict access along here and that problem will reappear with no support from police or council with removing vehicles that are unlawfully parked.
-) In the early part of the year the gutter was blocked near our gateway which over-flowed, then froze, causing a huge hazard.
-) We requested the drain was unblocked which didn't happen as there was no budget. No wonder there is puddling if the existing means of removal of surface water isn't kept clear.
-) How can anyone expect this new addition to be kept clear and tidy?
-) We agree with the fears of increased nuisances around the area if this development is allowed to happen, an increase in noise/litter/crime and anti-social behaviour.
-) Children may be hidden behind plants and less likely to be seen if they run out onto the road.
-) Visibility of cars coming into Regents Gate will be impaired. (especially important during school start and end times see below)
-) Parents and children will wish to visit the garden after school and cars will block the road for longer each afternoon
-) Assuming classes come out to tend the garden there will be a hazard getting out and into the estate throughout the school day.
-) Who will finance the maintenance of the garden

2 letter of support

-) I fully support the proposal as I believe it will help with drainage of excess water and stem flooding in the local area.
-) Don't see a reason why people should congregate there
-) Will be for the benefit of everyone

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

EN22 (Surface Run-Off Implications of New Development)

RC1 (Retention of Land for Sport and Recreation)

RC2 (New open Space, Sports Facilities and Parks)

Site Location and Description

In 1996 a planning application was approved for the erection of 39 dwellings within the grounds of a former convent. Within this application provision was made for an area of open space and is identified as public open space within the approved plans. It is within the ownership of East Devon District Council. To the east of the site is a tree which is the subject of a Tree Preservation Order.

The site is within a residential area of Exmouth with St Joseph's Catholic Church to the North West, and properties facing onto this land from Regents Gate to the east and north. At the southern end of the rectangle the site is more spacious and is set above the level of the road which rises in a north westerly direction. A footpath runs through the amenity land connecting Long Causeway to Regents Gate and Ryll Court Drive beyond.

Proposal

By way of background East Devon District Council has its own project "Watershed Exmouth" whose overall project objective is to reduce the load on the foul sewer system and the Exmouth (Maer Lane) Waste Water Treatment Works during rainfall.

The proposal is for the construction of a Sustainable Urban Drainage System (SuDS) feature as a rain garden on the amenity land. The overall project objective is to reduce the load on the foul sewer system and the Exmouth (Maer Lane) Waste Water Treatment Works during rainfall. In this particular case the proposal is intended to intercept an existing surface water sewer which drains the school car park

A rain garden is a shallow depression with absorbent, free draining soil. It would have a concrete headwall and take the form of a swail with timber cheek dams. This would then run under a realigned footpath to a detention basin. The basin would be dug into the land reducing the ground level by around 1.3m.

The system is designed to intercept an existing surface water sewer which drains the school car park and roof area and is intended to act as an attenuation structure to hold back and provide storage during the peak of a storm and drain down over time. Currently the surface water sewer is connected into the foul sewer further downstream so all run off from the school drains to the Maer Lane Waste Water Treatment works. The soil in this area is clay down to a depth of more than 2m, the proposed rain garden

is therefore intended to act as an attenuation structure rather than a soakaway which will hold flow back and provide storage. The rain garden has been sized to store runoff from the school impermeable areas up to a 1 in 30yr return period storm.

ANALYSIS

The main considerations relate to the loss of the public open space as an amenity feature, the impact of the proposal on the appearance of the character and surrounding area, drainage considerations and tree impact considerations.

Principle

The applicant has stated that when the sewerage network is overwhelmed, homes must be protected from sewer flooding, and excess storm water is discharged to the River Exe through a number of storm water overflows. This is strictly regulated by the Environment Agency, and South West Water is committed to minimising the operation of these storm water overflows. South West Water's pilot "Watershed Exmouth" project is working with homeowners and schools to store water in tanks on higher ground, to manage the rainwater and reduce the operation of the storm water overflows into the River Exe. South West Water is investing £4million in Exmouth to prevent sewer flooding, reduce storm water overflows and cope with new housing developments. The proposed rain garden by the school is intended to act as an attenuation structure to hold flow back and provide storage during the peak of a storm and drain down over time, after storm water levels in the network have subsided.

As stated, the proposal forms open space land maintained by the Council.

Policy RC1 - Retention of Land for Sport and Recreation states that:

'Proposals that would result in the loss of open space currently or previously used for recreation and/or sports uses, play areas or playing fields will not be permitted unless:

1. Alternative provision of equivalent community benefit is made available and will be appropriately laid out by the applicant as a replacement. Or
2. Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site. Or
3. Locally There is an excess of public open space, children's play areas or sports pitch provision in the area as the case may be.'

Strategy 3 - Sustainable Development of the Local Plan states that the objective of ensuring sustainable development is central to our thinking. This means, amongst other criteria, conserving and enhancing the environment. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems.

Strategy 5 of the Plan states that open spaces will be protected from damage, and the restoration,enhancement,expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include(amongst other criteria) making use of and protecting from development areas that are vulnerable to surface water runoff and flooding.

The Strategy then goes on to say that new development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.

It is therefore clear that whilst local plan policies require the protection of vulnerable areas from surface water flooding, it also encourages the retention of existing open spaces to create attractive environments.

Letters of objection have been received that clearly show that this area holds value as an amenity space to those who live on Regents Gate particularly.

However, it is considered that although some useable open space would be lost to the swale and rain garden, the open nature of the site would remain. It would introduce a sustainable and interesting form of drainage within an urban setting. The footpath would be redirected around the site which would therefore still be useable, and the basin would be planted to enhance the appearance of the area. The open space would not therefore be lost. It would be enhanced and carry out a dual role as open space and as a means of reducing flood risk. The site will still be useable as open space and it is not considered that the proposal would conflict with policy RC1 or the relevant Strategies within the Local Plan.

Use and visual impact

The garden will either have water flowing through it, which cannot stagnate, or water will drain into the ground, any surplus water will be taken up by the plants. Some residents have mentioned possible springs affecting drainage in Long Causeway. This scheme is not connected with that issue but it is worth noting that this scheme will help provide additional capacity to the sewer network which will ameliorate the situation.

This Watershed Project also ties in with the Council's own Green Space Plan as the land is EDDC owned. The Green Space Plan (GSP) sets out East Devon's vision for using and managing our (Council owned) green spaces, and the ambitions they have looking forward for the green spaces in East Devon. This document recognises the value of green spaces and goes on to state that:

"The precise implications of climate change in East Devon over the next fifty years is not fully known however it is clear that any significant increase in hard surfacing of our green spaces along with the reduction in providing green spaces in our towns will lead to higher temperatures than in the surrounding countryside. East Devon's green spaces will therefore play a critical role in helping to redress this imbalance. Green spaces bring many important environmental benefits to our urban areas, including the cooling of air, storage of water, reducing the risk of flooding and the absorption of atmospheric pollutants. Whilst there is no definitive view of the effects of climate change, we are seeing more extreme weather patterns with warmer wetter winters and drier hotter summers. This will inevitably impact on how we plan our maintenance and management regimes for all our green spaces and we will be looking to working towards adapting design and planting in green spaces to minimise this impact. Green Spaces in East Devon therefore have an important role to play in reducing the effects of climate change and ensuring that we continue to make our district an outstanding place to live."

There is no intention to change any policing or maintenance regimes which currently exist. East Devon will continue to work with South West Water to agree future maintenance of this area to ensure it does not place an unacceptable level of additional demand on services.

There are no proposals within the planning application for street furniture or racks. The area would be landscaped to include a wetland mix and some additional planting to replace trees that would be removed. In this regard the landscaping is considered to be acceptable.

There would be no change to existing parking provision and with regard to health and safety, the basin will be fairly shallow at a 1 in 3 with low levels of water during a storm event that should ensure that any risk to health and safety is minimised.

In terms of there being other locations for the proposal, it is considered that this application should be determined on its own merits. The location and scale of the proposed rain garden has been derived with due regard to the position of the existing sewerage network, the requirements in relation to the nature of the overall site, the nature, topography, and suitability of the ground, sub soil conditions, access, environmental, and ecological restrictions.

As stated above the proposal has benefits in terms of mitigating impacts on the surface water runoff from the school and overall aspirations to reduce run off within Exmouth, and management of green spaces by the council, and introduce a surface water drainage system within an urban environment.

Whilst the concerns from local residents are appreciated, the site will remain as open space and whilst the usable area will decrease from the introduction of the swale and rain garden areas, the wider site will be enhanced with part of the site still usable. Coupled with the benefits of reducing flood risk elsewhere, the design, layout and management of the proposal is considered to be acceptable.

Tree Impact

A tree report has been received to accompany the application, which has been considered by the Councils arboricultural Officer. The plans have also been amended to realign the footpath in accordance with the recommendations of the arboricultural report. These plans and details are considered to be a significant improvement in relation to the impact and protection of the trees, particularly the TPO tree, and subject to a condition ensuing the development is carried out in accordance with the recommendations of the tree report is now considered to be acceptable.

Drainage

The further comments of DCC Flood Risk Team have been sought in relation to the updated plans and will be updated within the final report. There original comments are expected to have been addressed.

CONCLUSION

The proposal seeks to utilise an area of open space to help to address flood risk issues within Exmouth.

The proposal will introduce a swale and rain garden area that will collect surface water run-off from the school and control the flow of water into the combined sewer. This will help to reduce the flow of water within the combined sewer network and therefore reduce the possibility of flooding within Exmouth.

Whilst the proposal will retain the area as open space, the usable area of open space will be reduced. The loss of this area from usable open space is considered to be off-set by the enhancement of the remainder of the area and by the wider flood risk benefits from the proposal.

The area will continue to be managed by EDDC in association with SWW.

Whilst the concerns of the objectors are understood, due to the enhancement of the area, and the wider flood risk benefits, the application is considered to be acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved (including all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated August 2018 will have been completed:
 - a) The tree protection fencing and / or ground protection shall be in place and in accordance with the agreed specification.
 - b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
 - c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing.
- f) During excavations of the main detention basin, any exposed tree roots on northeast side of the basin shall be pruned in accordance BS 5837:2012 Trees in Relation to Trees in relation to design, demolition and construction - Recommendations Paragraph 7.2.

On completion of the main construction works and only to allow final surface finishing:

- g) The tree protection fencing can be removed.

(Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990)

4. The development shall be carried out in accordance with the landscaping scheme shown on the planting plan received 23rd August 2018. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

1089:DR:01 P5 (AMENDED)	Location Plan	23.08.18
ADDITIONAL INFORMATION	Arboriculturist Report	23.08.18

List of Background Papers

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

Ward Exmouth Littleham

Reference 18/1502/FUL

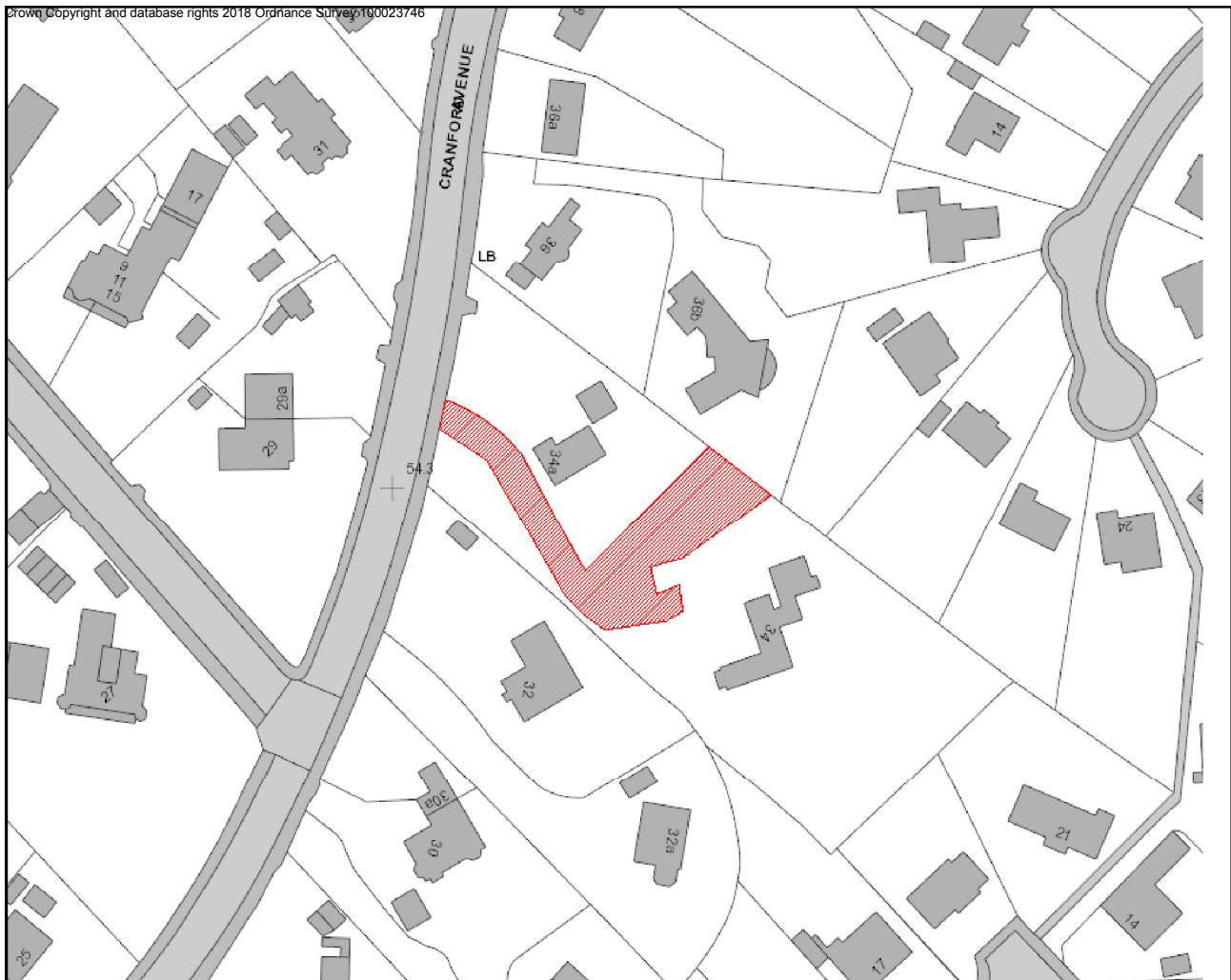
Applicant Mr Malcolm Sansom

Location 34 Cranford Avenue Exmouth EX8 2QA

Proposal Use of self-contained ancillary living accommodation as separate dwelling, with associated parking and amenity space



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2018
Exmouth Littleham (EXMOUTH)	18/1502/FUL	Target Date: 05.09.2018
Applicant:	Mr Malcolm Sansom	
Location:	34 Cranford Avenue Exmouth	
Proposal:	Use of self-contained ancillary living accommodation as separate dwelling, with associated parking and amenity space	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the Officer recommendation differs from the view of one of the Ward Members.

The application seeks approval for the use of an ancillary residential building as an independent dwelling.

The building occupies a site which is considered to be large enough to accommodate an independent dwelling with adequate amenity space, and given that it exists and is occupied for ancillary residential purposes, the situation in terms of loss of privacy, outlook and visual intrusion will not alter.

Some additional activity may occur as a result of the independent occupation of the building, although this is not considered to be unacceptable, particularly if additional development authorised on the remainder of the site takes place.

There is a suitable access to the property and adequate car parking.

As such, the proposal is considered to be acceptable.

CONSULTATIONS

Local Consultations

06.08.2018 Exmouth Littleham - Cllr B De Saram

I write in respect of 18/1502/FUL. On Friday 3rd August I received both a phone call and subsequent email from Julia Hadley who lives at 34a Cranford Avenue. In essence

what she has asked is that "As our ward councillor I would like to ask that you try to intervene with this application and push for it to be heard at the Development Management Committee. There are 11 objections on line as I speak from local residents and I am aware of 2 more that were posted by royal mail today a 2 more being submitted online this weekend....We strongly feel that this application should not be decided upon unless a site visit is made to not just 34 but to 34a so that you can see, first hand, the immediate impact it has on our amenities..". I realise that the comments period may have expired but I want to make the Planning Team aware of this email and what actions have been suggested as mitigating measures.

I have also discussed this matter with both Cllr Williamson and Cllr Humphreys and they agree that a site visit would be a good idea. So whilst I cannot recommend that this application comes to DMC myself and my fellow Ward Cllrs do believe that a site visit should be considered for this application on the basis that the application could be seen to fail Policy D1 specifically point 3e namely "The amenity of occupiers of adjoining residential properties.

Disclaimer Notice: In the event that this application should come to Committee I will reserve my position until I am in full possession of all the relevant facts and arguments both for and against. Therefore I have not pre-determined this application and will keep an open mind about it.

Further comments 07.08.2018

I am objecting to this application because all Ward Councillors are of the same opinion that a site visit to the property should be made in order to determine "The amenity of occupiers of adjoining residential properties" because it would appear to fail Policy D1 of the Local Plan (2016) specifically in regard to 34a Cranford Avenue. So yes I do put it forward for DMC to consider as per the planning process.

Parish/Town Council
Meeting 23.07.18

No Objection subject to the boundary screening between 34 & 34A being enhanced and maintained to protect the amenity of number 34A.

Further comments 20.08.18:

Objection as previous comment regarding the boundary screening between 34 & 34A had not been addressed and would not appear to be in line with Policy D1 3 of the Local Plan.

Technical Consultations

County Highway Authority

The site is based on the C595. This road has undergone similar applications in recent years.

This particular application utilises an existing access, the proposed development also includes off-carriageway dedicated parking and the ability for vehicles to enter and

egress in forward gear. Though I would recommend the provision of a cycle parking space/facility to encourage sustainable travel.

The proposal is only for one additional dwelling and therefore I do not believe this will place an unreasonable traffic capacity impact upon the local highway network vicinity.

Therefore, in summary, the County Highway Authority does not wish to raise an objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Comments to follow within 21 days

Other Representations

15 representations have been received, all raising objections which are summarised below

-) The building is too close to the neighbouring property
-) Building was only approved as ancillary accommodation
-) Additional noise and disturbance arising from permanent residential use
-) Overbearing and visually intrusive building
-) Poor access serving proposed dwelling
-) Siting of building out of character with surroundings
-) Will set a precedent for other similar proposals
-) Together with other approved development will represent an overdevelopment of the site
-) Re-siting of the garage doors will create further disturbance, noise and light pollution for the occupiers of the neighbouring property

PLANNING HISTORY

Reference	Description	Decision	Date
15/0126/FUL	Construction of detached 2 storey building to be used for ancillary/annex accommodation to 34 Cranford Avenue (amendments to building approved under reference 10/2398/FUL to straighten the eaves, remove leaded lattice work to the windows and amend the openings to the south and east elevations)	Withdrawn	12.02.2015

13/2647/MFUL	Demolition of existing dwelling and construction of 12 no. apartments within one block, laying out of parking area and provision of bin and cycle stores.	Approved with conditions	27.02.2014
13/1441/MFUL	Demolition of existing dwelling and construction of 14 no apartments within two blocks, laying out of parking area and provision of bin and cycle stores.	Refused	04.11.2018
12/0362/MFUL	Demolition of existing dwelling and construction of 14 no apartments within two blocks, laying out of parking area and provision of bin and cycle stores.	Refused	25.09.2018
10/2398/FUL	Construction of detached 2 storey building to be used for ancillary/annex accommodation to the main dwelling (renewal of planning permission 07/3281/FUL)	Approved with conditions	17.02.2018
07/3281/FUL	Erection of detached two storey building to be used for ancillary/annexe accommodation to the main dwelling	Approved with conditions	04.02.2008
06/2619/FUL	Erection of detached two storey building to be used for ancillary/annexe accommodation to the main dwelling	Refused (Allowed on appeal)	07.11.2018
05/0877/FUL	Erection of dwelling with alterations to access	Refused	18.05.2006

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)
TC9 (Parking Provision in New Development)

Government Planning Documents
NPPF (National Planning Policy Framework 2018)
National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site forms part of the larger garden area of 34 Douglas Avenue, a large detached house set within a spacious garden which is accessed from Douglas Avenue by a winding driveway. The site slopes from west to east and is occupied by a split level building which is of single storey height adjacent to the driveway and parking area serving the house, and two storey abutting the eastern garden area.

The building is located close to the northern boundary of the site, with the rear garden of a property fronting Douglas Avenue (number 34A) to the north of this. To the east the site abuts the rear gardens of residential properties, with a further residential property to the west and number 34 to the south.

BACKGROUND

34 Douglas Avenue has an extensive planning history as detailed above. At the present time there are considered to be 2 extant planning permissions on the site

Firstly the construction and use of the annex building for ancillary residential purposes to the main dwelling (built under application no. 10/2398/FUL which was a renewal of the earlier consent 07/3281/FUL).

Secondly the demolition of the main house and annexe and the construction of 12 flats with associated parking and development (approval granted under reference 13/2647/MFUL following refusal of a previous scheme for 14 flats that was refused due to the presence of 2 flats on the boundary to number 34A having a detrimental impact upon its amenity).

This second application has also been commenced by virtue of satisfying the pre-commencement conditions and works commencing on site in the form of necessary alterations to the driveway, and foundation works. At present however, although the 12 flats can be completed at any time, at present the site is lawfully occupied by number 34 as a single dwelling with its associated annexe that forms part of the current application.

The planning approval for the demolition of No. 34 and redevelopment to form 12 apartments with associated parking and associated development on the site of the existing house did not indicate the presence of the annexe building. If this permission for the flats were to be completed in accordance with the approved plans, and the existing dwelling replaced by the proposed flatted development, the use of the annexe building would become unauthorised as it would no longer be ancillary to another building. Retention of the annexe would also be contrary to the approved plans for the 12 flats as it not form part of the approved layout.

The application therefore needs to be considered in light of two possible scenarios:

-) That number 34 remains on the site; and,
-) That number 34 is demolished and replaced by the flatted scheme.

PROPOSAL

The application proposes the use of the building as a self-contained 2 bedroom (with an additional study) dwelling with its own associated parking and amenity space. The only external alterations proposed to the building are through the repositioning of the existing garage door from the southern to its western facing elevation.

The dwelling would benefit from use of the existing access drive (as existing) with its own garage, additional car parking for 2 vehicles with the rear garden enclosed by a 0.9m high wall with 0.9m high close boarded fence over to the southern boundary (this does not in itself require planning permission as it is less than 2m in height).

All other boundary treatment remains unchanged.

Issues and Assessment

The main issues to be considered are the principle of the use of the building as an independent dwelling and any impact which this would have on residential amenity, parking and highway safety. The relationship to the above two scenario's is also addressed below.

Principle

The application site is located within the built-up area boundary of Exmouth where new residential development and the change of use of buildings to residential uses is supported by Strategy 6 of the East Devon Local Plan. The application building has an authorised residential use, albeit restricted by condition to an annexe, with residential development of the site supported in principle by Local Plan policy. The principle of the development is therefore acceptable.

Impact upon residential amenity

The building was constructed in accordance with a previous planning approval and has permission to be occupied for residential purposes, albeit as ancillary accommodation to the main dwelling.

This application is seeking permission for the independent use of the building for residential purposes and therefore the location, design, scale and form of the building does not form part of the consideration of this application, other than in terms of the difference between the occupation as ancillary accommodation to the main house, and an independent dwelling.

In this respect the difference in activity levels arising from use of the building as an independent dwelling, rather than an ancillary residential use with no other occupancy

restrictions, is likely to be minimal. The annexe can be occupied 24 hours a day and whilst its use as an annexe relies upon some dependence on the main dwelling (for example occupancy by family or visiting friends taking meals or washing clothes or providing an element of care), the adjoining garden can be used as amenity space, the building can be occupied over-night, the garage can be used, and cooking can take place within the building. As such, in terms of the impact upon surrounding properties from becoming a separate dwelling, this should be no greater than as a fully used annexe.

The only physical alterations to the building would be in respect of the repositioning of the garage door, and the provision of a formal garden area to the east of the building (although this has always been the garden to number 34 itself). With regard to the relocation of the garage door from the southern to western elevations, as the garage door faces onto the access road, it is not considered that this would create any additional detrimental levels of disturbance.

In light of this, it is not considered that any additional harm in terms of loss of privacy, overlooking or impact on outlook would occur to an extent that could justify refusal of permission.

Size of the plot and visual impact

In terms of the proposed plot size, the application site would be smaller than its immediate neighbours within Cranford Avenue, it is considered to be reasonable and that an appropriate level of amenity would be afforded for any future occupiers.

Whilst the building is highly visible from numbers 32, 34a and 36b Cranford Avenue, it is not visible from the public domain and as such there is no concern regarding the size of the plot or its visual impact – particularly bearing in mind the only visual change to the building is from the re-positioned garage door which in itself is acceptable.

Whilst the current proposal is considered to be acceptable, it is also considered to be reasonable given the close relationship to number 34a in particular, to withhold permitted development rights in order to maintain control over any proposed alterations, extensions or amendments to the roof to ensure that the amenities of the occupiers of the neighbouring properties are maintained.

Given that the building exists with fence and boundary screening to the dwellings to the northern and eastern boundaries, it is not considered that additional landscaping is necessary to make the proposal acceptable.

Parking and highway safety

Although it could be argued that the independent occupation of the building may result in some additional vehicular and pedestrian movement, this is not necessarily the case. The annexe can already be occupied lawfully by family or visitors with their own cars as long as there is some link with the main dwelling.

Given the scale and location of the building, it is not considered that any independent use would give rise to a level of pedestrian or vehicular activity that would be of a level

that could cause a loss of amenity to surrounding residents to an extent that could justify refusal of planning permission. Devon County Council as the highway authority raise no objection to the proposal on highway safety grounds.

The dwelling is proposed to benefit from a large garage and two off-street car parking spaces therefore complying with Local Plan policy TC9 that seeks 2 car parking spaces for homes with two or more bedrooms.

Relationship to number 34 and the 12 consented flats

The above assessment is considered to stand regardless of whether the wider site is retained as a single dwelling, or if the 12 flatted scheme is fully built out.

The relationship of the building to either scenario is acceptable and even if the 12 flats are constructed, there is no concern regarding highway safety or access from this additional dwelling and it would be difficult to argue that as a whole the proposals represented over-development of the site.

In addition, the dwelling would retain a suitable distance and relationship with the 12 flats.

CONCLUSION

Although the strength of opposition to the proposal from local residents is understood, and it is disappointing that this application has been submitted given the previous refusal on the site for 14 flats and the subsequent consent for 12 flats with the annexe building being shown as removed, the application has to be considered on its merits.

An independent dwelling in this location is acceptable in principle. The proposed changes to the garage door/garage elevations cause no harm, and the use of the building as a separate dwelling as compared to the consented annexe will result in very little change in terms of traffic movements, noise and disturbance or loss of privacy.

In light of this, and given that the dwelling will have a suitable relationship with either the retained number 34 or the consented 12 flats, it is considered that a refusal of planning permission would be very difficult to justify. As such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the building.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

5838-30 D : OVERALL SITE	Proposed Site Plan	28.06.18
5838-35 C	Proposed Site Plan	28.06.18
5838/36	Proposed Elevation	09.07.18
5838	Location Plan	09.07.18

List of Background Papers

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

Ward Woodbury And Lymstone

Reference 18/1474/FUL

Applicant John Lomax

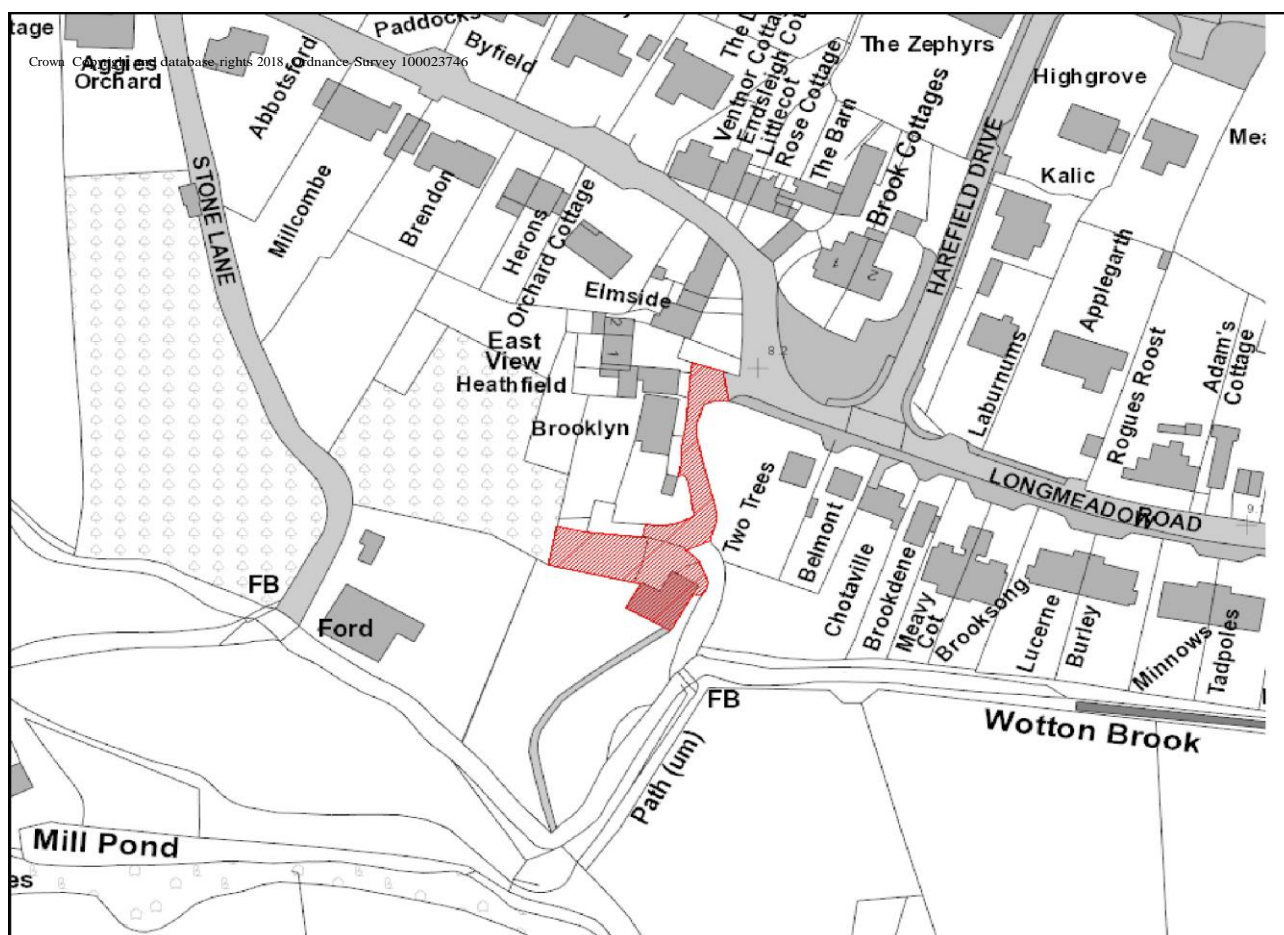
Location Land Adj Heathfield Longmeadow Road
Lymstone Exmouth EX8 5LF

Proposal Change of use from workshop and garage
to single dwelling (re-submission of
application 17/1168/FUL)



RECOMMENDATION:

1. That the habitat Regulations Appropriate Assessment within the Committee Report be adopted; and
2. That the application be APPROVED subject to conditions



		Committee Date: 2nd October 2018
Woodbury And Lympstone (LYMPSTONE)	18/1474/FUL	Target Date: 22.08.2018
Applicant:	John Lomax	
Location:	Land Adj Heathfield Longmeadow Road	
Proposal:	Change of use from workshop and garage to single dwelling (re-submission of application 17/1168/FUL)	

RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment within the Committee Report be adopted; and**
- 2. That the application be APPROVED subject to conditions**

EXECUTIVE SUMMARY

This application is before the Development Management Committee because the officer recommendation differs from the view of a Ward Member.

This application relates to an existing residential garage/workshop building situated along a track, which is also a public right of way, leading off Longmeadow Road in Lympstone. The building is single storey and has a hedge running to the east, where it adjoins the aforementioned public footpath. Neighbouring dwellings are situated to the north of the site, and also on the opposite side of the public footpath. The building is located in the open countryside, and is also within land designated as a Green Wedge in the East Devon Local Plan, and is within a flood zone identified by the Environment Agency.

Planning permission is sought to change the use of the residential workshop/garage to a dwelling. The proposal is essentially the same as that considered under application 17/1168/FUL. Clearly, in this instance, the decision of the Planning Inspector regarding application 17/1168/FUL is a material consideration of significant weight in the determination of this application. Although the Inspector dismissed the application, his report was largely in favour of the proposal. He found that the proposal was acceptable in terms of its appearance, impact on flooding and drainage, neighbour amenity, sustainability, and concluded that it was not harmful despite being located in the open countryside and in the green wedge.

In essence, the reason for which the appeal was dismissed related to the lack of a method of securing a financial contribution toward habitat mitigation, as the site

falls within 10 kilometres of the Exe Estuary and the Pebblebed Heaths. On this occasion, the necessary paper work to secure a habitat mitigation contribution has been submitted with the application. Therefore, the reason by which the appeal was dismissed has been addressed and overcome.

Given the above, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council
Object.

The original consent was for a small garage to replace a poor quality shed on the site. The Parish Council objected to a larger building on the site fearing exactly what has happened, namely that every attempt (there have been 6 subsequent applications) would be made to secure permission for a dwelling. The building has never even been used for its original purpose. Such actions make a mockery of the planning system.

We would re-iterate the earlier objections namely that the site is outside the built up area and in the green wedge where a dwelling with all its associated paraphernalia would harm the character of the area.

While accepting that rural buildings outside the BUAB can be converted to dwellings in certain circumstances, this proposal does not meet the criteria for such a conversion as set out in the Neighbourhood Plan Policy 2 or in Policy D8 of the Local Plan. Policy 2 specifically refers to the conversion of suitable rural buildings. While Policy 8 relates to the conversion of buildings, it is clear both from the heading of the policy and the written context that this relates to rural buildings not recently built domestic garages. The Planning Inspector has ignored this context and his interpretation of these policies should be challenged.

Part of the site is in Flood Zone 3 and while a garage/workshop is acceptable it is not a suitable location for a dwelling. The Environment Agency (EA) are concerned about the effect of the raised kerb/speed bump on the functionality of the flood plain and also about the means of egress for residents in the event of a flood. This issue was not covered in the appeal decision as the EA did not previously raise any objection.

A culvert runs under the access route to the property. Where this passes under Longmeadow Road it has collapsed in the past. It has now been repaired but there is concern that with increased traffic, particularly any heavy construction vehicles this next section may also collapse and cause flooding of properties further back upstream.

The increased awareness of flooding problems in the village and the comments of the EA surely introduce new material considerations to be taken into account.

The application states that foul sewage is to be discharged into the combined sewer. This is the same sewer that is the subject of a discussion with South West Water regarding its capacity, following problems with the discharge of surface water from the Longmeadow Road development. Until this is satisfactorily resolved there should be no additional discharge to the sewer.

If, despite these objections, the application is approved permitted development rights for any extension or ancillary buildings within the curtilage should be removed.

30th July 2018 - Heathfield Planning Application

Chairman Members,

I beg to report as follows:

Firstly, the Planning Inspector Appeal decision is flawed for the following reasons:

- 1) The site is referred to as being 7.1metres above sea level (correct). However this has nothing to do with the flooding potential of the area adjacent to Wotton Brook, Pretty Corner and the culvert under the pathway. (Flood zone 3)
- 2) The access is over a bono-fide footpath over which many children and pedestrians walk. It is not a road or bridle-way.
- 3) The footbridge over the brook has recently been raised in height above the flood flow to allow the increased height of flood water to pass under, but still does not prevent back up of flows from Longmeadow Road flows. The applicants son's car flooded on a previous occasion. The floor level of the garage is at the same level as underside of pedestrian bridge.
- 4) Previous flood flows have come down the main village street (Longmeadow Road) causing flooding to all properties in the vicinity. 15 of the appeal document refers.
- 5) In respect of walking to the main village Centre. The inspector says it is a level walk including the hill off the site to Strawberry, Burgmanns and School Hill (School, Pre-school, Village Hall, Youth Club and Glebelands Estate and Burial Cemetery).
- 6) Green Wedge. Again Mr Bale (inspector) appears to be unconcerned on the ingress to the wedge. This could be based on the EDDC Village Plan which was confirmed by EDDC on Wednesday last.
- 7) The property known as Garage/workshop has never been so used and was tied to Heathfield the house previously owned by Mr Spencer and family. The tie was changed to his current property 7 Harefield Cottages off the Strand in the Village Centre and still is according to an objector.
- 8) The inspector says that under Policy D8 of the local plan (which is used due to the fact that the Village Plan which formed a separate part of the said local plan was

not yet adopted) is used as criteria. Policy 4 of the N.P. is referred to at 13 of the Inspectors report.

9) EDDC and mitigation - No. 16 Inspectors report. They expected mitigation in the form of a payment, see 16 for details.

10) Planning Balance. See 10 and S.P.A.

Appeal dismissed and should stay dismissed - any new application as is before us to be decided on its own merits, not on the strength of a mitigation payment.

It is the general feeling of all objectors that the Appeal Inspector has at the least not been or did not look at all the points of concern and therefore the appeal is flawed. It was further understood by me that under SPA legislation the River Exe had to be seen from the site, which it clearly cannot be.

(Appeal document sent to all members for information by the Clerk.)

D.G. Atkins

Cllr LPC & Hon Alderman EDDC.

Woodbury & Lympstone - Cllr R Longhurst

16/07/18:

Whilst the appeal may have only been rejected on a technicality I have severe reservations concerning this development. The building is a result of demolishing a much smaller workshop and garage and moving it to a new location - outside the BUAB and within the Flood Zone. At the time the PC stated that it was too large for the purpose and asked for a stipulation that it was linked to the main property. This condition was withdrawn when a subsequent application was made. The land was then sold off and a new application for a dwelling made. In the NP an allocation for 40 new houses was provided for. We now have over 50 completed or in build. We do not need to extend the BUAB and this development would do so.

This is "planning creep" and must be opposed even if we need to go to appeal again. Failure to do so will encourage more unwanted development and more efforts to get around the planning regulations.

14/08/18:

I think the resume from Alderman Atkins is very thorough and covers all the points. I do not think the Inspector did a very good job but it is up to you to consider further/next actions.

Of particular note since the last application is the inability of SWW to confirm the capacity of the sewer. This came from the Longmeadow Road Application and is still unresolved - I do not see how SWW can agree a connection if the capacity is not known. Other errors within the report show a lack of understanding of the local circumstances.

I totally endorse Ald Atkins comments and would still OBJECT to this application and request it goes to DMC.

South West Water

I refer to the above application and would firstly advise that the comments of South West Water relate strictly to its impact upon the infrastructure for which we are directly responsible namely the public sewerage network and we have no objection to the foul flows only being connected to the public combined sewer.

The objections raised in relation to the increased flood risk the development may pose have it appears been considered in the response made by The Environment Agency and if not they should be re-consulted accordingly if needs be.

Further comments:

I refer to the above application where revised/amended plans have been submitted and would advise that South West Water have no further comments to those already given.

Environment Agency

10/07/18:

Thank you for consulting us on this application.

Environment Agency position

Whilst we are satisfied with the proposed finished floor levels we consider that further information is required in the Flood Risk Assessment (FRA) to demonstrate that the raised kerb will not result in an increase in flood risk to third parties. Your authority should also consult with your Emergency Planners in respect of access egress/issues.

Reason

We have reviewed the amended flood risk assessment, prepared by Jonathan Heriz-Smith (dated 16/05/18). It is noted that this assessment is identical to that which supported a previous similar application (EDDC ref. 17/1168/FUL). In line with our previous response, the Environment Agency finds the content of the assessment acceptable and will not raise an objection to the proposal on flood risk grounds.

The analysis of flood levels appropriately identifies a design water level which influences the proposed finished floor level of 7.85mAOD. Similarly, a number of mitigation measures are cited which are appropriate to help future proof the development against flood risk over the lifetime of development.

However, the provision of a raised kerb on the entry to the property will remove floodplain functionality from the site, during certain order events, through diverting water on to third party land. Increased risk to third parties are therefore an important consideration. It will provide benefits in terms of reducing flood risk to the development in question, but would place additional risk on third party interests through diverting flood water. The kerb is something that will need to be considered within the FRA.

Advice - Access/egress

Several residual risks are noted, where it would be appropriate to seek the advice of the Local Authority Emergency Planners prior to formally determining the application. These include:

1. Flood depths on the access/egress route to the property could be up to 0.5m in depth. Coupled with a potential flow of water, the hazard to individuals would be 'considered danger to most'.
2. Should residential occupation result from this application, then it would be appropriate to remove permitted development rights for the development. This will avoid the proliferation of additional outbuildings in the garden and extensions to dwelling, which would be seen as detrimental to flood risk.

Further comments 10/08/18:

Thank you for reconsulting us about this proposed development and for your email setting out that the applicant will not be amending their plans. In light of this we provide the following response.

Environment Agency position

We object to this proposal on the grounds that insufficient information has been submitted within the Flood Risk Assessment (FRA) to demonstrate that development will not increase flood risk to third parties. This is in line with the National Planning Policy Framework (NPPF) Section 160 (b).

Reason

There is the potential for increased flood risk to third parties resulting from the development. The provision of a raised kerb at the entrance into the site, and an earth bank within the site, have the potential to alter the functionality of the localised floodplain with possible adverse impacts for third parties.

These elements have not been fully considered in the assessment and so we are not able to make an informed response. A thorough assessment of relative levels needs to be undertaken but it is envisaged that further hydraulic modelling will be required to provide a justified answer.

It would also be valuable to have a steer from the local authority emergency planners, in terms of the acceptability of the access/egress provisions and raised 'table' refuge. Please refer to our previous correspondence regarding this matter.

Further comments 17/08/18:

Thank you for your email received on 13 August 2018 advising that the bank we have referred to in our previous responses is an existing feature outside the application site and that the applicant has suggested that the kerb can be removed from the proposal.

Environment Agency position

On the basis that the raised kerb is removed from the application drawings, we confirm that we will not raise an objection to the proposal on flood risk grounds. However, we remind you to also consult with your Emergency Planners in respect of access/egress issues before determining the application.

Reason

The provision of a raised kerb on the entry to the property will remove floodplain functionality from the site, during certain order events, through diverting water on to third party land. If this is omitted from the proposal this will resolve our concerns with this proposal. This in line with our previous response, (DC/2018/119877/01-L01, dated 18 July).

Advice - Flood risk

In our previous letter dated 18 July 2018 we also highlighted some residual risks which you will need to consider before the application is granted. These include:

1. Flood depths on the access/egress route to the property could be up to 0.5m in depth. Coupled with a potential flow of water, the hazard to individuals would be 'considered danger to most'. We recommend that you seek the advice of your Emergency Planners on this prior to formally determining the application.
2. Should residential occupation result from this application, then it would be appropriate to remove permitted development rights for the development. This will avoid the proliferation of additional outbuildings in the garden and extensions to dwelling, which would be seen as detrimental to flood risk.

Further comments 17.09.18:

Environment Agency position

We can remove our objection to the proposal on flood risk grounds but we advise to consult your council's emergency planners before determining the application.

Reason

We have reviewed the revised plans and acknowledge that the raised kerb has been removed from the entrance to the development site. Whilst the flood risk assessment does not specifically reference the omission of the raised kerb, it is now clear that our flood risk concerns are limited to the provision of safe access and egress to the development. However, it is appropriate for the East Devon emergency to have the final say on this matter. Our response of 17 August 2018 is otherwise still relevant.

County Highway Authority

Does not wish to comment

Other Representations

Eight letters of objection have been received, in which the following concerns are raised:

- Flood risk.

- The site is in the green wedge.
- The site lies outside the built-up area.
- Proximity to the footpath.
- Loss of privacy.
- The proposal is contrary to the Lypstone Neighbourhood Plan.
- The footpath may be blocked.
- Impact on trees.
- Highway concerns.
- Impact on nature.

PLANNING HISTORY

- Planning application 09/2021/FUL, for the erection of a replacement garage and workshop, was approved on 9th November 2009.
- Planning application 11/1566/FUL, which sought to amend the above-mentioned application as well as changing the use of the land from agricultural, was approved on 6th October 2011.
- Planning application 13/1262/VAR, which sought permission to remove the requirement of condition 3 of approval 11/1566/FUL for the building to be used in conjunction with Heathfield only, was approved on 29th August 2013.
- Planning application 15/1010/FUL, for the erection of a dwelling, was withdrawn on 22nd July 2015.
- Planning application 16/2740/FUL, for the change of use from a workshop and garage to a single dwelling, was refused on 22nd March 2017.
- Planning application 17/1168/FUL, for the change of Use from workshop and garage to single dwelling (resubmission of application 16/2740/FUL), was refused on 10th August 2017. This application was subsequently dismissed by the Planning Inspectorate on 31st May 2018 on the basis of a lack of financial contribution to mitigate the Habitat Regulations impact.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

D8 (Re-use of Rural Buildings Outside of Settlements)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

Lympstone Neighbourhood Plan

Site Location and Description

This application relates to an existing residential garage/workshop building situated along a track, which is also a public right of way, leading off Longmeadow Road in Lympstone. The building is single storey and has a hedge running to the east, where it adjoins the aforementioned public footpath. Neighbouring dwellings are situated to the north of the site, and also on the opposite side of the public footpath.

The building itself is located in the open countryside, although it should be noted that part of the access to the site (along the public footpath) is within the built-up area boundary. Furthermore, the building is also within land designated as a Green Wedge in the East Devon Local Plan, and is within a flood zone identified by the Environment Agency.

Proposed Development

Planning permission is sought to change the use of the residential workshop/garage to a dwelling. The proposal is essentially the same as that considered under application 17/1168/FUL but seeks to address the reason for the dismissal of the appeal, namely the lack of a financial contribution to mitigate its ecological impacts.

Consideration and Assessment

Principle of development and previous appeal

Clearly, in this instance, the decision of the Planning Inspector regarding application 17/1168/FUL is an important consideration in the determination of this application. Although the Inspector dismissed the application, his report was largely in favour of the proposal, and the final paragraph of the inspectors report stated:

"I have found no harm to the character and appearance of the area and that the building is appropriately located and suitable for conversion. However, in light of guidance the National Planning Policy Framework, the unmitigated effect on the SPA is the determinative issue in this case. LP strategy 7 is an overarching policy seeking to control development in the countryside. Whilst large parts of the policy are complied with, the criterion seeking to protect areas of importance for nature conservation is not met and the proposal is in conflict with this policy and, by extension, the development plan when read as a whole. The appeal is, therefore, dismissed."

In essence, the reason for which the appeal was dismissed related to the lack of a method of securing a financial contribution towards habitat mitigation, as the site falls within 10 kilometres of the Exe Estuary and the Pebblebed Heaths SPA. On this occasion, the necessary paper work/contribution to secure a habitat mitigation contribution has been submitted with the application. Therefore, the reason by which the appeal was dismissed has been addressed.

Impact upon the countryside location and Green Wedge

The site lies outside the built-up area of Lympstone and is also within a green wedge. In refusing the 2017 application, the Council gave the following reason:

"In the absence of any Local Plan or neighbourhood Plan policy support for the proposal, and by virtue of its location in the open countryside and within the Green Wedge, the proposed development would result in a proposal which would be detrimental to the rural nature of the area to the south of the site. This would be detrimental the visual amenity of the area, would result in the spread of domestic paraphernalia into the open countryside and result in an unsustainable form of development with subsequent reliance upon the use of the car. Consequently, the proposal would be contrary to Strategies 7 (Development in the Countryside) and 8 (Development in Green Wedges), Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, the Lympstone Neighbourhood Plan, and guidance contained within the National Planning Policy Framework."

However, in his report, the Planning Inspector reached a different conclusion regarding these matters. In paragraph 6 of his report, the Inspector concludes that the existing building has a domestic character and that the proposed alterations would be compatible with this. He then goes on to state that:

"Whilst the resultant dwelling would have a fairly suburban appearance, the changes to the building when viewed from the public footpath would be relatively minor and, as such, would not cause harm to the character and appearance of the area."

The Inspector also states that, in his view, the proposed boundary treatment would "to some extent enhance the setting of the building and the site"

With regard to the impact of the proposal on the open countryside and the Green Wedge, in paragraph 8 of his report, the Inspector states:

"the effect of the proposal on the character and appearance of the area would be very small and would not result in a narrowing of the gap between Lympstone and Exmouth. It would not conflict with the green wedge objectives as set out in strategy 8. Nor would it conflict with those aspects of strategy 7 or policy D1 of the LP that seek to ensure that proposals do not harm the distinctive landscape character and environmental qualities of an area."

Furthermore, the Inspector acknowledged that the site lies outside the built-up area boundary, but concluded that the site was not unsustainable, as detailed in paragraph 9 of his report, which states:

"Whilst the building is outside the defined built-up area boundary, this does not automatically make future occupants reliant on the private car. Distances to the Exeter and Exmouth bus stops are contested by the parties, but at my site visit I saw that this walk was relatively short and level, as was the walk to the village

shop, village hall and a number of other facilities. As such, the site is not divorced from local services and facilities."

Given the above, it is considered that the Council could not reasonably raise an objection to the proposal in terms of its impact on the open countryside or the green wedge, or on sustainability grounds.

Suitability of the building for conversion

In terms of the suitability of the building, the Inspector concluded that the building can be considered to fall under Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan and in paragraph 11 of his report stated the following with regard to this Policy:

"In terms of the policy D8 criteria, I have already found that the proposals would enhance the setting of the site, not harm the character and appearance of the area and that future occupiers would not be reliant upon the private car. It would not prejudice agricultural activities, nor does the policy explicitly require the building to have had a previous agricultural use. The site is well related to the settlement and as such, the proposal would not result in a dispersal of activity that would prejudice village vitality. There is no substantive evidence to suggest that the other criteria are not met and as such, the proposal would comply with LP policy D8."

Given this, it would not be reasonable for the Council to object to the proposal on the grounds of Policy D8 and there is no requirement for the building to be in a rural use, simply to be located within a rural area.

Lympstone Neighbourhood Plan

The Inspector noted Policies 2, 3 and 4 of the Lympstone Neighbourhood Plan. However, for the reasons above, the Inspector felt that the proposal accords with those Policies. It is considered that there is no reason for the Council to disagree with this view, and that to do so would be unreasonable.

Finally, with reference to the site, in paragraph 14 of this report, the Inspector concluded that:

"the site is an appropriate location for the development proposed. The building is suitable for conversion and complies with relevant policies of the NP and LP policy D8. By extension, it would comply with the first part of strategy 7 of the LP that seeks to ensure that only development explicitly allowed by other policies of the development plan is permitted in the countryside. Given that the proposal accords with the development plan in this regard, whether or not the Council can demonstrate a 5 year supply of housing would not affect my overall findings on this issue."

Flood Risk

Although the application site is located within Flood Zone 2, as the application is for a change of use of an existing building, there is no need for the proposal to be subject to the Sequential Test. It does however need to be designed to ensure that the flood risk is designed into the proposal and these works, particularly the finished floor level, have been agreed with the Environment Agency.

The matter of flooding has again been raised as a concern with regard to this site. However, it is notable that the Inspector did not raise it as an issue despite being aware of the location of the site within Flood Zone 2 as part of the appeal. In effect, the Inspector accepted suitability of the building for conversion subject to control over the finished floor level. Obviously occupiers of the building could be impacted during a severe flood event due to the access to the site also being within the flood zone. Again, no concerns regarding this were raised by the Inspector and as such it would be difficult to justify a refusal of permission and as such even if the Emergency Planner were to mirror the concerns of the Environment Agency regarding the risk from waters on the access during a flood event, it would be very difficult to justify refusal of planning permission. The applicant and Emergency Planner have however been made aware of the comments from the Environment Agency regarding this and the applicant will need to ensure that they are adequately prepared for a flood event.

The Environment Agency originally objected to the application but following amendments to the plans to remove a proposed kerb, the Environment Agency has withdrawn their objection to the proposal. Concerns about the intention to install a close boarded gate at the entrance to the site have been raised. However, the Environment Agency has not objected to this. Given this, it would not be reasonable for the Council to object to the proposal on flood risk grounds. Notwithstanding this, the Environment Agency has recommended that the removal of some permitted development rights for developments which could impact upon flood risk; given this, it is considered reasonable to withdraw permitted development rights for extensions, outbuildings, hardstanding and fences/gates.

Objections to foul sewerage being discharged into the combined sewer have also been raised. However, South West Water has not objected to this and, therefore, it would not be reasonable for the Council to object to the proposal on these grounds. The Inspectors decision did not raised any concerns regarding foul sewerage.

Other Matters

As with the previous application, the openings on the eastern, southern and western elevations of the dining/living room and kitchen face onto land outside of the red line. Given this, and as the land outside the red line does not currently appear to have consent to be used as domestic curtilage, it is considered reasonable to impose a condition to ensure that these openings are non-opening; this would be in order to clarify the permission and prevent further domestic incursion into the open countryside. Furthermore, the withdrawal of permitted development rights for further openings on those elevations is considered to be reasonable and necessary.

No objections to the proposal have been received by the County Council Public Footpath Officer. Therefore, it would be unreasonable for the Council to object to the proposal with matters relating to the impact upon the public footpath. Similarly, the County Highway Authority has not objected to the proposal and, therefore, the Local Planning Authority could not reasonably raise an objection in this regard.

The comments made by third parties and the Parish Council are noted. Many of these have been considered above, and were covered by the Inspector in his report. One matter not yet covered is the impact of the proposal on neighbour amenity; in this regard, it is considered that the proposal would not result in a loss of amenity as it would not immediately adjoin another property, would be single storey and there is screening on the boundary with the public footpath. The Inspector did not raise neighbour amenity as a concern. In terms of the impact on wildlife, the proposal relates mainly to an existing modern building. Therefore, there are not considered to be any concerns in this regard.

Habitat Mitigation and CIL – Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Affordable Housing Contribution

As the application is for a straight change of use with no new build proposed, the applicant can off-set any affordable housing contribution against its Vacant Building Credit allowance. As such there is no affordable housing contribution payable on this proposal.

CONCLUSION

Despite the concerns raised by third parties, the Parish Council and Ward Members, an identical application was dismissed earlier this only on the ground that it failed to secure the necessary financial contribution to mitigate the habitats impact. This contribution has been secured as part of the current application and as such the application is considered to be acceptable.

The original objection from the Environment Agency to the inclusion of a raised hump at the entrance that would have impacted upon flood water has been overcome.

In light of the above, it is not considered that a refusal of planning permission could be justified. Whilst it is appreciated that the decision of the Inspector is not agreed by a number of parties, the Inspector made the decision in full knowledge of the relevant designations, Local Plan and Neighbourhood Plan policies. As such a refusal of planning permission could not be successfully defended at appeal and could lead to the grant of costs against the Council.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment within the report be adopted:**
- 2. APPROVE subject to the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
 3. The openings on the eastern, southern and western elevations of the dining/living room and kitchen, as shown on plan number 1753/02f, shall be non-opening and shall remain so in perpetuity.
(Reason - In order to clarify the permission, and to prevent further domestic incursion into the countryside to accord with Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013 - 2031, as well as the Lympstone Neighbourhood Plan).
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors or other openings other than those shown on the plans hereby permitted shall be formed in the eastern, southern and western elevations of the dining/living room and kitchen, as shown on plan number 1753/02f.
(Reason - To prevent further domestic incursion into the countryside to accord with Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013 - 2031, as well as the Lympstone Neighbourhood Plan and guidance contained within the National Planning Policy Framework.)
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2

Part 1 Classes A, D, E or F, and Schedule 2 Part 2 Class A shall be undertaken to, or within the curtilage of, the dwelling hereby approved.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area, as well as in order to prevent an increase to flood risk, in accordance with Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031, as well as the Lympstone Neighbourhood Plan and guidance contained within the National Planning Policy Framework.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

	Location Plan	27.06.18
1753/01h (AMENDED)	Proposed Site Plan	05.09.18
1753/02f : ELEVATIONS+P LANS (AMENDED)	Combined Plans	05.09.18

List of Background Papers

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

Ward Woodbury And Lymptstone

Reference: 18/0869/FUL

Applicant Mr Dyer

Location Strawberry Fields Livery Yard Meeting Lane Lymptstone Exmouth EX8 5HS

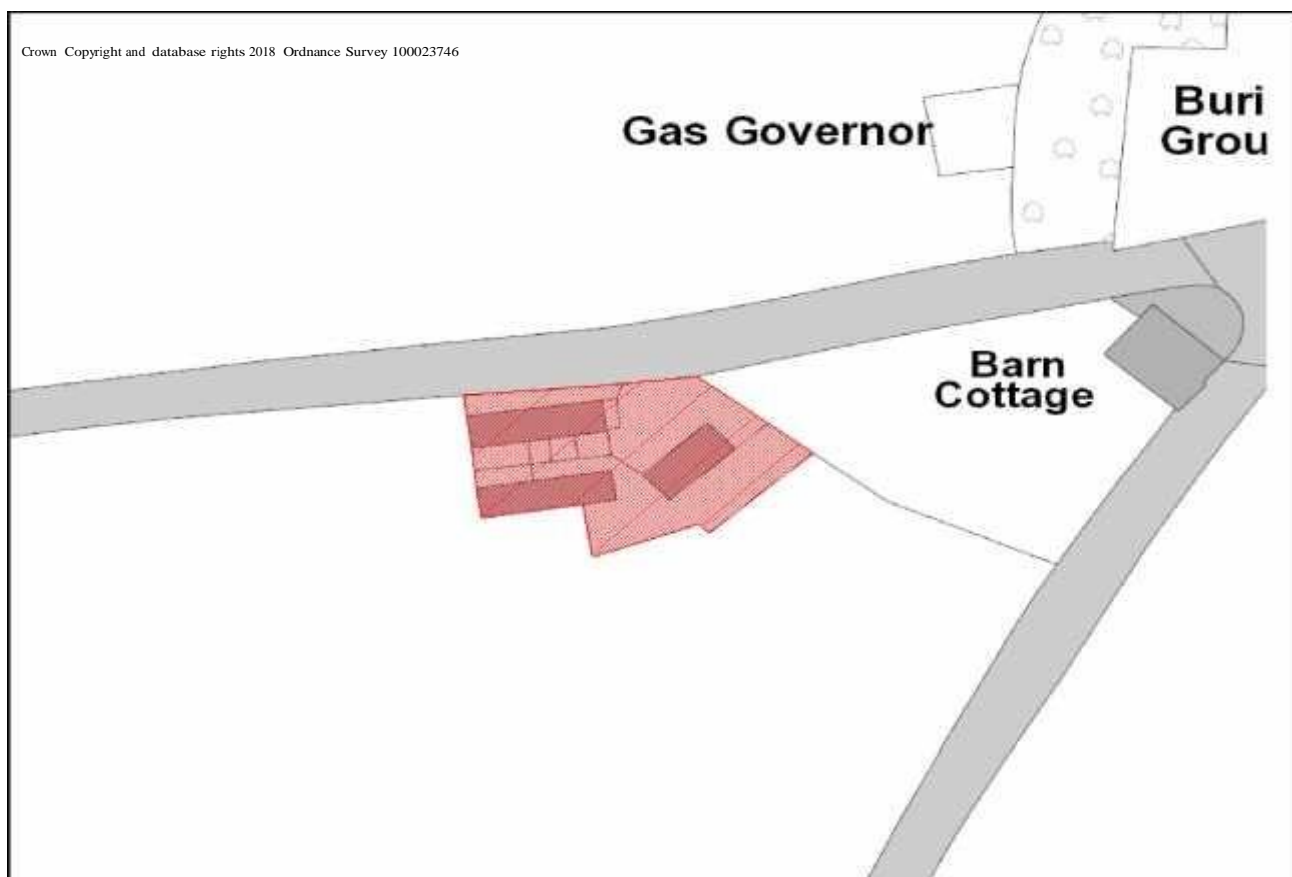
Proposal Conversion of two barns/stables to form one dwelling with a link extension, and use of remaining buildings for ancillary domestic purposes



RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be **APPROVED** subject to a legal agreement to secure the affordable housing contribution and subject to conditions

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		Committee Date: 2nd October 2018
Woodbury And Lympstone (LYMPSTONE)	18/0869/FUL	Target Date: 18.06.2018
Applicant:	Mr Dyer	
Location:	Strawberry Fields Livery Yard, Meeting Lane, Lympstone	
Proposal:	Conversion of two barns/stables to form one dwelling with a link extension, and use of remaining buildings for ancillary domestic purposes	

RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be APPROVED subject to a legal agreement to secure the affordable housing contribution and subject to conditions**

EXECUTIVE SUMMARY

This application is before members of the Development Management Committee because officer recommendation is contrary to the view of the Ward Member.

Planning permission is sought for the conversion of two barn/stables to form one dwelling on a site which is located outside of the Built-Up Area Boundary of the village as defined within the Lympstone Neighbourhood Plan (LNP) which defines the Built-Up Area Boundary for Lympstone.

Whilst the site is in the open countryside it is in reasonably close proximity to the development boundary of the village (within 300 metres) and the range of everyday services and facilities within it and to frequent bus services on the A376. Whilst the concerns of the Parish Council, Ward Member and local residents in respect of the site being located outside of the BUAB are noted, this does not in itself constitute a reason to refuse the application. Indeed the wording of Policy 2 of the Neighbourhood Plan is intended to permit the conversion of rural buildings outside of settlements to a variety of uses (including residential). In addition, the proposal would provide a single-storey 3-bed family home in accordance with Policy 4 of the Neighbourhood Plan.

The site is considered to be an appropriate location for the development proposed and the building is suitable for conversion to a residential use which complies with the provisions of Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan and given that the proposal is for the conversion of existing buildings, there would be no harm to the Coastal Preservation Area.

The conversion scheme itself with its modest link extension is considered to be sensitive and appropriate for the site's rural context and setting and would result in no harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, ecology or highway safety.

In light of the support offered to the conversion of rural buildings to residential use where located close to services and facilities by Policy D8 of the Local Plan, given the support from Policies 2 and 4 of the Neighbourhood Plan, and the proposal being acceptable in all other regards, the application is recommended for approval subject to a legal agreement to secure the necessary affordable housing contribution and subject to conditions.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr R Longhurst

I OBJECT to this application. Should Officer's be mindful to grant the application then I would like it to go to DMC. Reasons for my Objection:-

1. This is a development outside the BUaB
2. This is a development in open countryside
3. This is NOT a disused agricultural building but a livery.
4. The stables are in such condition that it is unlikely they can be converted as detailed - they would need to be demolished.
5. The applicant benefitted from a exception case in the Lympstone NP and cannot therefore plead that he was unaware of it or the possibility of submitting sites for their inclusion.
6. With the number of completed + inbuild houses in the village now exceeding the 40 target and a potential for in excess of 59 there is no need at this moment in time to extend the BUaB to gain more development.

Parish/Town Council

Object

These buildings are of timber with an asbestos cement roof and the Council queries whether they are structurally capable of "conversion" as distinct from an almost complete rebuild (new roof, new windows, new wall finishes)

It is some distance from the village's services and facilities and residents would certainly travel by car to these on a regular basis.

The proposal does not meet the criteria set out in policy D8 of the Local Plan.

Technical Consultations

County Highway Authority

Highways Standing Advice

Conservation

No comments as the works would result in little or no harm to the heritage assets within the immediate and wider area.

Building Control

10/09/18 - I have had a quick look through the report and would suggest that from a Building Control perspective, based on the building being subject to a material change of use under Building Regulations, that the report would be required to be more detailed in terms of wind loadings, racking and additional live loads created by changing roof materials, insulation and surface finishes. There is a difference between the building being structurally unsound to it being justified through this report that building meets the performance criteria in terms of a building changing its use. There is nothing in the report that suggests the building is structurally unsound.

In essence the conclusions in principle are acceptable, in that additional sheathing materials and additional purlins could be used to ensure the building meets the requirements of Part A of the Building Regulations, and in that these could be acceptable remedial measures. These would need to be subject to additional justification through calculation and detailing.

The reference to the foundation depth does not refer to the strata incurred at the base of the foundation and therefore has little substance. Again, this may not be an issue if the strata incurred is stable and not the subject of any other influences such as trees or water courses.

The structural integrity of the building is a measure that will be examined as part of the Building Regulations application irrespective whether the application is with the Local Authority or through Private Building Control.

Therefore I will leave the decision in your hands as to whether you accept the report. I would point out that the walls and roof will need to be insulated which will add to wall thicknesses internally.

Other Representations

4 letters of objection have been received raising the following concerns:

-) Lympstone already has houses under construction outside BUAB
-) Impact on character of the area
-) Capacity of the sewer network
-) Contrary to Local Plan policies
-) Impacts on wildlife
-) The buildings are working stables not barns
-) Contrary to LNP which permits 15 dwellings outside of the BUAB for social housing
-) Highway safety
-) Site is within open countryside
-) Creeping development will lead to coalescence with adjoining Parish.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 27 (Development at the Small Towns and Larger Villages)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Lympstone Neighbourhood Plan

Site Location and Description

The site comprises two single storey timber clad stable blocks with a concrete yard between them and a detached garage. The stables are accessed off Meeting Lane just north of Lympstone and are orientated east-west and sit parallel to Meeting Lane.

In planning terms, the site is located in the countryside, outside of the built-up area boundary of Lympstone as defined within the Lympstone Neighbourhood Plan. The site falls within an area designated as a Coastal Preservation Area.

Proposed Development:

Planning permission is sought for the conversion of the stables to create a three bedroom dwelling. The conversion would utilise the footprint of the existing building but includes a single storey extension to the eastern elevation to link the two buildings together. The space in-between the two stables would be used as a private garden and terrace. The existing garage would be retained for parking and storage and the site would be accessed via the existing vehicular entrance off Meeting Lane.

ANALYSIS

Issues and Assessment:

The main issues to consider in determining the application are in terms of the principle of development, the impact of the conversion on the character and appearance of the area, heritage assets, ecology and biodiversity, highway safety and affordable housing.

Principle

The village of Lympstone has been identified as being a sustainable settlement suitable for residential development under Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan because of its range of services, facilities and access to public transport. This site is however located outside of the built-up area boundary of the village as defined within the Lympstone Neighbourhood Plan (LNP). In addition, the site falls within an area designated as Coastal Preservation where development or any change of use will not be allowed if it would damage the undeveloped/ open status of the designated area (Strategy 44 of the Local Plan refers).

Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

Policy 2 of the LNP states that 'other than through the conversion of suitable rural buildings, the development of new isolated homes in the countryside will generally be resisted'.

Policy 4 of the LNP seeks to ensure that new housing meets the needs of the parish community identifying a need for two and three bedroom family houses and single storey homes adapted for the elderly.

The proposal complies with Policy 2 and Policy 4 of the Neighbourhood Plan.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan states that the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted where:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality. The policy also states that for residential proposals it must be established that:

- a) the building is no longer required for agricultural use or diversification purposes; and
- b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc.
- c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents

Comment: Whilst the site is in the open countryside it is in reasonably close proximity to the development boundary of the village (within 300 metres) and the range of everyday services and facilities within it. Whilst the concerns of the Parish Council, Ward Member and local residents in respect of the site being located outside of the BUAB are noted, this does not in itself constitute a reason to refuse the application. Members will note a recent appeal decision (ref APP/U1105/W/17/3192810) at Longmeadow Road in Lymptstone for the change of use of a workshop and garage to a single dwelling which was located outside of the BUAB of Lymptstone. The appeal was dismissed on biodiversity grounds however the Inspector made the following points about sustainability, the village BUAB and the Local Plan and Neighbourhood Plan policies which are considered pertinent to this appeal:

‘Whilst the building is outside the defined built-up area boundary, this does not automatically make future occupants reliant on the private car. Distances to the Exeter and Exmouth bus stops are contested by the parties, but at my site visit I saw that this walk was relatively short and level, as was the walk to the village shop, village hall and a number of other facilities. As such, the site is not divorced from local services and facilities.

‘Policy D8 of the LP sets out criteria against which to assess the suitability of rural buildings for conversion. The applicability of this policy to the appeal proposal is contested as the building, being a domestic garage/workshop is not a typical rural building. However, the wording of the policy states that the “re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted” subject to a number of criteria. Notwithstanding that the building has only recently been constructed and was intended for use as a garage, this is one such building and, therefore, the policy should apply and provide the main framework for assessing acceptability of the proposal’.

‘In terms of the policy D8 criteria, I have already found that the proposals would enhance the setting of the site, not harm the character and appearance of the area and that future occupiers would not be reliant upon the private car. It would not prejudice agricultural activities, nor does the policy explicitly require the building to have had a previous agricultural use’.

Whilst this application site is located on the opposite side of the village to the aforementioned appeal site, the site is within easy cycling distance to the village. It is accepted that Meeting Lane is a rural lane that does not have any street lighting or pavements which may deter future occupiers of the development to walk into Lymptstone, however the site is also within easy walking distance to the bus stops on the A376 (within 350 metres) allowing occupiers of the proposed dwelling to access frequent bus services to the surrounding villages, Exmouth and Exeter. As such, whilst the site is within the countryside, the intention of the policy is to cater for rural buildings

that are located outside of settlement boundaries and therefore this is not considered to be a sufficient reason to refuse the application. The site is not considered to be isolated or significantly divorced from local services, facilities or public transport that would justify a reason for refusal on accessibility or sustainability grounds.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

Comment: The application is accompanied by a structural survey of the buildings which concludes that the majority of the structure is in reasonable condition, structurally suitable to convert to residential accommodation.

The survey has been updated at the request of officers to be more thorough and to include an inspection of the foundations.

The report sets out a number of recommendations which includes additional sheathing materials that would be used to strengthen the walls of the building internally and that additional purlins may be needed to support the roof but these measures are considered to be remedial measures rather than structural additions to the building. The survey has been considered by the Council's Building Control Officer who has advised the survey appears to demonstrate that the building is structurally sound and capable of conversion.

Whilst local concerns about the structural condition of the building is noted, it is considered that it has been demonstrated that the building is structurally sound and capable of conversion without substantial alteration or reconstruction. There is nothing within the report which suggests the main structure of the building would not be retained to conclude that its conversion would be a reconstruction (which would not be supported by the policy). Changes to the building would be internal to include new plywood sheathing to the timber framework which would be concealed within the wall finish build up and would not be tantamount to new construction and additional bolts and brackets to secure panel sole plats to the slab which would not materially alter the external appearance of the buildings. Subject to a condition that requires the development to be carried out in accordance with the conclusions and recommendations contained within the report, the proposal is considered to represent a conversion of the buildings which would comply with the provisions of this part of the policy.

The extension on the eastern elevation of the building is not considered to be a significant additional to the building and is considered to be a reasonable requirement to link the two buildings together for the proposed residential use.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

Comment: With the exception of the single storey link extension, the changes to the building would be limited to external alterations which include the addition of black timber cladding to the walls and a replacement metal standing seam roof. A number of new window and door openings would be created to provide light into the living

accommodation which would domesticate the appearance of the buildings to a degree. However, in general the chosen materials and extent of alterations are considered to be appropriate for the rural character and context of the site. A condition is recommended requiring the submission of samples of materials.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;

Comment: The existing site is used as a stables and therefore it isn't considered that a residential use would give rise to significant additional traffic movements. The existing garage on the site would be retained and used for storage and parking so there would be no additional harm to the countryside in this respect.

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

Comment: The site is in an equestrian use so its conversion to residential would not undermine an existing agricultural enterprise.

In addition, for residential proposals, Policy D8 has the following further criteria:

- a) The building is no longer required for agricultural use or diversification purposes; and

Comment: The building is not within agricultural use.

- b) That its conversion will enhance its setting – e.g. through removal of modern extension and materials, outside storage, landscaping etc.

Comment: The proposal is of a suitable design that will enhance the setting of the site.

- c) Development is located close to a range of accessible services and facilities to meet everyday needs of residents.

Comment: As detailed above, the site is a 300m walk from Lymptone. A recent appeal decision confirmed that proposals outside of a boundary can meet this criteria. As Policy D8 deals with the conversion of buildings in the countryside to residential use, and Policy 2 of the Neighbourhood Plan allows the conversion of suitable rural buildings to residential use, these policies recognise that there will be situations where there are rural buildings outside of a BUAB that are close enough to services and facilities to be supported. This is one such instance.

On balance, the site is considered to be an appropriate location for the development proposed. The building is suitable for conversion and is considered to comply with the provisions of policy D8 of the Local Plan and Policies 2 and 4 of the LNP which permits the conversion of suitable rural buildings, seeking to avoid isolated new homes in the countryside.

Character and Appearance

The site is located in the countryside, within a rural environment in an area designated as a Coastal Preservation Area. Strategy 7 states that development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Strategy 44 states that development will not be permitted if it would damage the undeveloped/ open status of the designated area or where visually connected to any adjoining areas. The conversion scheme is generally considered to be sympathetic and appropriate to the countryside and the rural character and appearance of the area. The building footprint would not be significantly extended and would be well contained within the existing site. Its conversion would result in no significant harm to the character and appearance of the area and would not undermine the objective of the Coastal Preservation Area designation.

Residential Amenity

The site is considered to be well distanced from the nearest neighbouring property Barn Cottage to the east. It is not considered that a residential use would give rise to any harm to the residential amenities of the occupiers of this property to sustain an objection. The proposal is considered to comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan.

Heritage Impact

The Council's Conservation Officer has advised that the proposal would result in little or no harm to the heritage assets (grade II listed Boundary Cottage and the Burial Ground) within the immediate and wider area.

Ecological Impact

The application is accompanied by an ecological survey which has been prepared by a suitably qualified ecologist. The report has surveyed the buildings which are to be converted and confirms that they do not support a bat roost and the conversion would not result in any harm or disturbance to bats. The report advises that a total of 18 former swallows nests were identified within the stables and that it is likely that bird nest sites could be re-established, with/ upon the stables during future bird nesting seasons. The ecological report sets out a number of appropriate measures and mitigation and enhancement which includes the provision of a bat roosting unit and a house sparrow nesting terrace which can be secured through condition. It is not considered that the proposal would give rise to any harm to species which are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 and the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a

Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are work in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Highway Safety

Covered in the earlier section of the report, it isn't considered that the proposal would give rise to significant additional traffic movements to affect highway safety. The site access has a good level of visibility and the proposal makes adequate provision within the site for parking and turning such that it is considered that the proposal complies with the provisions of policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Local Plan.

Affordable Housing

Following the publication of the new NPPF, and given the wording of Paragraph 63 and Strategy 34 of the Local Plan, as this application proposes a new residential dwelling in a designated rural area, it is required to provide a contribution towards affordable Housing.

On the basis that only 1 dwelling is proposed, a financial contribution is required. This has been calculated on the basis of the additional floorspace proposed as a proportion of the proposal (as the existing floorspace to be converted benefits from Vacant Building Credit relief), and as such the contribution required is £2,460.58.

The applicant has agreed to this contribution and it can be secured through the completion of a legal agreement. Subject to the receipt of a suitable legal agreement securing the contribution, the application addresses its affordable housing needs.

CONCLUSION

Although the site is located outside of the Built-Up Area Boundary for Lymptstone, the Lymptstone Neighbourhood Plan contains Policy 2 that supports the conversion of suitable rural buildings to residential use. In addition, the application proposes a single-storey 3-bed dwelling in accordance with Policy 4 of the Neighbourhood Plan.

In addition, the proposal complies with Policy D8 of the Local Plan as it proposes a suitable conversion of a rural building in a location close to the boundary of a

sustainable settlement. It is also considered that the other criteria to Policy D8 are satisfied.

Although the site is located within the Coastal Preservation Area, the conversion and small extension to the existing building will not damage the undeveloped or designated status of the area.

On the basis that the details of the application area acceptable and both Policy 2 of the Neighbourhood Plan and Policy D8 of the Local Plan supported the conversion of rural buildings to residential use where close to a range of services and facilities, the application is supported.

RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be APPROVED subject to a legal agreement to secure a financial contribution of £2,460.58 towards affordable housing, and subject to the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
 3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
 4. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancement measures contained within the bat and protected species survey prepared by Ecologic dated March 2018 ref 180306 rev 00.
(Reason: In the interests of biodiversity and ecology in accordance with the provisions of policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement

or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area in accordance with the provisions of policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)

6. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
7. The development hereby permitted shall be carried out in accordance with the conclusions and recommendations contained within the Structural Report prepared by StructureHaus dated 17th July 2018 ref 02843E.
(Reason: To ensure that the conversion of the buildings are undertaken without substantial alteration or re-construction in the interests of the character and appearance of the building and in accordance with the provisions of policy D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan 2013-2031).

Informative:

For the avoidance of doubt, permission is granted on the basis of a conversion. Should any structural issues not identified within the report be found requiring rebuilding of the structure a new planning permission maybe required.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

Protected Species	12.04.18
Report	

STRUCTURE HAUS	Structural Survey	12.04.18
PE_SLP	Location Plan	12.04.18
PP_SP	Proposed Site Plan	12.04.18
PP_00	Proposed Floor Plans	12.04.18
PP_01	Proposed roof plans	12.04.18
PP_10	Proposed Elevation	12.04.18
PP_11 : S+E	Proposed Elevation	12.04.18
PP_20	Sections	12.04.18

List of Background Papers

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

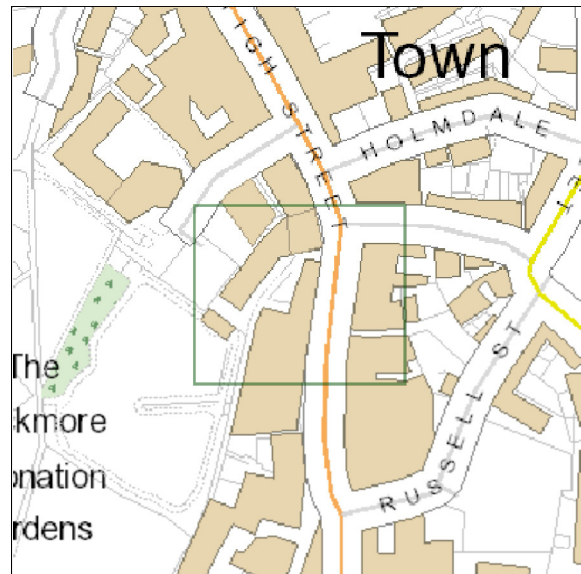
Ward Sidmouth Town

Reference 18/0762/FUL &
18/0763/LBC

Applicant Matthews Properties Ltd & Dawnhaze Ltd

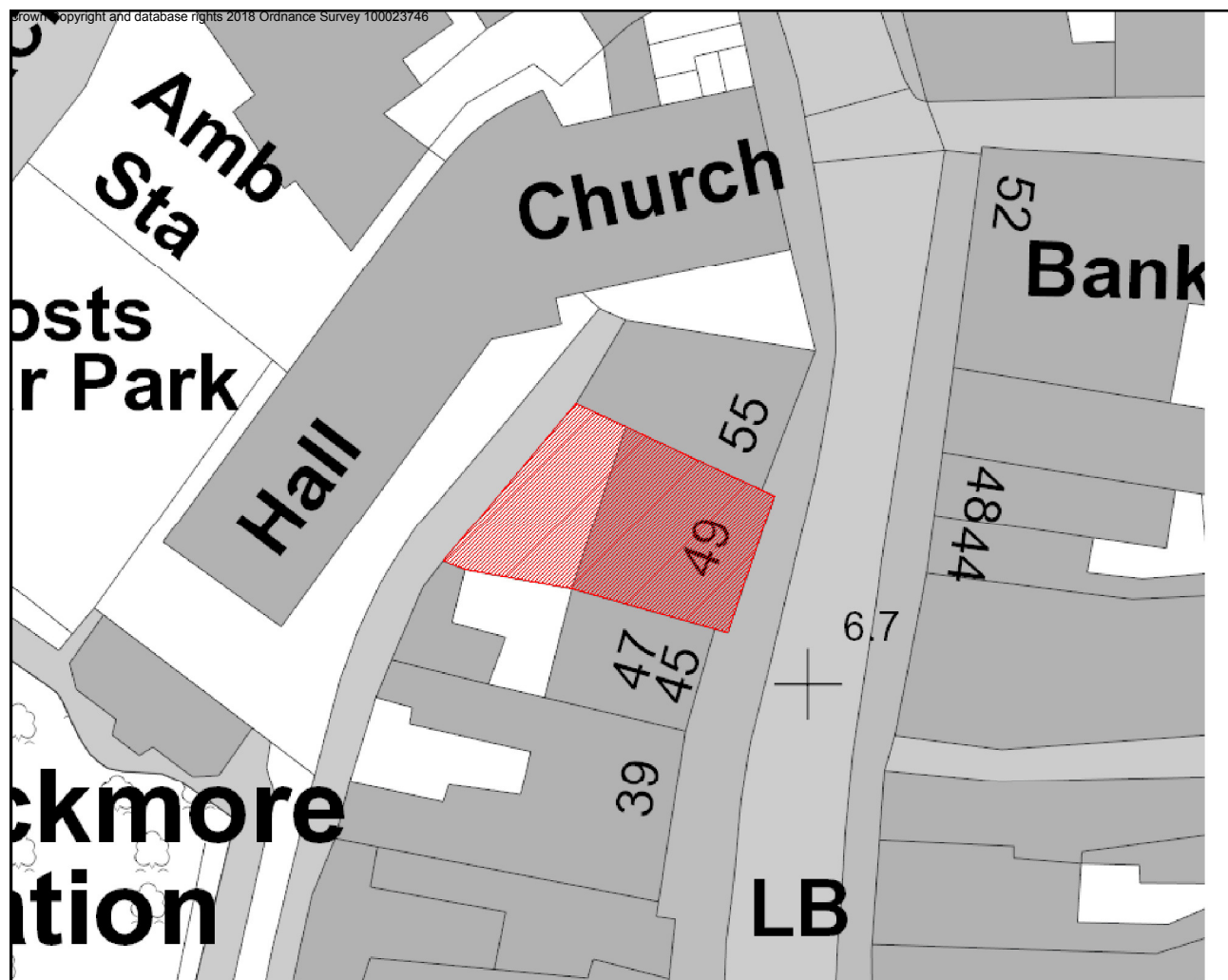
Location 49 High Street Sidmouth EX10 8LN

Proposal Replacement shopfront, ground floor rear extension, first floor rear porch and alterations to rear windows and doors.



RECOMMENDATION: Refusal

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		Committee Date: 2nd October 2018	
Sidmouth Town (SIDMOUTH)	18/0762/FUL & 18/0763/LBC	Target	Date:
		18.06.2018	
Applicant:	Matthews Properties Ltd & Dawnhaze Ltd		
Location:	49 High Street Sidmouth		
Proposal:	Replacement shopfront, ground floor rear extension, first floor rear porch and alterations to rear windows and doors.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

These application are before Members as the officer recommendation differs from the view of two Ward Members.

No. 49 High Street comprises a three storey former commercial premises occupying a Grade II listed building located within the designated Sidmouth Town Centre Conservation Area. The premises also lie within the Town Centre Shopping Area and Primary Shopping Frontage as defined in the adopted Local Plan.

Having been in use as a bank or building society for many years, the ground floor of the building became vacant in 2016 having been occupied by the Co-Operative Bank. The upper floors were in use for related office and storage purposes.

Planning permission and listed building consent are now sought for various alterations and works to the building to facilitate the use of the ground floor space by an as yet unidentified retail occupier and the provision of two flats on the first and second floors above, one on each level. These mainly comprise: the replacement of a comparatively modern single storey flat-roofed extension from the rear of the main building and its replacement with a larger equivalent covering the entire rear courtyard, to create extended retail floor space; the construction of entrance porches and alterations to existing windows and doors to create access to the proposed first and second floor level flats from Church Lane at the rear of the site and improved amenities for prospective occupiers, and the installation of a timber-framed shop front of 'traditional' appearance in place of the ground floor bays and windows in the principal (High Street) elevation.

It should be noted that, at the time of writing, works to demolish the rear extension and carry out considerable internal works within the main building had taken place in the absence of any authorisation through a grant of listed building consent. The applicants have been reminded that this constitutes an offence under the Planning

(Listed Buildings and Conservation Areas) Act and strongly advised not to continue with works while the current applications are being considered by the Council.

There are no concerns regarding any elements of the scheme aside from the proposed shop front where the arguments, both for and against, are considered to be finely balanced.

The applicants' case, in essence, is that the proposals would recreate a traditional shop front along a similar design to that present in the building for a period for around 20 years during the Edwardian era. It would replace what is currently itself a non-original treatment of the principal elevation that utilises modern fabric and would, by comparison with the present ground floor bays and windows, result in a significant improvement in the appearance of the building and the wider conservation area.

It is also argued that without a shop front the premises would not be viable as a retail unit and therefore would remain vacant and in decline. Moreover, without the proposed rear extension and attendant elements to provide access, the proposed flats would not be provided. Overall, this would be to the detriment of the commercial attractiveness, vitality and viability of the town centre.

Conversely, it is not considered that it would be appropriate to replicate a historic appearance to the building's frontage that reflects only a short phase of its historic development. Furthermore, it is not thought that its current treatment is in any way unsympathetic or detrimental to the building or the conservation area; indeed, at the time that the alterations to create its current appearance (that reflects that exhibited during the greater part of its history) were approved in 1976, they were held up as a good example of 'constructive conservation'.

In addition, and notwithstanding the acknowledged need to arrest the decline of town centres, it is not accepted that sufficient effort has been made to provide a robust justification for the proposed shop front where there are examples of other retail premises that are able to continue operating in similar circumstances. Furthermore, evidence elsewhere within the town centre of vacant, or vacating, retail premises with display windows is suggestive of a situation where there is no certainty that the provision of a shop front in itself will guarantee that a unit is viable in any event going forward.

Although marketing evidence from the applicants suggests there is more interest in the premises with a shop front being provided than there has been over the past two years in the building as it exists at present is noted, the extent of the level of interest shown has not been demonstrated. Equally, there has been an unwillingness to consider any possible alternative treatment of the front of the building, such as the lowering of the bay windows to a stall riser level, which might be more sympathetic to the character and appearance of the building and conservation area whilst maintaining its commercial appeal.

On balance therefore, and being mindful of the important listed status of the building and need to give special regard and great weight to its conservation,

notwithstanding the support expressed for the proposals by the town council and ward members, the application (by reason of the proposed new shop frontage) is considered to result in less than substantial harm without sufficient public benefits and is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Town Council

SUPPORT subject to the agreement of the Conservation Officer.

NOTE: The members asked that the Conservation Officer takes into consideration the needs of the economy of the town when looking at this application and not just the conservation area issues.

Sidmouth Town - Cllr M Booth

I would like to register my support for this application based on the following:

1. I believe it is of great priority to look to find solutions to empty properties in Sidmouth town centre where they are being presented. I believe this application does that and both offers to provide commercial opportunities and opportunities for housing which Sidmouth is in always in need of. I appreciate it is not necessarily a planning consideration but we are seeing an increasing number of shops closing in the town centre.

2. I do not consider that there are any negative issues here in relation to overbearing, noise, parking or traffic.

3. I appreciate that there are sensitive issues with regard to the plans and proposed design and that both the area and the building itself are subject to issues around conservation. However, there are precedents to be considered here. I was involved approximately two years ago with helping to find a solution to a similar development in the same area that was looking to adapt an existing shop within the conservation area into a flat plus an improved shop for a photography business. The conservation officer initially objected to that application mainly on the grounds of alteration to the interior and shop front, however we found a solution which if anything improved the appearance of both and provided housing and what is now a very successful commercial business in the main downstairs building. I believe the similar situations with developments of Trumps/Coffee #1 and the Cornish Pasty shop, as well as Tesco, in the area should be taken into account when considering this application. I appreciate the concerns of the conservation officer with regard to the existing shop front and elements of the interior to make this application possible, however this has been shown to be a recent addition in the last century and I would personally encourage, as with the above mentioned developments, revealing pre 20th century heritage in Sidmouth if done so appropriately.

Sidmouth Town - Cllr C Gardner

Having discussed this application with both Officers and the applicant (Mr Matthews), I wish to support it. Whilst I do not have strong feelings about either the existing frontage or the proposed frontage, I do feel it's important to bring this building back into use and good repair. The applicant maintains that a full shop front is more desirable to potential tenants than the current bay windows which are reminiscent of a house. The town centre is a mixture of frontages and I hope that a new shop front would be installed with due care and attention to detail to ensure that it adds both to the character of the street and the building.

I appreciate that the building is listed, but given that the current front is fairly recent and that the building has had a shop front before, I hope the redevelopment will be permitted. I have no comments on other aspects of the application.

Technical Consultations

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: 49 High Street, Sidmouth

GRADE: II APPLICATION NO: 18/0763/LBC & 18/762/FUL

CONSERVATION AREA: Sidmouth - Town Centre & Seafront

PROPOSAL: Replacement shopfront, ground floor rear extension, first floor rear porch, alterations to rear windows and doors, repair of rear render and alterations to internal layout

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file

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

There is no objection in principle to the use of the ground floor for retail or the flats at first and second floor. However, there are some concerns relating to how this is to be achieved whilst retaining the overall character and appearance of the listed building, see detailed comments below:

Ground Floor: this floor has previously been modified for use as a bank and there are few internal features of note. However, there is an existing original solid wall towards the rear of the property (rhs facing) defining part of the original layout. Is it possible to keep this? If not justification for its removal in terms of the loss of historic fabric. No objection to extension of the remainder of the ground floor retail area, but it would be preferable to keep more of the original rear wall. No objection to removal of modern stairs;

First Floor: minor reconfiguration to layout to create Flat 1, no objections;

Second Floor: minor reconfiguration to layout to create Flat 2, no objections;

Third Floor: these are the Attic Rooms and as such do not have full head height in all rooms, but there are existing windows (south facing), rooflight and borrowed light to stairs. The room are accessed from the second floor flat with stairs enclosed behind an original 4 panelled door. No proposals are indicated on plan, but it is unclear how this room will remain unused as it is easily accessible from the flat. Following discussions with Building Control there is some concern as to use, means of escape etc. and how this will be managed. The floor is shown to be retained as existing with existing/original separation doors, no objections;

Front elevation: the original building dates from the early C19, but the front elevation has been altered at ground floor level on several occasions, most recently under 76/C0312 to re-instate the original bays and central entrance dating from approximately 1865. The original bay windows were probably in place for almost 50 years. Historically there has also been a double fronted traditional shopfront, occupied by Goviers as described in the Heritage, Design and Access Statement and the National Westminster Bank frontage as described in the listing description: 'Ground floor given early C20 Neo-Georgian bank front projecting on to pavement. Red brick but with broad stone architraves with keystones to 3 central windows. Similar stone doorcase at each end. Stone hood on cut stone brackets. Deep stone frieze and cornice with blocking course returned to original elevation'.

The proposal is to replace the existing ground floor bay windows and central door with a traditional shopfront based on the historic photograph in the Heritage, Design and Access Statement. There are a number of concerns and issues to address relating to this part of the proposal in terms of historic fabric, re-instatement of a previous frontage and the proposed use for retail:

- o Firstly, the photograph is later than 1904 and a 1906 photograph (Francis Frith) still shows the bay windows. It was probably altered after 1911 when the occupant, Dr Pullin died. It would appear to have been in situ for approximately 20 years;
- o The existing fabric is modern, constructed in blockwork and with fibre glass pillars and has no historic value or significance. However, it is a reconstruction of the historic bay windows and central doorway based on a sketch dated circa 1870. In 1976, this approach was welcomed as 'constructive conservation' by the County Conservation Section;
- o The early C20 neo-Georgian bank frontage, probably dating from early 1930's (Bank shown on 1932 OS map), whilst certainly not original, is today likely to have been considered worthy of retention and the 1976 proposals unlikely to have been supported. Subsequent additions to historic buildings, do not necessarily detract from the quality of a building. They are often of interest in their own right as part of the building's organic history. Generally, later features of interest should not be removed merely to restore a building to an earlier form;
- o In general the wholesale reinstatement of lost, destroyed or superseded elements of a building or an interior is not appropriate, although, where a building has largely retained the integrity of its design, the reinstatement of lost or destroyed elements of that design could be considered. In such cases there should always be

adequate information confirming the detailed historical authenticity of the work proposed. Speculative reconstruction should be avoided, as should the reinstatement of features that were deliberately superseded by later historic additions;

o The building has been vacant for some time, but there is no supporting information relating to previous marketing and whether the existing frontage is suitable or appropriate for a retail outlet. It is considered that there may be less substantial alterations that could be made to the existing frontage to adapt it for retail use.

It is appreciated that the existing frontage is not original, but depicts an earlier form that had been part of the historic evolution of the building prior to the Edwardian shopfront and the early C20 neo-Georgian bank frontage and in terms of time, been in situ the longest. Despite the historic photographs, there is little justification for returning the frontage to its previous phase as a shopfront, merely to 'add interest and harmony to the streetscene' and 'in keeping with other important shop fronts' in the High Street. Further consideration needs to be given to retaining the existing frontage and modifying it for a retail use e.g. alterations to front door, lowering the bay windows and appropriate signage;

Rear elevation: the dormer window on the rhs facing is shown to have been replaced with a matching dormer, but this is also shown differently on the 'existing' drawing - please clarify if the dormer is to be replaced; existing doors to be replaced with French doors, no objections. Access to the 2no. flats is to be created by the replacement of the existing central opening currently a modified multi-paned (6 pane) sash over 2no. small 4 pane windows which lights the original staircase and the two under stair cupboards. It appears that the opening will be widened to insert 2no. timber panelled doors to have separate access to each flat within a covered porch. There is some concern over this approach as it includes alterations to the original staircase, see below;

Rear wall: a new pedestrian access is to be inserted into the rear red brick boundary wall. No objections, subject to joinery details;

Secondary glazing: this needs to be shown/annotated on plan and is a preferable alternative to the replacement of the front bays;

Flooring: extent of parquet flooring to be shown on plan and treatment/ finishes agreed;

Fireplaces: there are existing fireplaces only at second floor in the Living Room and both Bedroom 1 & 2. These should be shown and annotated on the drawings. An exploratory condition to be added to any forthcoming approval to agree each individual outcome;

Staircase: the access to the flats requires the removal of the bottom [art of the staircase to be able to directly access the first floor flat and to utilise and extend the staircase up to the second floor flat. There is some concern regarding the loss of the original staircase and justification is required to ensure that there are no other options to access the flats without the loss of part of this significant internal feature. If there is no other suitable solution details of the modified staircase from first to second floor is required to ensure the retention of the historic fabric;

Conclusion: there are two main areas of concern, the replacement shopfront and the modifications to the staircase to access the flats, as detailed above. In both cases there needs to be adequate justification for the changes and alterations and to ensure that the benefits of the proposed works outweigh the supposed harm. Bringing a viable use back onto the High Street clearly has public benefits, but there needs to be a better balance in terms of the impact of the proposals on historic fabric and the evolution and historic development of the building.

PROVISIONAL RECOMMENDATION - PROPOSAL

ACCEPTABLE in principle, but concerns relating to the replacement shopfront and the original staircase

Further comments (Response relating to comments received 2nd July 2018):

The comments are noted and further response set out below:

Ground Floor: the justification for the ground floor layout and removal of rear wall, leaving nibs either side is accepted;

Third Floor: the comments are noted, but any new owner needs to be made aware of the concerns relating to any future use of these attic rooms;

Front elevation: this is the most contentious aspect of the application and a balance needs to be struck between the harm to the listed building, the streetscene, the Sidmouth Town Centre & Seafront Conservation Area and the wider public benefit of providing a viable retail unit for the town. The property has been vacant since 2016 and its marketing is noted. However, the comments do not address sufficiently the replacement of the existing frontage with the proposed shopfront in respect of the significance features of the listed building and need to demonstrate why the suggested modifications to the existing shopfront could not be considered. The previous comments relating to this aspect of the applications still stand;

Flooring: await details;

Fireplaces: await amended plans and details of exploratory works;

Staircase: the comments and justification for the loss of part of the staircase is appreciated, and the re-use of the historic fabric. A Method Statement, including Structural Engineers report and detailed joinery drawing of the altered staircase will be required, preferably as part of any forthcoming approval, but could be conditioned.

Further comments (Response relating to comments received 12th July 2018):

The comments are noted and further response set out below:

Harm to the listed building: it is clear from the historical evidence and photographic record that the building has undergone a number of changes to the main front elevation and that the current fabric is modern with evidence of previous frontages in

the form of a steel beam, see below. There is still considered to be harm to the listed building by the removal of the existing frontage and its replacement with a traditionally designed shopfront that was only one phase in its historical development and most likely the shortest time period. See comments relating to re-instatement dated 18.06.18.

Streetscene: it is noted that the Parish Council support the shopfront. Whilst it is appreciated that the property is vacant and therefore does not currently contribute to the town centre as a business, retail shop or residential use, this does not preclude it from doing so in the future. The porch is a modern addition, but there is no evidence that this deters shoppers or visitors from walking further up the High Street as can be seen from visiting Sidmouth.

Sidmouth Town Centre & Seafront Conservation Area:

The Sidmouth Town Centre Conservation Area: Shopfronts Practice Notes are an Appendix to Sidmouth Town Centre Enhancement Programme published in 1988. The Appendix is aimed at 'shops' and 'shopfronts', p22 and relates specifically to producing good design and this is not disputed. The majority of the text reflects this with information on the retention of traditional shopfronts, and the replacement of modern shopfronts with an appropriately designed alternative.

A feature of Sidmouth Town centre is certainly the survival of many fine shopfronts, mainly C19 to mid C20. Few towns can boast such a rich range of early and authentic survivals. However, the overall character and appearance of the Conservation Area comprises a mix of mainly C19 buildings and a variety of architectural styles, not necessarily all shopfronts. No. 49 High Street does not have a shopfront.

It is my understanding of the document that proposals affecting buildings in the town centre will be judged on the positive contribution that they make to the protection and enhancement of the area and where the opportunity arises that consideration is given to improve upon previous unsympathetic alterations. I am not convinced that the existing ground floor frontage of No. 49 High Street, is sufficiently 'unsympathetic' and whilst the detailing may not be to the standard of the upper floors, the overall character of the building as an early C19 three storey building is retained and as described in the listing description, albeit without the C20 Neo-Georgian bank front which was replaced by the current frontage.

Map 2 within the Sidmouth Town Centre & Seafront Conservation Area Character Appraisal identifies the building, along with others on the High Street, as having a largely unspoilt frontage retaining significant period detail. It is appreciated that the ground floor is of modern construction, but this does not prevent the property from contributing to the streetscene or wider character and appearance of the conservation area, which it undoubtedly does and was previously welcomed as 'constructive conservation', see earlier comments.

Public benefit of providing a viable retail unit for the town: as previously suggested a balance needs to be struck between the harm to the listed building, the streetscene, the Sidmouth Town Centre & Seafront Conservation Area and the wider public benefit of providing a viable retail unit for the town. The property was not built as a bank, nor

was it built as a retail unit. Its original purpose was a house occupied by Dr Pullin until his death in 1911 and then occupied by his son. Only later did it become a shop. It is noted that full marketing of the property has not been carried out and there is no evidence to suggest that it would not be viable in its current form or that a new retailer has registered an interest in the building on the outcome of any approval. There are at least two premises in close proximity to No.49 which are in the process of closing down that currently have large glazed shopfronts and there is no guarantee that a forthcoming approval of the proposed scheme would ensure that the premises are occupied. It is not disputed that a property no longer vacant is a public benefit, but this should be weighed against the loss of the existing frontage and its positive contribution to the streetscene. The proposals can still be carried out without the insertion of the proposed shopfront and as noted in previous comments this is the only outstanding concern. The shopfront will not necessarily secure an optimum viable use.

Modification of the existing frontage: this confirms that currently the property does not have a shopfront and therefore the points raised in relation to 'Shopfront Practice Notes' are not really relevant in this instance. The applicant has not demonstrated that the frontage could not operate as a retail unit without any or with some modifications to the ground floor. There are plenty of examples of retail units occupying similar frontages in Honiton, without a 'shopfront'. Also, two retail units, the old Post Office in Vicarage Road, Sidmouth (listed Grade II) has no shopfront and No. 15, High Street, Sidmouth (unlisted), a negotiated scheme to retain the historic frontage and replace unsympathetic alterations.

Refusal to allow reinstatement of former shopfront: unfortunately, there is no way of knowing if the property will continue to remain vacant or not, or whether other options or proposals are likely to come forward in the future. As has already been suggested, there is no overall objection to the scheme as a whole, but only to the insertion of the proposed shopfront.

Listed Points:

- o The existence of the previous shopfront is not disputed, but as previously stated, this is only one phase of the historic development of the building. The steel beam may have been part of the 1930's Neo- Georgian bank frontage rather than the shopfront;
- o See above;
- o No objection to the principle of a retail use or 2no. flats. However, there are concerns relating to how this is achieved whilst retaining the overall character and appearance of the listed building;
- o See above;
- o It is unfortunate that the building is vacant and that the external fabric including the timber windows are in need of repair. However, it is in the best interest of the owner to maintain and repair their listed building. Quite modest expenditure on routine maintenance to keep the property secure and weathertight would have prevented much more extensive repairs becoming necessary at a later date. Local Authorities

have powers to take action where a historic building has deteriorated to the extent that its preservation may be at risk. These powers take two forms: Urgent Works and Repairs Notices. However, it is always preferable to liaise with an owner wherever possible to discuss any problems relating to the repair and preservation of the listed building;

o There is no objection to the works to the upper floors to create 2 no. flats and to ensure that any significant features, for example, the fireplaces, cupboards and parquet flooring, are retained and utilised within the proposals and this welcomed. However, this would be the same for any submitted application for works to this property or any other listed property where there is evidence of existing/original internal features;

o Not a listed building consideration, although obviously it would be preferable to see the property in use.

PROVISIONAL RECOMMENDATION - PROPOSAL
UNACCEPTABLE on the basis of the proposed shopfront
REFUSE: see above

Other Representations

Three representations have been received, two in opposition to the proposals and one in support.

Summary of Grounds of Objection

1. Loss of balance to the building and the re-creation, without justification, of an inappropriate and uncharacteristic detail that is not typical of Sidmouth High Street and which only existed for a short time.
2. In 1976 the reinstatement of the double bays was met with great pleasure by the Conservation Officer and the Committee; it was characterised as a good example of 'constructive conservation' and welcomed as restoring balance to the building which had previously been lost.
3. No reason that the lower bays should not become fully glazed to ground level, which would do far less damage to the listed building and the setting of the many other listed buildings in High Street.
4. The Govier's frontage was not in place at the time of the listing of the building so the applicants are mistaken if they are thinking that they are re-creating the frontage as it existed at this time.
5. Any change in frontage would adversely affect its relationship to its neighbours, particularly Honiton House and Osbourne House.
6. Upper floors of the building were still in use by Govier's until the end of last year; the building as a whole has therefore only been on the market for a relatively short period.

Summary of Grounds for Support

1. Redesign of a rather ugly building to become a traditional retail business.
2. Development will link the adjacent buildings into one small group of shops, helping to bring some identity to this end of High Street, rather than at present where shops on this side of the street seem to just peter out.

3. High probability, if refused, that premises will remain an eye sore for another year or two until such time another interested party comes along; such other party would most likely require a similar re design.
4. Bringing additional accommodation into the town centre by redeveloping the upper parts into flats is most welcome, particularly as upper parts of High Street premises are often under used.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

Government Planning Documents
NPPF (National Planning Policy Framework 2018)

Site Location and Description

No. 49 High Street comprises a currently vacant three storey former commercial premises that occupies a town centre site within the designated Sidmouth Town Centre Conservation Area. The building is Grade II listed.

The premises are also located within the Town Centre Shopping Area and form part of the Primary Shopping Frontage defined in the adopted Local Plan.

Until its closure in 2016, the ground floor of the premises had been in use for many years as a building society or bank with ancillary storage and office space occupying the first and second floors above. Indeed, at the time of its listing, the building was occupied by the National Westminster Bank. However, the building has an extensive history which is reviewed in greater detail below.

Its principal front (High Street) elevation features a pair of largely similar two storey projecting canted bays containing timber windows with glazing bars at both ground and first floor level. The first floor windows feature moulded cornices. A pair of recessed tripartite windows, again with glazing bars, feature at second floor level above the projecting bays. A centrally positioned entrance doorway between the two bays is flanked by a classical-style portico and contains a pair of panelled timber doors.

The ground floor level of the main building is at street level. However, the roof of a more recent flat-roofed single storey extension with rooftop balustrade at the rear is at a similar level to Church Lane, a pedestrian footway connecting High Street with Church Street, at the rear of the site. An elevated walkway extends from a doorway at

the southern end of the rear elevation of the main building alongside a wall that defines the site boundary with the neighbouring premises at nos. 45/47 High Street to a pedestrian access doorway in a brick wall along the Church Lane boundary.

There are also attic rooms within the building at third floor level.

Proposed Development

Planning permission and listed building consent are sought for a series of external and internal alterations/works to the building, including the replacement of the existing single storey rear extension with a larger equivalent occupying the entire area of the rear courtyard, in order to create an enlarged ground floor retail unit and 2no two bedroom flats, one on each of the first and second floor levels of the building.

It should be noted that planning permission is not required for any change of use of any part of the building as the changes that are envisaged are permitted under the relevant provisions of the Town and Country Planning (General Permitted Development) Order. Both applications therefore relate solely to the alterations/works that are proposed to facilitate the new uses.

The proposals are summarised as follows:

1. The removal of internal walls to the former bank strong room and sections of the rear wall to the original building. Part of the latter is internal, with the more recent single storey extension beyond it, while most of it remains external at present.
2. Demolition of the flat-roofed single storey rear extension and construction in its place of a larger flat-roofed replacement to cover the entirety of the rear courtyard to create additional commercial floorspace together with a new office, store and toilet.
3. Reconfiguration of the internal layout at both first and second floor levels to create the two proposed flats. This would include the removal of part of an existing staircase in order to allow for the creation of access from the rear (see the description of works at point 6. below)
4. Alterations and extensions to the rear elevation at first floor level. These principally involve, from south to north: the replacement of the existing doorway with a window (with glazing bars); replacement of a window with a pair of french doors and fanlight over; the substitution of an opening housing a multi-paned sash window over two smaller four-pane windows for a pair of covered entrance porches under a shared pitched roof; the installation of a replacement multi-paned window with glazing bars in place of an existing window featuring a transom and mullion of quite broad proportions, and the replacement of a blocked door opening with a set of french doors and fanlight to match those proposed to the south. In spite of the number of alterations proposed for this part of the building, no details as to the proposed design or opening method of either of the new/replacement windows have been provided.
5. The installation of replacement timber double glazed windows within a pair of second floor level dormers on the mansard-style rear elevation roof for the existing sliding sash fenestration. These would consist of identical six pane windows; however, again no details as to their intended design, opening method, etc. have been supplied.
6. The laying out of patio/external amenity areas for both flats on the flat roof of the proposed replacement ground floor extension. The existing pedestrian access doorway from Church Lane would be retained as a means of access for one of the flats and its outside space while an additional new entrance of identical proportions

would be created in the wall to the north of it to provide access to the other flat. No access from High Street via the principal part of the building is proposed.

7. The repair and refurbishment of the existing first and second floor level windows in the front elevation and the render finish to the rear elevation.

8. The installation of a projecting timber-framed shop front at ground floor level in the principal High Street elevation of the building in place of the existing bays. The submitted details show that this element of the scheme would incorporate two sets of three light display windows (with smaller single light return windows) over a low stall riser to either side of a central recessed partially glazed entrance door with a fanlight over. It would also feature a narrow fascia above, which would exhibit a similar depth to that of the neighbouring Goviers retail premises to the north. The existing bays would be removed up to first floor sill level in order to facilitate the construction of the shop front.

Background

It should be noted that works to demolish the single storey rear extension, remove part of the rear wall of the main building and other internal modifications, consisting of the removal of ceilings, removal of plaster on the ground floor, the construction of stud walls on the first and second floors and the installation of electrics and pipework, have been carried out during the course of officer consideration of the proposals, and therefore in the absence of any grant of planning permission or listed building consent.

The extent of this work has become evident as a result of an investigation by the Council's Enforcement Officer that was prompted by a notice received by e-mail from the applicants' agent. This advised of an intention to temporarily remove and protect one of the ground floor windows and bay to allow for safe access and egress for removal of debris from the site. However, this debris is itself a result (at least in part, if not entirely) of the unauthorised works to the building that have been carried out.

Such works, as have been carried out to date, constitute a criminal offence under the provisions of the Planning (Listed Buildings and Conservation Areas) Act. The applicants have been reminded of this, both in writing and verbally, by the Council's Enforcement Officer and advised in the strongest terms not to undertake any further works to the building (particularly the removal of the ground floor window and bay) in the absence of a grant of consent.

ANALYSIS

The main issue for consideration relates to the proposed installation of a shopfront and the impact that this would have upon the listed building and conservation area.

The new extension to the rear, internal works and use of the upper two floor for residential use being acceptable in themselves and raising no concerns subject to the imposition of conditions.

Impact upon Heritage Assets

The principal issue for consideration in relation to both applications in this case relates to the impact of the proposed extension/alterations/works upon the character,

appearance, historic integrity and heritage significance of the Grade II listed building. It is also necessary to consider, in relation to the application for planning permission (18/0762/FUL), the impact of the proposals upon the character, appearance and significance of the designated conservation area.

Initial concerns raised by officers regarding, mainly, the extent of removal of the partially internal/partially external rear wall of the main building, the loss of the internal staircase and the intended use of the third floor level attic rooms have been addressed by the applicants' agents through the submission of appropriate justification for these works and, where necessary, conditions could be attached to any approval to secure the submission of further details. It is now considered that the benefits that these alterations would provide would outweigh the harm to the character, integrity and significance of the building. There is now no longer any objection to these elements of the proposals.

The most contentious remaining aspect of the proposals relates to the new shop front in the principal elevation of the building where there is fundamental disagreement between officers and the applicants as to whether it represents an appropriate approach given both the past history of the building and the circumstances surrounding the current scheme.

For the purposes of structure, the next section of the report briefly reviews the history of the treatment and appearance of the principal elevation of the building based upon the information that is available. The applicants' arguments in support of the case for the installation of the proposed shop front are then summarised before the officer position, underpinning the recommendation, is set out.

The building is of early 19th century construction and is thought to have been built as a house and not for any commercial purpose. However, the front elevation has been altered at ground floor level on several occasions, most recently following a grant of planning permission in 1976 (application 76/C0312 refers) for the reinstatement/replication of the original bays and central entrance dating from the 1860s which gave the building the appearance that it still exhibits today.

It is thought that the original bay windows were in place for almost 50 years. Although the existing fabric is therefore relatively modern and itself of no historic value or significance, it is a reconstruction of the historic bay windows and central doorway based on a sketch dated around 1870. When submitted in 1976, the proposal to reinstate these features was welcomed as 'constructive conservation' by the then County Conservation Section (which provided consultation comments to the Council at that time).

Historically, the building has also featured a double fronted shop front of more 'traditional' appearance, upon which the current shop front proposals have been largely modelled, during a period when it was occupied by Govier's retailers. This is thought, based upon the evidence available, to have been over a period of approximately 20 years from around 1912 to 1932 by which time the building housed the premises of the National Westminster Bank and featured a neo-Georgian frontage (which was present at the time of the listing of the building in 1973).

As such therefore, while it is appreciated that the existing frontage is not 'original' it does depict an earlier form that had been part of the building's historic evolution prior to the installation of the Edwardian shop front and the neo-Georgian bank frontage that followed subsequently. In terms of time therefore, it has been in situ the longest and reflects what is believed to be its very original appearance as well as the residential use to which the building was originally put. Conversely, it is likely that the more traditionally-designed shop front was only present for the shortest phase in its historical development.

The applicants' various points in support of the proposed approach can be summarised as follows:

1. There is both photographic and physical evidence (the latter in the form of a steel beam within the front wall) that the proposal involves the reinstatement of a shop front that has previously existed in the building. Moreover, there is no harm being caused to the front elevation from a structural perspective as the works would simply remove the more recent alteration beneath the beam. It is not considered therefore that the proposals would result in harm to the listed building.
2. The present ground floor bay windows are ugly and break up the street scene and the false portico is completely out of character. The windows have no features and are low in height with no cornicing or interesting joinery and are at odds with the original first floor bay and second floor windows that have the original cornicing and fenestration.

The proposed works would remove this 'harm' and reinstate one of the many fine shop fronts of the 19th and early 20th centuries that are a feature of Sidmouth town centre and the conservation area as well as one of the previous frontages exhibited on the building. As such, the proposals would be entirely in line with the Sidmouth Town Centre Conservation Area Shopfronts Practice Notes. The frontage has clearly been spoilt by the previous alterations and the proposals to revert back to the original 20th century frontage would rectify this situation and itself provide a 'nod' to the building's history. Furthermore, the property was never specifically built as a bank and therefore has the opportunity of reverting back to a traditional shop.

3. Without the installation of a shop front in the building the premises would not, and cannot, be viable for retail purposes. The premises have been marketed for just over 2 years since the closure of the bank with no interest having been expressed. However, based upon information supplied directly by the applicants, marketing has commenced with the proposed new shop front, prompting rather more interest from a variety of potential users, including an optician, two clothes retailers, an outdoor goods retailer and two charity shops with one particular retailer putting forward a proposal that is close to being acceptable. It has also been advised that there has been a retailer wishing to take the property upon completion of the development; however, this may be lost owing to the delays in determining the current applications. (It is not clear if this is the same retailer.)

4. Without an economic future the premises will inevitable fall into disrepair, remain vacant and harm the town centre. None of the original features will be refurbished and utilised if the ground floor does not have an economic future and, without the shop front, the development will not be viable. As a consequence, the proposed flats would not be created since they would need the flat roof of the proposed rear extension for access; if this is not built the flats will not be created.

5. There are no alternative means of retaining the frontage with modifications through less extensive alterations, such as extending the bay windows down to a stall riser

height, which, aside from providing a minimal increase in display area, would be of no benefit to a property with no shop front. In addition, the ground floor bays would appear out of character with the remainder of the building and would exhibit no historical connection with any previous frontage treatment of the premises.

It is considered that these factors need to be balanced against the following points:

1. It is thought that there would be harm to the character, appearance and significance of the listed building from the removal of the existing frontage and its replacement with the replication of a shop front that was only one phase in the building's historical development and most likely over the shortest time period. Furthermore, the present appearance of the frontage is not 'unsympathetic' to the extent that there is compelling justification for the new shop front that is being proposed. Although the detailing may not be to the standard of the treatment of the upper floors and the windows at those levels, the overall character of the premises as an early 19th century three storey building is retained and as described in the listing description, albeit without the 20th century neo-Georgian shop front which was replaced by the current frontage. Whilst of modern construction, it is not thought that it prevents the premises from contributing to the street scene or the wider character and appearance of the conservation area, especially given its recognition as 'constructive conservation' at the time of the works being approved in 1976.

The evidence presented that the proposal would involve the reinstatement of the traditional shop front that it once had is recognised; however, in the light of the above factors, together with those set out below, it is felt that this is outweighed in the wider balance of considerations.

2. A balance needs to be struck between the harm to the listed building and conservation area and the public benefit of providing a viable retail unit for the town centre. However, no firm evidence has been supplied to suggest that the use of the building for retail purposes would not be viable without the significant change in the appearance of the frontage proposed and no robust demonstration has been forthcoming that the frontage could not operate as a retail unit without any, or with more modest, modifications to it. A suggestion of lowering the present windows to create a stall riser has simply been dismissed with neither any evidence as to why it is considered inappropriate as an option or any suggested possible alternative treatments provided by the applicants.

Furthermore, there are premises in relatively close proximity that are in the process of closing down; both currently have large glazed shop fronts. It cannot necessarily therefore be assumed that the premises would become occupied by a retail user upon implementation of any changes to the frontage. Conversely, there are examples of other retail units that are operating viably without a 'traditional' shop front in the town centre, the most notable being a bicycle outlet that occupies the Grade II listed former Post Office building in Vicarage Road, just beyond the Town Centre Shopping Area to the north of High Street. Further afield, there are also numerous examples in the town centre of Honiton where retail units occupy similar frontages to that of no. 49 without a shop front, particularly a number of antique shops.

It is recognised that there is no firm way of knowing if the premises will remain vacant, either with or without the new shop front proposed, or whether other options for the frontage would be likely to come forward in the future. However, set within the context described above, overall it is not considered that sufficient evidence has been provided to demonstrate that the requirement for a new shop front represents the most appropriate means of securing the optimum viable use of the building in line with the provisions of paragraph 196 of the new National Planning Policy Framework (NPPF). As such, it is the view of officers (including Conservation Officers that have been extensively involved in the consultation process) that the proposed changes to the frontage should be resisted.

3. Whilst it has been stated that interest has been expressed in the premises on the basis of the shop front proposals, it is unclear how far in any particular case this interest has developed. As stated above, reference has also been made to a proposal from a retailer that 'is not far from being acceptable'. However, it is not clear what this means in terms of the likely marketability of the premises.

4. A feature of the overall character and appearance of the Sidmouth Town Centre Conservation Area comprises its mix of mainly 19th century buildings and variety of architectural styles, and not necessarily all shop fronts. As such, when balanced with the above points it is not implicit that the installation of a shop front in this particular building would necessarily be consistent with the preservation or enhancement of the conservation area as a heritage asset.

At a time when the economic challenges facing town centres and their traditional mix of mainly commercial functions that collectively contribute towards its vitality and viability are well documented, it is accepted that there are instances where change to buildings and streetscapes is necessary in order to facilitate wider public benefits towards these ends, there are equally circumstances in which a balance needs to be struck between these and the conservation of these where they relate to heritage assets. Whilst clearly not wanting to prevent development and potentially harm the town centre as a result, in this case it is thought that the merits of both sets of arguments are persuasive. However, on balance, it is felt that the proposals would represent inappropriate conservation in this case in the absence of compelling justification for the extensive alterations proposed to the building in the form of the introduction of the new shop front.

CONCLUSION

Investment in the building to bring it back into use is welcomed. There is also support for the new rear extension and works to facilitate residential use of the upper floors.

However, the application also proposes the removal of the existing ground floor frontage and replacement with a shop front.

Although the current frontage is a replica of the original frontage, it reflects the frontage that has been on the building for the longest period. Whilst a shopfront is proposed that reflects a shopfront on the building historically for a period of 20 years, this is not considered to be adequate justification for the loss of the existing frontage that was considered to be a form of good conservation when granted in 1976.

The loss of the existing frontage is therefore considered to cause harm to the listed building and to the conservation area.

As this harm is less than substantial, any public benefits needs to be considered. Whilst there are clear public benefits from bringing the ground floor back into active use, it is considered that this could be achieved without the total loss of the existing frontage. As such, the public benefits are not considered to outweigh the harm and the applications are recommended for refusal.

RECOMMENDATIONS

18/0762/FUL

REFUSE for the following reason:

1. On the basis of the information submitted, the Local Planning Authority is not satisfied that the installation of the proposed replacement shop front has been adequately justified, or other options for more appropriate alterations to the principal elevation of the building considered, in order to ensure that the public benefits of the proposed works, including the securing of the optimum viable use for the building, outweigh the harm to the character, appearance and significance of the building, which is Grade II listed, and the designated Sidmouth Town Centre Conservation Area of which it forms part, that would otherwise result from them. As a consequence, the proposals would be contrary to the provisions of Policies EN9 (Development Affecting a Designated Heritage Asset) and E10 (Conservation Areas) of the adopted East Devon Local Plan 2013 - 2031 and paragraph 196 of the National Planning Policy Framework (2018).

18/0763/LBC

REFUSE for the following reason:

1. On the basis of the information submitted, the Local Planning Authority is not satisfied that the installation of the proposed replacement shop front has been adequately justified, or other options for more appropriate alterations to the principal elevation of the building considered, in order to ensure that the public benefits of the proposed works, including the securing of the optimum viable use for the building, outweigh the harm to the character, appearance and significance of the building, which is Grade II listed, that would otherwise result from them. As a consequence, the proposals would be contrary to the provisions of Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013 - 2031 and paragraph 196 of the National Planning Policy Framework (2018).

NOTES FOR APPLICANT

Informatives:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the listed building concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to these applications:

Location Plan		Location Plan	23.04.18
Proposed Ground Floor		Proposed Floor Plans	23.04.18
Proposed floor	First	Proposed Floor Plans	23.04.18
Second Floor		Proposed Floor Plans	23.04.18
Third Floor		Proposed Floor Plans	23.04.18
Proposed Front		Proposed Elevation	23.04.18
Proposed Rear		Proposed Elevation	23.04.18
Proposed wall	Rear	Proposed Elevation	23.04.18
Proposed Section		Proposed Elevation	23.04.18
Proposed elevations	front	Proposed Elevation	23.04.18
Proposed elevation	rear	Proposed Elevation	23.04.18

List of Background Papers

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