

# Meeting not open to the Public

## Agenda for Planning Committee Wednesday, 22nd July, 2020, 10.00 am



### Members of Planning Committee

E Wragg (Chairman), S Chamberlain (Vice-Chairman),  
K Bloxham, C Brown, A Colman, O Davey, B De Saram,  
S Gazzard, M Howe, D Key, K McLauchlan, G Pook, G Pratt,  
P Skinner, J Whibley and T Woodward

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**Venue:** Online via zoom app

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(or group number 01395 517546)

Monday, 13 July 2020

- 1 Speakers' list and revised running order for the applications (Pages 3 - 4)  
Speakers' list and revised order of planning applications has been removed.
- 2 Minutes of the previous meeting (Pages 5 - 11)  
Minutes of the Planning Committee meeting held on 15 July 2020.
- 3 Apologies
- 4 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 Matters of urgency  
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)  
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.

### Applications for Determination

**Please note that the following applications are all scheduled to be considered but the order may change.** Please see the front of the agenda for when the revised order will be published.

**PLEASE NOTE - THERE WILL BE A 15 MINUTES BREAK AROUND MIDDAY**

- 7 20/0818/FUL (Minor) - AXMINSTER (Pages 12 - 22)  
Fawnsmoor Farm, Lyme Road,  
Axminster, EX13 5SW.
- 8 20/0661/VAR (Minor) - AXMINSTER (Pages 23 - 34)  
Former Axminster Police Station,  
Lyme Close, Axminster, EX13 5BA.
- 9 19/2674/FUL (Minor) - BEER AND BRANSCOMBE (Pages 35 - 59)  
Beer Social Club, Berry Hill,  
Beer, EX12 3JP.
- 10 20/0425/FUL (Minor) - DUNKESWELL AND OTTERHEAD (Pages 60 - 86)  
Wellsprings Farm, Pound Lane,  
Upottery, Honiton, EX14 9QB.
- 11 20/0324/VAR (Major) - EXMOUTH LITTLEHAM (Pages 87 - 124)  
Queen's Drive Space,  
Queen's Drive, Exmouth.
- 12 19/1753/MFUL (Major) - EXMOUTH TOWN (Pages 125 - 166)  
Sams Funhouse, St Andrews Road  
/Imperial Road, Exmouth, EX8 1AP.
- 13 20/0568/VAR (Minor) - WOODBURY AND LYMPSTONE (Pages 167 - 177)  
Bridge Farm, Stony Lane,  
Woodbury Salterton, EX5 1PP.

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held virtually via the zoom app on 15 July 2020****Attendance list at end of document**

The meeting started at 10.00 am and ended at 4.15 pm. The Committee adjourned at 1.15pm and reconvened a 2pm.

**114 Minutes of the previous meeting**

The minutes of the Development Management Committee held on 18 May 2020 were confirmed as a true record.

**115 Declarations of interest**

Minute 117. District Local Development Order.

Councillor Kim Bloxham, Personal, As Lead Member for Cranbrook Town Council had liaised with the current provider of heating for Cranbrook and also a resident of Cranbrook and a recipient of the district heating.

Minute 117. District Local Development Order.

Councillor Olly Davey, Personal, Took part in the consultation and had his comments registered.

Minute 119. 19/2762/COU (Other).

Councillor Geoff Pratt, Personal, Member of the Licensing and Enforcement Committee and advised he would abstain from the vote.

Minute 119. 19/2762/COU (Other).

Councillor Kim Bloxham, Personal, Vice Chairman of the Licensing and Enforcement Committee and advised she would abstain from the vote.

Minute 121. 20/0011/VAR (Major).

Councillor Bruce De Saram, Personal, Exmouth Town Councillor.

Minute 121. 20/0011/VAR (Major).

Councillor Eileen Wragg, Personal, As a past member of the South West Regional Flood and Coastal Committee had been involved with (and followed) the progress of the scheme.

Minute 121. 20/0011/VAR (Major).

Councillor Steve Gazzard, Personal, Exmouth Town Councillor.

Minute 124. 19/2445/FUL (Minor).

Councillor Geoff Pook, Personal, Had worked with the applicant's architect.

Minute 126. 20/0270/MFUL (Major).

Councillor Philip Skinner, Personal, Declared he was good friends with the applicants and was removed to the virtual lobby during the item and did not take part in the debate and did not vote on the application.

In accordance with the code of conduct of good practice for Councillors and Officers dealing with planning matters as set out in the constitution, Councillor Wragg advised as Ward Member for application number 20/0011/VAR she would step down as Chairman and the Vice Chairman chaired the item.

## 116 **Planning appeal statistics**

The Committee noted the Development Manager's report setting out 15 appeal decisions notified since the last committee and was pleased to report that 11 had been dismissed with only 4 allowed. Members noted this was a 73% success rate.

The Development Manager drew Members attention to the 4 appeals allowed. The first appeal related to 19/0439/FUL – 20 New Street, Honiton. Members had previously refused the application raising concerns about the impact on the amenity of residents from a change of use to a takeaway restaurant. However the Inspector had allowed the appeal as it was felt there was adequate control in place to not be any harm to immediate neighbours.

The second appeal related to application number 19/1571/FUL – 62 – 64 New Street, Exmouth. Members noted the Inspector did not agree with members concerns about the extensions that had been carried out without permission and the impact on the street scene and the surrounding residents and allowed the appeal.

The Development Manager also drew members' attention to planning application 19/1351/FUL – Land at Liverton Business Park, Salterton Road, Exmouth. Members had raised concerns in relation to climate change in allowing the gas powered energy plant and did not want to support the application due to the council's climate change declaration. However the Inspector disagreed and felt that the facility would support the transition to a low carbon future and allowed the appeal.

Members noted that the decision to allow the appeal showed that the Inspectorate were moving towards giving more weight to the climate change emergency.

Finally, the Development Management drew members' attention to planning application 19/1999/FUL – Barn to South of Grange Farm, Newton Poppleford that officers had refused under Delegated Powers on unsustainability grounds given the location of the site divorced from Newton Poppleford. The Inspector however considered that the building was close enough to the services and facilities of the settlement to represent sustainable development and therefore allowed the appeal.

## 117 **District Local Development Order**

The report presented to Committee sought Members approval for the adoption of the District Local Development Order to enable the delivery of the District Heating Network in West End of East Devon and outlined on the map attached to the report.

The Development Manager advised the purpose of the Local Development Order was to allow permitted development rights for underground pipes and cables and some minor above ground works to take place without the need to go through the planning process which would help speed up the process for infrastructure to be put in place to allow the transition to a low carbon or zero carbon energy in the future.

Councillor Rixson raised concerns that future development should be providing energy efficient homes using renewable energies such as solar power and battery or heat pumps. Councillor Rixson also emphasised that until a date had been confirmed for the transition the scheme would only guarantee income to one of the major energy providers which was condemning future residents to higher fuel bills. In response the Development Manager confirmed that the method through which the existing Energy Centre at Cranbrook would generate its energy going forward would be a matter put forward to Members at Cabinet and was not part of the consideration of this report.

Points raised during discussion included:

- Members were supportive of the District Local Development Order.
- Clarification sought on the protection of the trees. In response the Development Manager confirmed the Development Management Team and Enforcement Officers would be taking action if conditions were not being complied with.
- The District Heating system was a much preferred way of going forward.
- Steps were being taken in the right direction.
- There were no policies in place to allow the build of carbon neutral houses.
- Hopefully in the not too distance future the facility at Cranbrook would be switched over to low carbon and it has been a long time coming.
- As a recipient of district heating Councillor Bloxham disagreed with Councillor Rixson's comments about higher fuel bills.

**RESOLVED:**

That the District Heating Local Development Order be adopted.

118 **19/2246/FUL (Minor)**

**HONITON ST MICHAELS**

**Applicant:**

Mr M Cooper.

**Location:**

Land To The Rear Of 102 High Street, Honiton.

**Proposal:**

Construction of 3 dwellings.

**RESOLVED:**

Approved contrary to officer recommendation with powers delegated to the Development Manager to agree conditions in consultation with the Ward Members.

Members determined that public benefits, in the form of economic benefits from development of the site and social benefits from affordable houses by design, outweighed the less than substantial harm to heritage assets.

119 **19/2762/COU (Other)**

**AXMINSTER**

**Applicant:**

Mr Andrew Swann.

**Location:**

Unit 4 St Georges, Chard Street, Axminster, EX13 5DL.

**Proposal:**

Change of use of ground floor of building from shop (A1) to micropub (A4).

**RESOLVED:**

Approved as per Officer recommendation.

120 **19/2799/FUL (Minor)**

**AXMINSTER**

**Applicant:**

Mr Jonathon Christopher.

**Location:**

Land At Pidgeons Lane, Axminster.

**Proposal:**

Erection of multi-purpose building to provide storage for agricultural machinery and haystore, lambing space and stable.

**RESOLVED:**

Refused as per Officer recommendation.

121 **20/0011/VAR (Major)**

**EXMOUTH TOWN**

**Applicant:**

Mr David Hancock (Environment Agency)

**Location:**

Royal Avenue Car Park, Camperdown Terrace and The Esplanade, Exmouth.

**Proposal:**

Variation of Condition 2 (approved plans) of planning permission 18/2174/MOUT (Exmouth Tidal Defence Scheme) to allow changes to design, layout and materials of defence.

**RESOLVED:**

Approved as per Officer recommendation.

122 **19/2580/FUL (Minor)**

**EXMOUTH LITTLEHAM**

**Applicant:**

Mr Andrew Taylor.

**Location:**

Land Adjacent 1 The Broadway, Exmouth, EX8 2NW.



**Proposal:**

Proposed new dwelling, new access onto highway, cycle storage and 2.1m high boundary fence.

**RESOLVED:**

Approved as per Officer recommendation.

123 **19/0855/FUL (Minor)**

**DUNKESWELL AND OTTERHEAD**

**Applicant:**

D3 Farming Ltd.

**Location:**

Building Adjacent Turbury, Dunkeswell.

**Proposal:**

Change of use from agricultural to form 2 commercial units (use classes B1 and B8), including new doors, windows and external cladding, car and lorry parking areas, improved access and landscaping.

**RESOLVED:**

Approved as per Officer recommendation.

124 **19/2445/FUL (Minor)**

**SEATON**

**Applicant:**

Mr G Mettam.

**Location:**

Vintage Court, The Square, Seaton.

**Proposal:**

Demolition of 2 x commercial units and 1 flat to be replace with 2 x retail units and 8 flats.

**RESOLVED:**

Approved contrary to Officer recommendation with powers delegated to the Development Manager to agree conditions in consultation with the Ward Members.

Members considered that the design was acceptable and would enhance the area, and that that there was no harm to the Conservation Area or amenity of surrounding residents.

125 **19/2834/OUT & 20/0482/RES (Minor)**

**WEST HILL AND AYLESBEARE**

**Applicant:**

Mr E Flowers.

**Location:**

Hasta La Vista, Windmill Lane, West Hill, Ottery St Mary, EX11 1JP.

**Proposal:**

(19/2834/OUT) Outline planning application for the construction of a single dwelling house with all matters reserved.

(20/0482/RES) Application for approval for reserved matters (access, appearance, landscaping, layout and scale) for the construction of a new dwelling house pursuant to outline application 16/2517/OUT.

**RESOLVED:**

Deferred by Members to await the outcome of the Business and Planning Bill in relation to the extension of timescales for the implementation of planning permissions as this was considered to be a material consideration that required clarification.

126 **20/0270/MFUL (Major)**

**WOODBURY AND LYMPSTONE**

**Applicant:**

F W S Carter and Sons Ltd.

**Location:**

Unit 50 Greendale Business Park, Woodbury Salterton, EX5 1EW.

**Proposal:**

Erection of extension to warehouse (use class B8), new HGV turning head, creation of a new footpath link, regrading and associated earthworks and landscaping.

**RESOLVED:**

Approved as per officer recommendation.

**Attendance List**

**Councillors present (for some or all the meeting):**

E Wragg (Chairman)

S Chamberlain (Vice-Chairman)

M Howe

K McLauchlan

K Bloxham

C Brown

O Davey

S Gazzard

D Key

G Pratt

B De Saram

G Pook

P Skinner

T Woodward

**Councillors also present (for some or all the meeting)**

J Bailey  
S Bond  
I Hall  
N Hookway  
G Jung  
A Moulding  
M Rixson  
E Rylance  
P Twiss

**Officers in attendance:**

Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Wendy Harris, Democratic Services Officer  
Amanda Coombes, Democratic Services Officer  
Sarah Jenkins, Democratic Services Officer  
Alethea Thompson, Democratic Services Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

J Whibley  
A Colman

Chairman .....

Date: .....

**Ward** Axminster

**Reference** 20/0818/FUL

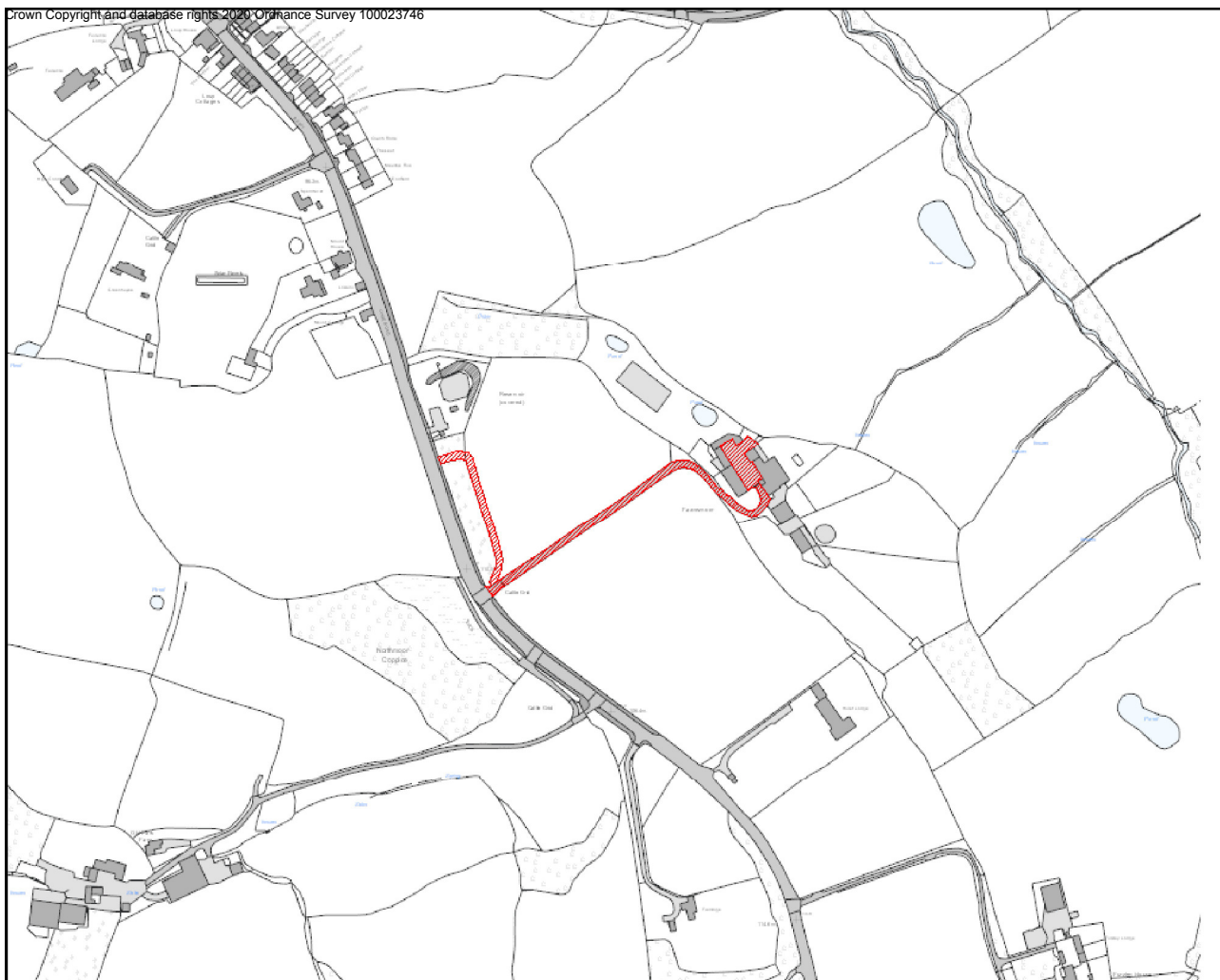
**Applicant** Douglas - Mort

**Location** Fawnsmoor Farm Lyme Road Axminster EX13 5SW

**Proposal** Conversion of redundant agricultural buildings to market dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Axminster (Axminster)</b>	<b>20/0818/FUL</b>	<b>Target Date: 15.06.2020</b>
<b>Applicant:</b>	<b>Douglas - Mort</b>	
<b>Location:</b>	<b>Fawnsmoor Farm, Lyme Road, Axminster</b>	
<b>Proposal:</b>	<b>Conversion of redundant agricultural buildings to market dwelling</b>	

**RECOMMENDATION: REFUSE**

### **EXECUTIVE SUMMARY**

The application is reported to committee because the officer recommendation differs to that of one of the Ward Members.

The site is located to the southeast side of Axminster outside of the built-up area boundary and therefore Strategy 7 of the Local Plan applies. This policy seeks to strictly control development in the countryside unless explicitly supported by another policy of the Local, or where relevant, Neighbourhood Plan. In this instance policy D8 of the Local Plan potentially offers support for development involving the re-use of rural buildings, subject to compliance with a number of listed criteria.

Amongst the stated criteria of policy D8 is a requirement for the conversion to protect and enhance the character of the building, which should be capable of conversion without substantial extension, alteration or reconstruction. In this instance the proposed method of conversion does involve substantial alteration and extension, including the addition of a first floor where none currently exists and extensions to the building footprint. The combined effect of these works would be a significant change in the character of the building and development that would go significantly beyond a conversion scheme.

Whilst the proposal is otherwise considered to be acceptable in relation to accessibility to services; highway safety; residential amenity and landscape and ecological impacts its conflict with the requirements of the principal Local Plan policies, which might otherwise permit such development, lead to a recommendation of refusal. This recommendation takes into account other material considerations including any support that might arise for the development from the National Planning Policy Framework.

## **CONSULTATIONS**

### **Local Consultations**

Axminster - Cllr Andrew Moulding

I recommend that this application is approved

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION

Other Representations

None received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/1403/FUL	Proposed new vehicular access and entrance track	Approval with conditions	10.09.2018
19/1165/PDQB	Convert 2 redundant barns to 2 single dwellings 180msq and 200msq	PDQB Prior Approval granted	15.07.2019

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### **Site Location and Description**

The application relates to a range of existing farm buildings located to the north of the main farmhouse and the separate range of buildings to the east of this. The buildings are all single storey and together have a 'C' shaped plan form. At their southwestern end they adjoin the farmhouse range which together with the buildings opposite are of two storey form.

The application buildings together with the farm house and eastern range of buildings form an enclosed yard area with access from the south and a further opening in the northeast corner.

To the north of the farm buildings is a level area of land with fields to the east and west, it is bounded by a line of trees to the northeast with some further tree planting within the site and at its north-western end. This area of land also contains a pond towards its south-eastern end and an enclosed equestrian manege to the northwest of this.

The site is accessed via the existing farm drive that runs northwest from the B3261 before turning to the southwest and then back again to serve the farmhouse. This drive also serves 2 no. modern farm buildings to the southeast of the site.

The site lies in open countryside slightly approximately 1 mile southeast of the town centre of Axminster.

The submitted location plan indicates the applicant owns adjoining land to the northwest and southeast of the buildings.

### **Background**

Prior approval has been granted for the change of use of the 2 no. modern farm buildings to the southeast of the site under permitted development rights for such conversion (19/1165/PDQB).

Permission (18/1403/FUL) has also previously been granted for the construction of a new access and driveway to serve the site and which is indicated as the means of accessing the proposed dwelling.

### **Proposal**

The application proposes the alteration and extension of the redundant range of outbuildings to facilitate the change of use to a single dwelling.

The conversion includes a two-storey and single-storey extension to the building, construction of a glazed canopy as well as construction of a first floor above parts of the building.

The building would be finished with a flint/stone base, cedar cladding and natural slate roof with oak frame windows.

## **ANALYSIS**

. The main issues in the determination of the application are considered to be:

- Principle of development
- The design, method of conversion and effect on the character and appearance of the area
- Accessibility of the site
- Ecological Impact
- Access and Highway Safety
- Other considerations

### **Principle of development**

The site lies in a rural location outside of the designated built up area boundary for Axminster – which lies approximately 275m away, as the crow flies, to the northwest of the site. The site is therefore considered to fall within open countryside where development is strictly controlled, by Strategy 7 of the Local Plan, unless explicitly permitted by another policy of the Local (or where relevant) Neighbourhood Plan.

The whole of Axminster Parish has been designated as a Neighbourhood Area but to date no draft plan has been produced and there are therefore no policies, draft or otherwise, which might support the development.

In terms of the Local Plan, Policy D8 (Re-use of redundant rural buildings) potentially offers support for such development, subject to a number of criteria. As the proposal does not propose a dwelling to meet the essential need to house a rural worker or to provide affordable housing there are no other policies of the Local Plan that would offer explicit support.

The application therefore needs to be considered against the criteria to Policy D8.

### **The design, method of conversion and effect on the character and appearance of the area**

Policy D8 of the Local Plan seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Those criteria are set out below followed by consideration of the proposal against them.

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.



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;
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;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

In addition, where residential re-use is proposed it must also be established that a) the building is no longer required for agricultural or other diversification purposes; b) the conversion will enhance its setting, and; c) the development would be located so as to be close to a range of accessible services to meet the everyday needs of residents.

Each criteria will be considered in turn.

In the first regard whilst the proposed residential use of the building would represent a change it could be considered to be in character with the use of the adjoining farmhouse and also the permitted use of the modern agricultural barns just to the south of the site. Whilst the traffic associated with the proposed use is unlikely to be substantial, future residents are likely to rely on the use of private transport for at least some of their journeys. The issue of the site's accessibility is considered separately below.

In terms of the structural condition of the buildings, the application is accompanied by a limited structural survey report. This report is largely descriptive but concludes that the buildings overall are in good structural condition and suitable for conversion. It does however confirm that no trial holes were provided to inspect foundations and that the roof is in very poor condition and will require replacing in some areas and altering in others to provide sufficient head height.

With regards to the extent of alteration, reconstruction and extension proposed, this is considered to be significant and includes:

- the increase in height of the buildings at the western end of the range (north of the farmhouse) to provide first floor accommodation;
- construction of a two storey extension off the north-western corner of the range;
- construction of linking glazed canopy across the south elevation;
- new roof structure/coverings
- Introduction of new or enlarged window/door openings

Whilst the submitted Design and Access Statement suggests that, "...*the footprint of the buildings remains almost the same...*" there are in fact two extensions proposed to this, notwithstanding the addition of the glazed canopy. Arguably of more impact, is

the addition of a first floor across the whole of the western range. In total, the floor area would almost double from 150m<sup>2</sup> to 285m<sup>2</sup>. In addition, the changes to the height and roof form represent a significant alteration to the appearance of that building, as do the other proposed additions.

Whilst the proposed extensions/alterations utilise a traditional design and materials they would significantly alter the appearance of the building and fundamentally alter the functional and agricultural character of, what are at present, a simple range of single storey former farm buildings, resulting in a development that is clearly residential in character and appearance. In respect of the western range, the resulting development would bear no resemblance to the existing buildings. The proposal would therefore fail to accord with criteria 2 or 3 of policy D8.

It is not considered that the proposal would have any significant impact on the wider landscape as the existing building group is screened from the west by topography and is not visible from Lyme Road. To the east, more distant views of the site from public footpaths and local roads are likely to be possible but, in such views, the site would be seen in conjunction with the existing building group and against the backdrop of rising land, as such there would be no adverse impact. The proposal includes an extensive area of land to the northwest of the building group the current use of which is unclear but appears to be a mixed residential (garden) and equestrian use. If the application were otherwise found to be acceptable it would be possible to impose a condition to define the extent of garden area associated with the proposed dwelling.

In relation to criteria 4 of policy D8, the proposed use would generate a limited amount of traffic but occupiers are likely to rely on private transport for at least some of their journeys. The submitted design and access statement advises that the yard area adjacent to the buildings offers ample parking and turning space provision and whilst this is not defined on the plans this could be secured by condition if necessary. It is considered that the requirements of policy TC9 of the Local Plan, which seeks a minimum of 2 no. spaces per 2 + bed properties, could be met.

Although the buildings were originally constructed for agricultural use they are no longer in such use and there appears to be limited agricultural land retained in the same ownership, such that the buildings appear superfluous for agricultural purposes.

In terms of the additional criteria to be met for residential conversions a) is considered above.

In relation to enhancement of setting, other than the general tidying up of the site, the current appearance of which is not particularly harmful, there appears to be little scope for further enhancement to the 'setting' of the building.

Criteria c), relating to the accessibility of the site is considered separately below.

In conclusion, in relation to compliance with the requirements of policy D8, this policy seeks to ensure that proposals for conversion of existing buildings are restricted to just that, conversion. This is to ensure that the benefits arising from the suitable re-use of redundant rural buildings are not outweighed by harm to their character, or the extent of alteration takes the development beyond what could be considered to represent a

conversion and by default a limit on occupation and impact in a countryside location. In this case the application proposes significant and substantial elements of new-build and extension to the retained part of the buildings and as such conflicts with the requirements of policy D8 and causes harm to the character and appearance of the buildings.

### **Accessibility of the site**

Of the additional criteria of policy D8 that applies to residential conversions, criteria c) requires development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. What constitutes 'close' and indeed what at range of accessible services might be is not defined. However, clearly the thrust of the policy is similar to policy TC2 to ensure that development is well located so as to promote alternative modes of transport and reduce reliance on private vehicle use.

The site is located in countryside to the southeast side of Axminster. The proposed access route to the town for all modes of transport would be via the proposed new driveway and then via Lyme Road to the town centre. There is a footway alongside Lyme Road (on the same side of the road as the site) from the site entrance all the way to the town centre. The distance from the site to the town centre for pedestrians/cyclists would be just over a mile although certain facilities would be closer including a petrol filling station and primary school.

In terms of public transport provision there are bus stops on Lyme Road to the north and south of the site providing a link to the town centre in one direction and Lyme Regis/Dorchester in the other, the service however is limited. The train station at Axminster provides opportunities for travel further afield but is located beyond the town centre.

Although the distance to the town centre would mean future residents are likely to relay on private car use for some journeys, the distance and ability to walk safely to the town centre via the existing footpath leads to the view that there are reasonable alternatives available to future residents and that on balance the location of the site would meet criteria c) of policy D8.

### **Ecological Impact**

The application is accompanied by a Protected Species Survey Report which has assessed the buildings potential for use by protected species. Bat emergence surveys identified the use of the as a day roost by a low number of common pipistrelle, soprano pipistrelle, lesser horseshoe, long-eared and serotine bats. The conversion of the barn would result in the loss of such roosts and the works could also potentially result in bats being disturbed, injured or killed during works a European protected species licence (EPSL) from Natural England would therefore be required. In order to maintain the favourable conservation status of these species mitigation measures are proposed to provide alternative roosting provision for bats and to minimise any potential disturbance to acceptable levels. Such measures could be secured by means of a suitably worded condition to ensure that the requirements of policy EN5 of the Local Plan and the relevant wildlife legislation are met.

## **Access and Highway Safety**

In terms of highway safety the existing access has severely restricted visibility in both directions but particularly to the north, as such the use of this access is considered to represent a danger to road users. An alternative access and section of driveway has previously been approved under application (18/1403/FUL) and this is proposed to serve the barn conversions to the south of the site as well as the existing dwelling and the current proposal. This new access is yet to be constructed but when completed will provide an appropriate means of access to serve the development.

## **Other considerations**

Whilst the proposal is considered to fail to accord with the relevant policies of the development plan it is necessary to consider whether any support is found under the National Planning Policy Framework that might otherwise weigh in favour of it and indicate that the application should otherwise be approved.

Para. 12 of the NPPF confirms the Development Plan as the starting point for decision making and that development that conflicts with it should not usually be granted. Para. 212 of the NPPF confirms that the policies within the framework (NPPF) are themselves material considerations.

Para. 79 of the NPPF states that decision should avoid the development of isolated homes in the countryside except where one or more exceptions apply. Those exceptions include where the dwelling is required to meet the essential need for a rural worker; where it would represent the optimal viable use of a heritage asset; would re-use a redundant building and enhance its immediate setting; would involve the subdivision of an existing dwelling or represent a design of exceptional quality. Of these circumstances only that relating to the re-use of a redundant building appears to be potentially relevant. In this regard, in assessing the proposal against policy D8 of the Local Plan, it has already been found that no enhancement to the buildings immediate setting has been demonstrated.

Para. 213 of the NPPF confirms that policies in development plans should not be considered out of date simply because they were adopted prior to the publication of the (revised) framework and that due weight should be given to them, according to their degree of consistency with the framework. The application proposes the re-use of existing buildings in the countryside, which are no longer required for their existing /original purpose and therefore can be considered to be redundant. One of the special circumstances set out at Para. 79 c) of the NPPF is where, 'the development would re-use redundant or disused buildings and enhance its immediate setting.' The proposal therefore may gain some support on this basis, if enhancement of the immediate setting can be demonstrated. However, policy D8 of the Local Plan provides a more detailed framework around which to assess such applications. This policy forms part of the adopted East Devon Local Plan which whilst adopted in accordance with the earlier version of the NPPF is considered to remain fully in accordance with the NPPF and as such can be afforded full weight– the relevant part of para. 79 being unchanged from its predecessor para. 55. This stance has been supported by Inspectors in appeals elsewhere in the district. In an appeal against a

refusal to remove a holiday let tie on a property at Hawkern Cottage, Ladram Road, Otterton (APP/U1105/W/18/3206768) the Inspector in considering the degree of consistency between policy D8 of the Local Plan and para. 79 of the NPPF stated,

*“I am not of the view that Policy D8 of the EDLP is inconsistent with the Framework, when considered as a whole. Indeed this is supported by the fact that Policy D8 of the EDLP was found sound at examination, where its conformity with national policy would have been considered, which would have included at the time, Paragraph 55 of the previous Framework (now Paragraph 79 of the Framework 2018, which remains largely unaltered).”*

The supporting information refers to section 11 of the NPPF and to making effective use of land para. 118 d) of the NPPF encourages Local Planning Authorities to, “... promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained...”. However, this policy cannot be viewed in isolation from other policies of the Framework the overarching objective of which is to promote sustainable development through, amongst other means, using natural resources more prudently and moving to a low carbon economy. Whilst a sensitive conversion utilising the existing building could potentially be considered to accord with the thrust of this policy the extent of new/re-building proposed leads to the view that the establishment of an unrestricted dwelling in this location would not, overall, find support through the NPPF. It is also the case that East Devon is able to demonstrate a five year supply of housing land to meet its identified needs and as such land supply is not constrained.

The applicant proposes a new sewage treatment plant to serve the dwelling and a number of energy saving initiatives, such as the use of a ground source heat pump, are proposed.

The location and orientation of the there is no reason to consider the proposal would result in any harm to residential amenity.

## **CONCLUSION**

The application proposes the re-use of redundant rural buildings to create an unrestricted residential unit.

Although the site is located outside of the built-up area boundary for Axminster it is considered to be within a reasonable walking/cycling distance to the facilities/services within the town and as such a sensitive conversion of the buildings could be considered to accord in principle with part of policy D8 of the Local Plan.

However, that policy seeks to limit the extent of rebuilding, extension and alteration permitted to ensure that the development secures the fundamental benefits of a conversion and does not instead represent a re-build/new build. In this case the proposal includes significant extensions and alterations to the building that are considered to go considerably beyond what the policy seeks to permit and as such the proposal fails to accord with all of the requirements of that policy and therefore is also found to be contrary to Strategy 7 relating to development in the countryside.

The supporting statement highlights the potential benefits of the scheme in terms of construction related employment and patronage of local shops and community facilities by future residents. The proposal would also provide some benefits through an increase in housing supply and would have limited wider environmental impact. These benefits however are limited due to the scale of the development and do not outweigh the conflict with adopted policy and as such the proposal is recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reason:

1. The proposal takes place within an open countryside location where new development is strictly controlled. The development proposes substantial extension and alteration to facilitate the change of use to a residential dwellinghouse and would result in a building of more domestic appearance. The proposal would therefore have a harmful impact on the low key, functional and rural character and appearance of the existing buildings and would undermine the strong policy presumption against new development in the countryside unless specifically supported by policy. The proposal therefore fails to accord with Strategy 7 (Development in the Countryside), and policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural buildings Outside of Settlements) of the East Devon Local Plan 2013-2031

### Plans relating to this application:

b165/08	Proposed Combined Plans	20.04.20
b165/07	Proposed Elevation	20.04.20
b165/06	Proposed Combined Plans	20.04.20
b165/02	Proposed Site Plan	20.04.20
b165/01	Location Plan	20.04.20

### List of Background Papers

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

**Ward** Axminster

**Reference** 20/0661/VAR

**Applicant** G J Wellman

**Location** Former Axminster Police Station Lyme Close Axminster EX13 5BA

**Proposal** Variation of condition 2 of planning permission 19/0412/FUL (Demolition of existing buildings and construction of 8 dwellings with associated parking, carport and cycle store) to change units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with alteration to height and pitch of roofs and insertion of dormers and rooflights in units 3,4 and 5



**RECOMMENDATION: APPROVE** subject to conditions and completion of deed of variation to existing legal agreement



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Axminster (Axminster)</b>	<b>20/0661/VAR</b>	<b>Target Date: 02.06.2020</b>
<b>Applicant:</b>	<b>G J Wellman</b>	
<b>Location:</b>	<b>Former Axminster Police Station Lyme Close</b>	
<b>Proposal:</b>	<b>Variation of condition 2 of planning permission 19/0412/FUL (Demolition of existing buildings and construction of 8 dwellings with associated parking, carport and cycle store) to change units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with alteration to height and pitch of roofs and insertion of rooflights in units 3,4 and 5</b>	

**RECOMMENDATION: APPROVE** subject to conditions and completion of deed of variation to existing legal agreement

### **EXECUTIVE SUMMARY**

**This application is before committee because the officer recommendation differs to that of one of the Ward Members.**

**A variation is sought to the development approved under application 19/0412/FUL, which permitted the demolition of existing buildings on site and construction of 8 dwellings with associated parking, carport and cycle store. The variation sought relates to units 1-5 which wrap around the north-western corner of the site fronting Lyme Close and Lyme Road. Units 6-8 remain unaltered.**

**It is proposed to raise the ridge height of some of the units and lower that of others, this would enable the provision of a second floor level to be provided within units 1-3 to provide an additional bedroom. As originally submitted this second floor was to be served by a dormer in the front roof slope of each unit but the scheme has been amended and now proposes rooflights to front and rear roofslopes. With this change the impact of the development is considered to be acceptable in terms of amenity and streetscene impact.**

**A slight increase in contributions towards off-site affordable housing provision would arise due to the increased floorspace created. In all other respects the development is unchanged from the previously approved development and is recommended for approval subject to the conditions and a deed of variation to the S.106 agreement to secure the increase in affordable housing contributions.**



## **CONSULTATIONS**

### **Local Consultations**

#### Axminster - Cllr Andrew Moulding

25.04.20 - I recommend that this application is refused.

I would not be in favour of three storey dwellings in this location

Further comments: 15.05.20 - I still maintain my objection as I don't consider that 3 storey properties in this location are appropriate

#### Axminster – Cllr Ian Hall

I recommend refusal as three storey buildings are not a suitable or conducive to the area.

#### Parish/Town Council

AXMINSTER TOWN COUNCIL OBJECTS TO THIS APPLICATION ON GROUNDS OF THE LOSS OF AMENITY (BY VIRTUE OF OVERLOOKING) FOR THE PROPERTIES ON THE OPPOSITE SIDE OF LYME CLOSE WHICH ARE ACCESSED FROM LYME ROAD. THE SITE IS ELEVATED ABOVE THESE PROPERTIES AND AN INSERTION OF A THIRD STOREY IN THE ROOF WITH DORMER WINDOWS CONTRIBUTES TO THE LOSS OF AMENITY MENTIONED. COUNCILLORS WERE CONCERNED THAT THERE IS NO EVIDENCE IN SUPPORT OF THE APPLICANTS ASSERTION THAT THE PROPOSED ALTERATIONS "MEET LOCAL DEMAND".

### **Technical Consultations**

#### Housing Strategy Officer Melissa Wall

This application seeks to change 3 x 2 bedroom houses to 3 bedroom houses. The approved application provided a contribution towards affordable housing and this was reduced due to the application of vacant building credit.

Vacant building credit takes into account the floorspace of the building (s) to be demolished or reused and the proposed new floor space created with the development. With this variation the proposed floor space will increase by 54.6 sq m.

The revised commuted sum as a result of the increase in floor area is £63,879.

#### Conservation

CONSULTATION REPLY TO PLANNING EAST TEAM  
PLANNING APPLICATION AFFECTING CONSERVATION AREA AND LISTED BUILDINGS

ADDRESS: Axminster Police Station, Lyme Close, Axminster

GRADE: Adj II APPLICATION NO: 20/0661/VAR

CONSERVATION AREA: Adj Axminster

PROPOSAL: Variation of condition 2 of planning permission 19/0412/FUL (Demolition of existing buildings and construction of 8 dwellings with associated parking, carport and cycle store) to change units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with alteration to height and pitch of roofs and insertion of dormers and rooflights in units 3,4 and 5

#### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is located to the east of the town centre at the junction of Lyme Close and Lyme Road. The site is elevated above Lyme Road and set back from it by a grassed visibility splay. The Police Station and Law Courts currently occupy the site, but have been vacant for some years. Historically, the site was the gardens/grounds for Lea Combe, a large detached property with associated outbuildings on the corner of Lyme Road and Field End. This has since been demolished, but is clearly shown on historic OS maps and the 1947 aerial photograph.

The site sits just outside the Axminster Conservation Area boundary and there are two Grade II listed buildings opposite to the west, The Laurels and Tanners Cottage. In addition, the Pippins Centre, across the road to the north is also listed Grade II. There are a number of TPO's on the site, particularly to the south west and north west of the site.

Lyme Road is probably the finest entry into the town, a long and slightly curved street on a gentle gradient narrowing as it reaches the strongly urban two to three storey town centre. Adjacent to the Axminster Conservation Area, the site, despite the current buildings, gives a sense of green space and openness bounded by a low stone wall and grassed lawn and opposite on Lyme Road and Lyme Close, stone walls with hedging or trees behind.

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

An application was recently approved under 19/0412/FUL for the demolition of the existing buildings and the construction of 8no. dwellings with associated parking, carport and cycle store. This application seeks to vary the permission by making changes to units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with an alteration to the height and pitch of the roofs and the insertion of dormers and rooflights in units 3, 4 and 5.

A full description of the site and the surrounding area and the detailed comments relating to the impact of the proposed development on the designated heritage assets, both the adjacent grade II listed buildings and the wider Axminster Conservation Area are set out under 19/0412/FUL (see previous application consultation).

With regards the current revised scheme comments are set out below:

Setting: the revisions to the appearance and heights of the roofs are considered to have no further impact on the setting of the listed buildings than the scheme already approved. It is therefore still considered that the harm to the setting of the listed

buildings is less than substantial and that in line with para 196 of the NPPF, that any harm should be weighed against the public benefits.

The overall character and appearance of the approach to the Axminster Conservation Area will also still be improved by the removal of the vacant buildings on the site which currently do not contribute positively to its setting.

Detailed design: the overall design was originally all for two storey houses of traditional design, appropriate in style to reflect the wider environs. The revised scheme seeks to amend the design of Units 3, 4 and 5, the terrace of three proposed dwellings fronting Lyme Close. It is proposed to make these units slightly shorter but to provide accommodation within the roof space for an additional bedroom.

The plans show the changes with red dotted lines and this includes minor alterations to the roof heights; both increases and decreases, to accommodate the impact on the pitch of the roof following the change in footprint. In addition the insertion of flat roofed dormers on the front roof slope facing Lyme Close and rooflights on the rear elevation. The pitched roofs on the remaining units, 1 and 2, have also been altered to match.

Dormers are not necessarily characteristic of this part of Axminster, although some can be seen further along Lyme Road heading out of Axminster. However, in terms of the impact on the wider Axminster Conservation Area, it is considered that the changes to the roof heights and pitch are relatively minor and will not result in any further harm to the heritage assets.

PROVISIONAL RECOMMENDATION - PROPOSAL  
ACCEPTABLE in principle, subject to materials, finishes, detailing etc

SUGGESTED CONDITIONS: as before, but if approved with dormers, the detailing of these should be included in an appropriate condition

Further comments 28/05/20:

The insertion of rooflights rather than dormers to Units 3, 4 and 5 is noted and considered to be acceptable, subject to details of the rooflights. A conservation style rooflight would be more appropriate and could be controlled by condition, see below.

PROVISIONAL RECOMMENDATION - PROPOSAL  
ACCEPTABLE in principle, subject to materials, finishes, detailing etc

SUGGESTED CONDITIONS: as before, and including rooflights

### Other Representations

4 representations have been received to the application raising the following issues/objections:

- Impact from proposed dormers leading to loss of privacy to properties opposites.
- Loss of privacy and setting of precedent arising from proposed dormers

- The use of dormers would be out of keeping with surrounding area
- Additional residents could give rise to increased parking pressure and noise impact.

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 20 (Development at Axminster)

Strategy 3 (Sustainable Development)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2012)

## **Site Location and Description**

The application site is located just to the east of the town centre, at the corner of Lyme Road and Lyme Close.

The surrounding area to the south and west is predominately residential in character formed of different sized dwellings in different forms. To the west is an open area of

land and to the north across Lyme Road is the car park to the school (and its associated leisure facilities) and a community resource centre.

The site was formally occupied by the magistrate's court and police station formed from a function single-storey office building in a treed setting.

### **Background and Proposed Development**

Permission was granted last year under application 19/0412/FUL for the demolition of existing buildings on the site (former magistrate's court and police station) and construction of 8 no. dwellings with associated parking, carport, and cycle stores. That development took largely the same form and layout of the current proposal with the dwellings arranged in short terraces, one wrapping around the northwest part of the site fronting onto Lyme Road and Lyme Close (units 1-5) and the other in the southeast corner of the site (units 6-8).

This application originally sought amendments to units 1-5, as follows:

- Increase in ridge heights of units 1 & 3-5 by approx.0.5 m and decrease in depth by approx. 1.0m to accommodate increased roof pitch
- Introduction of 1 no. dormer to front elevation of units 3-5 and 2 no. rooflights to rear roofslope of each unit.
- Decrease in ridge height of unit 2 by approx. 0.4m

In response to the initial consultation period and comments received, the applicant has amended the proposal to remove the dormers from the front roof slopes of units 3-5 with rooflights proposed in their places.

The supporting statement advises that the application has arisen following consideration of the type of housing in demand locally. The proposal would increase units 3-5 to 3 bed as opposed to 2 bed units providing larger family accommodation

### **ANALYSIS**

The principle of development on this site for this number of dwellings largely in the form and layout proposed has been established under application 19/0412/FUL, this application remains extant and capable of implementation. The changes proposed in the current application relate only to certain units (1-5) located in the northwest corner of the site.

It is considered that the main issues in the determination of the application as a result of the changes to units 1-5 are as follows:

- Design and impact on the character and appearance of the area (including impact of the adjoining conservation area and setting of nearby listed buildings)
- Amenity Impact
- S.106 issues

The proposed changes would not have any additional implications or impacts in terms of ecology, trees or access and highway safety. Consideration of these matters remain

as per the previous application 19/0412/FUL and in particular there is no requirement or any additional parking or highway safety concerns from the increased bed/room numbers given that the units already benefit from 2 parking spaces per dwelling in accordance with Local Plan policy.

**Design and impact on the character and appearance of the area (including impact on the adjoining conservation area and setting of nearby listed buildings)**

The proposed changes to the ridge heights of unit 1 – 5 would see some units (1,3, 5 and 5) increase in height by 0.5m with unit 2 reduced in height by 0.4m.

Although the proposed changes would increase the height change between unit 2 and the other units in the terrace and this would be evident, the wider effect of this would be limited as there was already a step in ridge height and the proposal would just accentuate this. Such differences in ridge height are evident between existing properties along Lyme road to the northwest of the site.

The dormers originally proposed have been removed and replaced with roof lights, these would be significantly less prominent, sitting more or less flush within the roof and as such not interrupting the roofscape of the terrace or introducing a feature not common within the vicinity of the site.

On the basis of the amended plans, the proposed changes are considered to accord with the requirements of policy D1 in terms of respecting the key characteristics and special qualities of the area and would preserve the character and appearance of the adjoining conservation area and setting of listed buildings to the north and west of the site in accordance with policies EN10 and EN9 respectively.

**Amenity Impact**

Units 1 – 5 lie opposite existing residential properties on the west side of Lyme Close.

Although there is an appreciable separation distance between ‘facing’ elevations (approximately 24m) the separation distance to the gardens opposite is less, at approximately 13 metres. The approved dwellings are set at a slightly higher level and concerns have been expressed that the addition of dormer windows would afford views down into the private garden areas of the property opposite and where an established boundary hedge currently screens such views.

These concerns were understood and as such the 3 dormer windows have been removed from the proposal and replaced by 3 small velux. It is considered that the resulting views afforded from the proposed second floor bedrooms, particularly given the distances involved, would be reduced to an acceptable degree and it is not considered that any overlooking would be significant, or so harmful, to justify refusal of the application on these grounds.

**S.106 issues**

The original approval was subject to a S.106 agreement which secured a commuted sum contribution towards off-site affordable housing as well as provision and ongoing management of on-site communal open space. A commuted sum was secured rather than on-site provision of affordable housing in line with current national and local planning policy that requires a financial contribution for schemes under 10 units in Axminster.

As a result of the proposed amendments there would be an increase in the floor area of units 3-5 which would result in an increase in the off-site contribution. Taking into account vacant building credit, the required contribution would increase from £62,030 to £63,879, this would need to be secured by means of a deed of variation to the original legal agreement. This will also need to ensure the continued management of the communal open space.

## **CONCLUSION**

This application seeks a variation is to the development approved under application 19/0412/FUL. This consent permitted the demolition of existing buildings on site and construction of 8 dwellings with associated parking, carport and cycle store. The variation sought relates to units 1-5 which wrap around the north-western corner of the site fronting Lyme Close and Lyme Road. Units 6-8 remain unchanged.

It is proposed to raise the ridge height of units 1, 2, 3 and 5 by 0.5m whilst lowering the ridge height of unit 4 by 0.4m. This enables the provision of a second floor level to be provided within units 1-3 to provide an additional bedroom.

As originally submitted this second floor was to be served by a dormer in the front roof slope of each unit but the scheme has been amended and now proposes rooflights to front and rear roofslopes. This is now considered to result in an acceptable impact on the streetscene whilst also protecting the amenity of the dwelling on the opposite side of the road.

A slight increase in contributions towards off-site affordable housing provision would arise due to the increased floorspace created. In all other respects the development is unchanged from the previously approved development and is recommended for approval subject to the conditions and a deed of variation to the S.106 agreement to secure the increase in affordable housing contributions.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions and completion of a deed of variation to the completed s.106 legal agreement to relate to the new permission and to cover an increase in contributions towards off-site affordable housing provision and management of the on-site open space:

1. The development hereby permitted shall be begun before the 12<sup>th</sup> September 2022 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 above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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. No development above foundation level 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:
  - details of the finished surfacing materials for all areas of hardsurfacing;
  - details (including species, size, number and layout) of the planting of any trees, hedges, shrubs, and areas to be grassed
  - 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 any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping 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.)

5. Notwithstanding the details indicated on the approved plans and prior to development above foundation level the following additional details and specification shall be submitted to and approved in writing by the Local Planning Authority:
  - New rainwater goods including profiles, materials and finishes.
  - Detailed elevation and section details of all window and door types proposed
  - Details of all rooflights including manufacturers model and specification

Development shall be carried out in accordance with the approved details and specification.

(Reason - To ensure that the details 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.)

6. 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, other than those hereby approved, within the Schedule 2 Part 1 Classes A or B for the enlargement, improvement or other alterations to the dwellings permitted on plots 1-5 inclusive, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.  
(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.)
7. Development shall proceed in accordance with the recommendations and conclusions of the Arboricultural Impact Assessment and Tree Protection Statement prepared by Advanced Arboriculture and dated 31st May 2018.  
(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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)
8. Unless otherwise previously agreed in writing by the Local Planning Authority, development shall proceed in accordance with the recommendations and ecological enhancements set out in the Ecological Appraisal and Phase 1 Bat Survey, prepared by Becci Smith Ecological Consultant and dated March 2018.  
(Reason - In the interests of the conservation of protected species and their habitats in accordance with policy EN5 - Wildlife habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

The historical planning application is referenced under (19/0412/FUL) for which the approved plans were as follows:-

9043/102 Rev C (amended)	Proposed Combined Plans	02.05.19
9043/104 Rev B (amended)	Sections	02.05.19
9043/100 REV B (amended)	Location Plan	23.04.19
9043/101 REV B (amended)	Proposed Combined Plans	23.04.19

This decision notice for the variation should be read in conjunction with these previously approved plans.

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:

205	Proposed Site Plan	07.04.20
200 : site plan	Combined Plans	25.03.20
204 : site section/cycle store	Combined Plans	25.03.20
202 : unit 2 - 6 car port	Combined Plans	25.03.20
201 rev A : unit 1-5	Combined Plans	12.05.20
204 rev A : site section/cycle store	Combined Plans	12.05.20

List of Background Papers

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

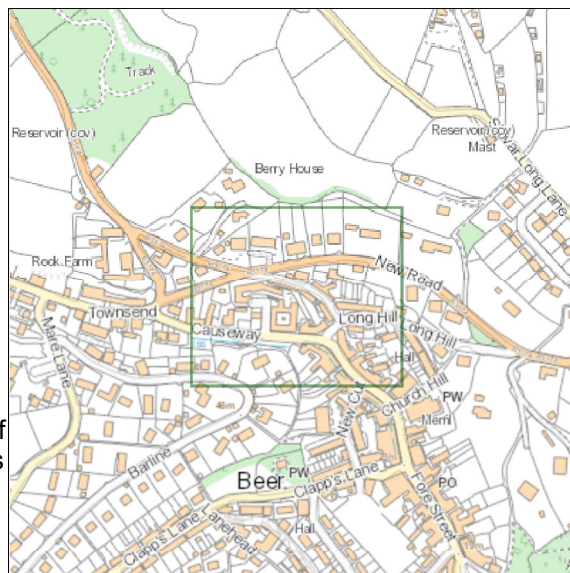
**Ward** Beer And Branscombe

**Reference** 19/2674/FUL

**Applicant** Mr Geoff Pook (Beer Community Land Trust)

**Location** Beer Social Club Berry Hill Beer Seaton EX12 3JP

**Proposal** Demolition of the old Beer Social Club and construction of 4 no. townhouses in two pairs of semi-detached properties and 2 no. apartments in a two storey block



**RECOMMENDATION: APPROVE** subject to conditions and completion of legal agreement to secure 50% on site affordable housing provision.



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Beer And Branscombe (Beer)</b>	<b>19/2674/FUL</b>	<b>Target Date: 11.02.2020</b>
<b>Applicant:</b>	<b>Mr Geoff Pook (Beer Community Land Trust)</b>	
<b>Location:</b>	<b>Beer Social Club Berry Hill</b>	
<b>Proposal:</b>	<b>Demolition of the old Beer Social Club and construction of 4 no. three storey two bed houses and 2 no. two bed apartments</b>	

**RECOMMENDATION: APPROVE** subject to conditions and completion of legal agreement to secure 50% on site affordable housing provision.

#### **EXECUTIVE SUMMARY**

The application is before committee as the applicant is a District Councillor.

The proposal scheme seeks to demolish the existing buildings on site and following this to redevelop it to provide 6 no. residential units with associated parking and communal amenity space. The units would be provided in the form of 4 no. townhouses in two semi-detached pairs and 2 no. apartments in a two storey block. Parking would be provided in a parking platform, level with the highway, at the western end of the site and a further single space at the eastern end. Communal amenity space is proposed to the rear (south) of the buildings.

The site lies on a steeply sloping site within the village's designated conservation area and as such special regard needs to be had to the impact of the development on this designated heritage asset. The proposed form and layout seeks to reflect that of existing development and to work with the topography of the site by providing a linear form of development which steps down in height in line with the road. The design offers a more contemporary approach but this is considered to be valid in this instance and subject to the use of appropriate materials, details of which can be secured by condition, is acceptable. Taking into account the removal of the existing building on site, overall the proposal is considered to preserve the character and appearance of the conservation area.

Although the development is relatively close to existing residential properties, adequate separation is maintained to avoid any overbearing or overlooking impacts and where necessary specific privacy issues can be addressed by requiring obscure glazing to certain window openings.

In other regards the parking provision is considered to be sufficient and pedestrian and vehicular access can be safely provided. The application recognises the need for appropriate mitigation measures to avoid harm to protected species (bats) using the site and these can be secured by condition. A European Protected Species Licence (EPSL) would be separately required.

The application is proposed as a 100% affordable housing scheme and is being brought forward by the Beer Community Land Trust (CLT). However the policy compliant level of affordable housing in this location is only 50% and as such this is all that could be secured through the planning permission.

The proposal would result in the loss of a building formerly used for social and community gathering purposes, however that use ceased some time ago and there are other venues within the village which can perform a similar function. As such the redevelopment of the site to provide affordable housing to help meet an identified need within the village weighs strongly in favour of the scheme. Subject to conditions as set out below and a legal agreement to secure the affordable housing provision the application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

The Committee has no objections to this application.

### **Technical Consultations**

#### **Housing Strategy Officer Melissa Wall**

This application by Beer CLT is for a 100% affordable housing scheme within the built up area boundary of Beer. Under Strategy 34 this site would be required to provide 50% affordable housing (3.5 units). Government guidance on thresholds states that in designated rural areas on-site provision of affordable housing should not be sought on schemes of between 6-9 units, instead a commuted sum should be sought. Therefore under policy this site would normally only be required to provide a commuted sum.

The intention of the applicant is to provide affordable homes for local residents to meet an identified need in the parish. This would be the second scheme in the village by the CLT.

A housing needs survey was completed in July 2018 which identified a need for 21 affordable homes in the parish. Of these, 17 required rented accommodation and 4 could possibly be able to afford shared ownership. The identified need was for 13 x 1 or 2 bedroom properties for single people/couples, 6 x 2 beds and 2 x 3 beds.

The CLT is proposing to provide 4 x 2 bedroom terraced houses and 3 x 2 bedroom apartments. There will be 1 parking space per property. Four of the dwellings will be

for affordable rent and three for shared ownership. This will meet the need identified in the survey.

The completed units will be owned and managed by the CLT. The rental properties should be allocated through Devon Home Choice. The CLT will set a criteria for shortlisting applicants and a local connection criteria will apply. The shared ownership/discounted units should be affordable for local people and it may be the case that a lower initial share will be required.

The existing building on-site has been vacant for a number of years therefore Vacant Building Credit may apply. Where a vacant building is demolished to be replaced by new buildings the affordable housing requirements should be reduced by a proportionate amount equivalent to the existing gross floor space of existing buildings. In this instance if VBC was applied then the requirement for affordable housing would reduce to 1.7 units or 24%.

The CLT will fund the development through the use of Homes England (HE) grant. Due to the restrictions with grant funding where HE they will not lend on affordable units which are required under planning policy the units provided in excess of policy requirements should not be captured within the S106 agreement.

Further comments on amended plans – 25.03.20:

This proposal is now for 6 dwellings rather than 7. This reduces the policy compliant number of affordable units to 3. However it is still the intention that all 6 units will be for affordable housing. The proposed units are all 2 bedrooms and offer spacious accommodation. Given the sloping nature of the site the houses are arranged over 3 floors which will not suit those with mobility issues.

#### Devon County Highway Authority

The LPA is reminded of a previous pre-app consultation in February 2017 (17/0044/Pre) for 4 dwellings and vehicle parking, for which the CHA responded with the following:

"In principal the CHA does not object to the proposed development of 4 dwellings on this site. It does however note that the proposed layout proposes primary access from Berry Hill for units 1, 2 & 3 without any footway provision. Therefore people will be in conflict with traffic

when accessing or leaving the dwellings. Also I would require suitable visibility splays for the proposed vehicle parking spaces."

This application is for 7 number dwellings (4 no. three storey two bed terraced houses and a three storey linked building to provide 3 no. two bed apartments).

It would appear that most of the dwelling thresholds will be directly onto Berry Hill road without any footway provisions, this puts people in conflict with vehicular traffic using Berry Hill. Berry Hill is a narrow road and therefore pedestrians and vehicles will come into conflict. There is however, no lower speed limit on this road and therefore it is quite legal to do 30

mph on this road and with the lack of any pedestrian refuges, this puts people in danger of being struck by passing vehicles.

The proposed car parking spaces appear to be lacking in suitable visibility onto Berry Hill, a 30 mph road where the recommended visibility is 2.4 metre by 43.0 metre for each space. This is especially so for space 1 where the boundary west impedes visibility and spaces 6 & 7 where the front of Unit 7 impedes visibility. Also the width of Berry Hill road is approximately only 3 metres, in places, and suitable manoeuvring for vehicles to be able to access the car parking spaces has not been shown on the application plans. The CHA would require suitable vehicle path tracking plans to show how all the parking spaces could be used safely by vehicles.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays and off-street parking contrary to paragraph 108 (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree of the National Planning Policy Framework.

Further comments on amended Plans - 11/03/2020:

The CHA has been re-consulted with a new layout and makes the following comments:

The proposed new development is for 6 units rather than the original 7 units.

The proposed layout now includes front entrances that alight onto refuge areas between the blocks of houses, this is an improvement upon the previous layout (7 units) with entrances directly onto the carriageway. However, the addition of an internal walkway (albeit with steps) connecting all units with a lower pedestrian access also means that there is an alternative to using the carriageway for pedestrians.

The proposed vehicle parking of 5 parking spaces to the west end of the development site and 1 to the east where an existing parking space is/was, is an improvement in terms of the spacing of spaces. This does however, require travellers using the block of 5 spaces to access their vehicles via the carriageway.

The vehicle tracking of vehicles entering and leaving the parking spaces is symbolic rather than showing the actual path vehicles will take. This is however, better than what was shown on previous plans.

Whilst Berry Hill is technically a 30mph road, its width and horizontal alignment means that in reality the traffic speeds are much less, although I do not have any recorded traffic speed data, my estimated 85th percentile would be in the region of 10 to 15mph.

On balance, I think that the visibility provided at all vehicle parking spaces will be adequate for and of vehicles using the spaces and all users of the road.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Proposed Site Plan - Drawing No. P100 Revision D .

REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the carriageway

### Environmental Health

I have considered the application and recommend that the following condition:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

### Conservation

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

ADDRESS: Beer Social Club, Berry Hill, Beer.

GRADE: N/A APPLICATION NO: 19/2674/FUL

CONSERVATION AREA: Beer Conservation extension Area

PROPOSAL: Demolition of the old Beer Social Club and construction of 4 no. three storey two bed terraced houses and three storey linked building to provide 3 no. two bed apartments.

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



This is an interesting scheme that is within the historic settlement core of Beer. There was an earlier application ref: 19/1401/FUL, regarding the demolition of the existing building, however it was withdrawn and is now encompassed in this application. The comments are as follows;

Existing site - This is a linear building that has had further awkward, linear additions over time. The ridge height is not overbearing to the surrounding buildings. Sections of the building are on raised columns to counteract the steep topography of this site. The materials are of little merit and in this case would not recommend that they are reused.

The stone boundary wall that sits close to the line of the road and gully, is a consistent feature that adds character to the area by virtue of its traditional material and is consistent with the historic boundary walls in the area.

It is recommended that any works seek to retain this wall and use sympathetic lime mortar repairs if necessary.

Demolition - the application fails to detail the extent of the demolition. It would be helpful if it was clearly notated as a separate layer on the relevant drawings, with supporting text.

The site - the overall area of the site has changed, (increased) since the earlier, withdrawn application and the drawings in general do not illustrate the relationship the revised boundary edges have to the existing topography and the surrounding built environment. A point in particular is the top of the site at the Western edge. It seems to leave an awkward space outside of the application site now.

Bats & birds - the information and design for mitigation seems to be missing.

Boundary - as already noted, the existing stone boundary wall makes a positive contribution to the character of the conservation area. The proposed design, although it does use some stone on the street (North) elevation, it does not seem to seek to retain the form of the boundary wall and is entirely lost from the large parking area. The boundary treatments to the other end, lowest end (South-East) of the site become a confused accumulation of entrances and partitions. The view up into the site from Berry Road from this lowest point is important as the site is seen in close context to the surrounding historic environment. The details of the other edges of the boundary treatments is minimal and is suggested that they are more detailed in the drawings. The hard landscaping that all of the structural foundations create, again are limited in detail and appear very dominant. This is most apparent from the Sothern elevation. More details would be useful. Is this left as shuttered concrete?

Design - this is an unusually narrow site with steep levels. The design follows the line of the site. It is unfortunate the ridge lines do not reflect the pattern of the traditional roofscape, with the ridges following the line of the road rather than the gable ends. This is at odds with the local context and is considered to have a negative impact on the character of the conservation area. The balconies are too large and dominate certain areas of the elevations, in particular the flats at the lower end. The car parking

is a concern and again the design lacks sufficient detail. Would it have barriers to prevent others parking or turning in the spaces? Is this cleared as a level, open space? The rooflights are excessive and are recommended to be conservation type. The materials are not detailed in full however, the current information supplied requires a more robust explanation.

## PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments on amended Plans – 25.03.20

There were positive discussions between the agent's team, Planning Officer and Conservation Officer. These comments should be considered to be an addition to initial comments made.

Comments are as follows;

Design - the reduction in the units and a more spaced arrangement greatly reduce the impact of the principle of new development on this land. They follow the steep topography of the site and are in context to the historic street pattern/ridge line of the neighbouring houses too. It is further noted that the existing stone wall is reused as a boundary treatment to this site.

Should this be recommended for approval it is suggested that conditions may include; Details and samples of all materials and colour finish. Details of any external fixings such as meter boxes (preferably not wall mounted), extraction vents & flues. All rooflights to be conservation type.

### Historic England

BEER SOCIAL CLUB, BERRY HILL, BEER, SEATON, EX12 3JP.  
Application No. 19/2674/FUL

Thank you for your letter of 19 December 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### Natural England

Natural England has previously commented on this proposal and made comments to the authority in our communication dated 07 January 2020.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

### Other Representations

Comments on the original scheme –

3 no. representations objecting to the proposal and 1 no. in support have been received, the comments are summarised as below:

#### *Objections/Concerns:*

- The roof line of the whole development already appears to be far too high and will block light to nearby properties.
- The plans makes no reference to the challenging traffic conditions on Berry Hill where the road is narrow and there are no passing places and the junction of Berry Hill with New Road is dangerous.
- The lack of footways and proposed pedestrian access direct onto the highway results in safety concerns.
- Consideration should be given to making Berry Hill one way and removing existing parking spaces at lower end of road.
- Impact of balconies serving proposed apartments resulting in overlooking and overbearing impact resulting in loss of privacy/amenity.
- Overcrowding/overdevelopment of the site.
- Inadequate parking provision to serve the development.
- Impact of construction phase, in particular due to the difficulties of accessing the site.
- Roof heights indicated should be adhered to or reduced

#### *Reasons for Support:*

- Support in principle to the development.

Comments on the amended scheme –

1 no. representations objecting to the proposal has been received, the comments are summarised as below:

#### *Objections/Concerns:*

- Continued objection based on inadequate parking provision/lack of visitor parking

- Exacerbating of existing access problems due to nature of highway serving site and existing on-street parking at bottom of Berry Hill.
- Although removal of balconies to the apartments is a benefit there remain concerns in relation to potential for overlooking.
- Concerns over the practicalities of accessing the site for construction purposes.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/1401/FUL	Demolition of the old Beer Social Club.	Withdrawn	09.08.2019

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

E14 (Change of Use of Village Shops or Services)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Beer Neighbourhood Plan (Made)

H1 - Meeting the Demand for Local Needs Housing in Beer Village

H2 - Community Housing

HBE2 - High Quality Design

CFS1 - Loss of Community Assets and Facilities

TP2 - Car Parking

TP3 - Off-street Parking

### Government Planning Documents

National Planning Practice Guidance  
NPPF (National Planning Policy Framework 2019)

### Site Location and Description

The (former) Beer Social Club occupies a pair of linked single storey buildings that are cut into the hillside and run parallel to Berry Lane. The buildings are linear in nature and step down in height from west to east as they follow the slope of the road. The floor levels of the building are mostly set below the adjoining road level. The westerly (higher) building features profile sheeting to the roof and elevations and has a flat roofed rendered extension at its east end. The south-easterly (lower) building is rendered under a concrete tiled roof. In the southeast corner of the site there is a small area of outside space to the rear of the buildings where the site widens out.

The site lies to the north of but close to the village centre and is within (with the exception of the club itself) a predominantly residential area. The existing properties in Berry Hill are, on the whole, traditional terraced 2 storey properties sited close to the back of the highway and staggered in height as they follow the fall of the road. The only property that doesn't follow this pattern is 'The Bungalow' to the north of the site.

The site falls with the Beer Conservation Area and the built up area boundary of the village - as defined in the East Devon Villages Plan- but lies outside the East Devon Area of Outstanding Natural Beauty.

### Proposed Development

The application is proposed as a 100% affordable housing scheme being brought forward by the Beer Community Land Trust (CLT).

The application proposes the demolition of all buildings on site and its redevelopment to provide for 4 no. townhouses in two pairs of semi-detached properties and 2 no. apartments in a two storey block. Associated parking provision is proposed in the form of off-road street level parking to the west end of the site and a single off-road space at the eastern end. Communal amenity space is proposed to the rear (south) of the buildings.

The houses would be located in the central part of the site, these would be three storey and finished in render under asymmetrical pitched slate roofs with the ridges parallel to the road and stepping down in height to the east following the slope of the road. On the roadside (north) elevation the buildings would appear as two storey with single storey lean-tos providing independent entrance to each unit from the road.

At the eastern end of the site a two storey block is proposed to house the apartments. This block would be two storey in height and set below the level of the adjoining road. It would reflect the general design and materials of the townhouses.

At the western (higher) end of the site 5 no. parking spaces are proposed on a raised platform with level access from the adjoining highway. A further space is proposed at the eastern end of the site, thereby providing 1 no. space per unit.

Communal amenity space is provided to the rear of the buildings and provision is made for refuse/recycling and cycle storage.

## **ANALYSIS**

The main issues in relation to the determination of the application are set out below under the following headings:

- Principle and Loss of Community Use
- Affordable Housing Provision
- Impact on the character and appearance of the area and conservation area
- Amenity Impacts
- Ecological Impacts
- Highways and Access Issues
- Economic Impacts
- Other Issues

### **Principle and Loss of Community Use**

The site is located within the built-up area boundary of the village, as defined through the East Devon Villages Plan (EDVP), Adopted 26th July 2018 and forming part of the Local Plan and the Beer Neighbourhood Plan 2014-2031.

This being the case the principle of additional development is supported by Strategies 7 and 27 of the East Devon Local Plan (EDLP) subject to meeting a number of additional criteria.

More specifically policy H1 of the Beer Neighbourhood Plan 2014-2031 (BNP) offers support for new dwellings that seek to help meet local housing need and which provide an appropriate tenure mix. Policy H2 supports proposals in principle for development of community housing.

The Beer Social Club was registered as an Asset of Community Value on 17<sup>th</sup> March 2017. Under the provisions of the Localism Act (2012) community groups can make an application to their local Council to have buildings or other amenities listed. The effect of a building being listed is that when listed assets come up for sale, or change ownership, the Act then gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. The aim being to help local communities keep such valued assets in public use and part of local community life.

The community right to bid introduces a moratorium period whereby when an owner wishes to sell a listed 'asset of community value' they must inform the local authority and this will then trigger a moratorium period, during which the owner cannot 'conclude

the sale of the asset'. There are actually two moratorium periods, both of which start from the date the owner of the asset notifies the local authority of their intention to sell.

The first, 'Interim moratorium period' is for 6 weeks during which a community group wishing to bid for the asset must notify the local authority that they wish to be considered as a potential bidder. If this does not happen the owner can proceed to a sale. If a community group does notify of an intention to bid the 'Full moratorium period' is triggered - this is a six month period during which a community group can develop a proposal and raise the capital required to purchase the asset.

Both the interim and full moratorium period were triggered for the Beer Social Club, the latter expiring on the 3<sup>rd</sup> October 2017. Therefore whilst the inclusion of the club on the Council's register of Assets of Community Value clearly signals a community desire to retain the community use of the site, as the 6 month moratorium period has expired there appears to be no further restriction on the sale of the property. In any case the current application does not seek to sell the asset nor would it require planning permission to do so, but seeks to demolish the buildings on the site and redevelop it to provide community led affordable housing, there appears to be nothing to prevent this in terms of the sites Asset of Community Value Status.

Nevertheless, the community use of the building and its retention is covered by Strategy 32 and policy RC6 of the East Devon Local Plan (EDLP) and policy CFS1 (Loss of Community Assets and Facilities) of the Beer Neighbourhood Plan (BNP). These policies of the respective Local and Neighbourhood Plans seek to retain buildings/sites in community use unless it can be demonstrated that there is no longer a requirement for such uses and a number of specified criteria are met.

Policy RC6 of the Local Plan states that permission will not be granted for development that would result in the loss of a community facility unless it is no longer needed, is not viable or an alternative facility of equal or higher value is being provided. In relation to Strategy 32 those criteria state permission will not be granted unless one, or more of the following criteria are met:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

In consideration of these criteria, there is no evidence that a continued (or alternative similar use of the site) would result in any harm to the quality of the area. Until the social club closed it appears to have operated without any particular issue for a good number of years.

The buildings on site are not listed.

There are no proposals as part of the current application to provide A1 facilities as part of any redevelopment package, in any case the village has a number of existing such uses.

Given the aforementioned, support under Strategy 32 would only be found where options for the retention of the site have been fully explored for at least 12 months. In this respect the supporting statement refers to the marketing of the site from September 2016 to September 2018 and details of the marketing methodology and particulars have been provided. Marketing was by informal tender but no details of the guide price have been provided and it is unclear what expressions of interest were received. It is advised though that no offers for a continued community or commercial use of the site were received and in the end the site was sold to the CLT. Whilst the marketing evidence provided is somewhat light on detail, in this instance given the nature of the existing use, the period of marketing undertaken and that the proposed use would be retained for wider community benefit it is considered to be satisfactory.

Note is also taken of the applicants case that given that the club has been closed for two years and that there are a number of other venues within the village, providing opportunities for social and community gathering purposes, that the proposal would not result in the loss of such facilities nor harm employment and community opportunities in the locality. They therefore suggested that the other criteria of Strategy 32 need not be applied. In support of this view, reference is made to another appeal decision at the Doyle Centre in Exmouth (ref. APP/U1105/W/18/3201622). The Inspector was considering a proposal to demolish a building, formerly used as a day care centre and social worker office accommodation and to redevelop the site for housing. In that case, the Inspector allowed the appeal as, among other things, she considered that proposal would not have resulted in the loss of social or community gathering places and/or business and employment opportunities as the uses had already been lost and the former uses had found new venues. Some comparison can be drawn with the current case where the use ceased several years ago and there are other venues in the town which offer alternative options for social/community gathering.

In relation to the policy CFS1 of the BNP the relevant criteria are that:

- i) it is to be replaced with community space of an equal or higher quality on the same site or another site with satisfactory access for the main users of the existing community asset or facility;
- ii) the proposed alternative use would, overall, provide equal or greater benefits to the local community; and
- iii) it is demonstrated, through local community consultation, that it is no longer required by the community for the current use it serves.



The application seeks to replace the existing facility with 100% affordable housing, albeit this is above the policy requirements for such provision. Such over provision could be considered to represent an alternative use for the benefit of the community albeit of a different nature. However it is difficult to compare the benefits of each use given their differences. Nevertheless, it is accepted that provision of affordable housing on the site retained in perpetuity for such purposes for people with a local connection would in itself provide significant benefits to the local community. The supporting statement lists the alternative community facilities available in the village, which includes a number of other halls and function areas.

In terms of community consultation, the supporting statement suggests that Public consultation in relation to the proposed redevelopment of the site for community affordable housing was undertaken, from 9th September 2019 to 27th September 2019, and included a public open day at the Mariners Hall between 10 am to 2pm on Saturday 21st September 2019. The public consultation undertaken included the following:

- Notices on the Beer Community Land Trust (CLT) facebook page, Beer Parish Council website and Beer Parish Council facebook page.
- Paper notices displayed throughout the village.
- Paper copies of the response form distributed in the following locations; The Dolphin Hotel, Football club, Sailing Club and distributed at Coffee mornings.

The responses to the public consultation process were analysed and the applicant advises that, whilst 85% of respondents had used the social club at some point in the past, 94% supported the change of use to allow community housing, with the remaining 6% supporting the reopening as a community club. There was no support for use as a commercial club or pub, private housing or employment land.

Overall on this issue it is considered that the proposal would not harm social or community gathering purposes in the village and that the proposed redevelopment has the potential to bring an alternative use with greater community benefits than arise from the current vacant use of the site.

## **Affordable Housing Provision**

Strategy 34 of the Local Plan requires 50 % of units on schemes, within the built-up area boundary of the village, to be provided as affordable. Policy H1 of the Beer Neighbourhood Plan reflects this requirement, albeit it refers to provision of '*...at least 50%*'. However, on schemes of between 6 -9 units in rural parishes, such as Beer, and in accordance with National Planning Practice Guidance, on-site provision is exempt and an off-site contribution in the form of a commuted sum payment is instead required. Such commuted sum payments are calculated on the basis of the equivalent cost of providing the required number of units off-site but on-site provision can secured if offered by the applicant.

The tenure mix required by Strategy 34 is a mix of 70% social or affordable rent and 30% intermediate or other affordable housing. Policy H1 of the Neighbourhood Plan is less prescriptive but instead requires proposals to reflect need demonstrated through an up to date housing needs survey in terms of tenure mix, size, design and

type of dwellings as well as looking to secure such provision for people with a local connection.

A Housing Needs Survey for the village was carried out in 2018 and identified a need for 21 affordable units over the next five years. Of these 17 of the households qualified for affordable rent with 4 no. households potentially able to afford a shared ownership property. In terms of size the survey identified need for 13 no. 1 or 2 bedroom properties, 6 no. 2 bedroom family properties and 3 no. 3 bedroom family properties.

A recent scheme elsewhere in the village on land adjacent to Short Furlong (18/1957/MOUT) looks to secure development of 'up to' 30 dwellings and would include provision of a minimum of 12 no. affordable units on site with a tenure split of 70% for rent and 30% for shared ownership or similar route to home ownership. Whilst that scheme is noted and a resolution to approve it has been reached it has not yet been issued reserved matters approval would still need to be secured.

The application scheme proposes the provision of a 100% affordable scheme with 3 no. units proposed as affordable rent and 3 no. units proposed as discount market sale. All units would be 2 bedroom. It therefore would provide a 50/50 split between affordable rent and shared equity/discount market sale, where the need is clearly in favour of rental properties. Nevertheless, given the over-provision proposed it would be possible to secure a policy compliant scheme i.e. minimum 2 no. affordable rent and 1 no. shared equity/discount sale property through a s.106 agreement with the remainder being provided unsecured through the applicant's choice.

It therefore seeks to make provision at a level above that required by the relevant policy of the Local Plan. Whilst such affordable housing provision is welcomed, as it is not a policy requirement, it is not possible to secure this through a legal agreement and therefore only 50% provision can be secured through this means.

In terms of tenure mix, 3 of the units are proposed to be provided as Affordable rental units, offered at 80% market rent with the remaining units being provided as discount sales units, offered either as shared ownership with maximum stair-casing of 75% of market value, or simple discount sales at 80% of market value.

Although only 50% of the units can in this instance be secured through the s.106 agreement this still is a significant positive benefit to the scheme which would go some way to addressing the identified affordable housing need of the parish and therefore weighs strongly in favour of the scheme.

### **Impact on the character and appearance of the area and conservation area**

The site lies within the designated Beer Conservation Area where it forms part of an area (including Townsend/The Causeway/Long Hill) identified in the Conservation Area Appraisal, as consisting of '*...an extensive band of mainly 19<sup>th</sup> century development of cottage groups and almshouses aligned on relatively level or gently sloping ground...*'. In terms of materials used the appraisal notes the significant use of Beer stonework as well as some use of chert, the associated maps also reveal significant use of painted render or stonework. Roofing materials are predominantly slate and this is evident in properties adjoining the site.

The existing building on site is in a state of some disrepair and whilst relatively low key does not make a positive contribution to the conservation area. The materials used are not in keeping and other than the stone boundary wall that forms the boundary with the road for some of its length there is little worthy of retention.

The application seeks to demolish all existing buildings on site and to redevelop the site for community led affordable housing. The original scheme proposed the construction of a terrace of 4 no. townhouses at the western end of the site and a flat roof apartment block at the eastern. However following concerns over both the design approach and access/parking issues the scheme has been redesigned and reduced in numbers from 7 no. to 6 no. units.

This is a narrow and steeply sloping site which present significant constraints on how the site might be appropriately developed. However the amended proposal have sought to works with these constraints to provide a scheme which reflects the key characteristics of the surrounding area whilst providing appropriate facilities to serve the development. The amended proposal has re-orientated the ridgelines on the townhouses to now run parallel to the road and has sought to simplify their overall appearance. By splitting the terrace into 2 no. semi-detached pairs has allowed greater permeability to the communal area to the rear of the site and provided separate access to each unit and a pedestrian refuge area to avoid residents/visitors from having to step out directly onto the highway. At the western end of the site a parking platform, level with the highway is proposed. This platform would, similar to the existing building and due to the steep drop in levels be supported on columns providing an undercroft that would provide some alternative roost provision for bats (see below). Other than for the roadside this part of the development is largely screened from public view by the position and proximity of adjoining development at Barnards Farm.

In terms of form and layout both the town houses and apartment block now better reflect the surrounding pattern of development with buildings of (form the roadside) 2 storey form featuring ridge lines running parallel with the road and stepping down in height as the road descends, this is considered to be appropriate and helps to reinforce this pattern of development found elsewhere in the conservation area.

In terms of materials the use of painted render and slate to the roofs of the buildings is reflective of surrounding properties and are extensively used elsewhere in the conservation area. Policy D1 of the Local Plan and HBE2 of the Neighbourhood Plan respectively seek to ensure, that new development '*respects the key characteristics and special qualities of the area*' and '*...is sympathetic to the traditional and historic built character and landscape of the parish*'. Policy HBE2 goes on to state development proposals will be supported where they are of high quality design, enhance visual amenity of the setting and minimise any adverse visual impact on locally valued character, and on neighbouring properties to the proposed development site. In assessing high-quality design it lists a number of criteria to be addressed including size, height, density, scale and location; ensuring that materials and design are in-keeping with the character of the surrounding built environment, with a focus on the use of local materials. In this regard it seek to resist block walls and render in preference to the use of Beer stone or flint and chert. Whilst the use of such materials would certainly be encouraged it is not in this instance considered that objection could

be sustained on the use of render, given materials widely used in the vicinity of site. It is also unlikely that sufficient quantity of Beer stone could be sourced and the use of this or chert is likely to create viability issues. However, it is intended to re-use flint stonework from the existing roadside boundary wall to create new sections of boundary wall and to face the inner walls of the car park area at the western end of the site.

In terms of design detail fenestration is predominantly simple casements described as grey uPVC, whilst their design as a contemporary approach is considered acceptable the proposed use of grey uPVC is disappointing as this is not considered to be an appropriate material for use in the conservation area. It is therefore recommended that in the event of the application otherwise being found to be acceptable further details of fenestration should be controlled by condition. On the rear elevation which is less publically visible metal railings are now proposed in lieu of previously proposed glass balustrading and this is considered an improvement. The use of a darker render colour to the lower part of the elevations is indicated to break up this elevation.

Overall the revised design of the proposal is considered to be appropriate in relation to its form and layout and respects the general pattern and orientation of development found in the locality. In terms of detailed design and the use of certain materials the proposal is considered to be less successful but on balance the proposal through the removal of the existing buildings on site and redevelopment with buildings of an appropriate overall form and layout is considered to preserve the character and appearance of the conservation area in accordance with policy EN10 of the Local Plan.

### **Amenity Impacts**

The proposal has the potential to impact on properties on the opposite side of the road to the north of the site, those to the east and those to the rear south.

Starting to the rear of the site, the existing pattern of development is relatively tight knit and laid out in such a way that there is a high degree of mutual overlooking of private garden spaces/amenity areas already. Whilst the proposal certainly has the potential to increase the overlooking of these areas to the south of the site, it is not considered that this would be to a significantly detrimental degree that would warrant objection on these grounds.

In terms of overlooking between windows on the rear elevation of the building and those to the southwest at Barnards Farm these are arranged at an oblique angle and to the south/south-east at Richmond Terrace/The Square the separation distance between facing windows is sufficient to avoid harm. The buildings themselves would be taller than the existing building on site but sufficient separation distance would remain to avoid an overbearing impact. Where the proposed development does overlap with Barnards Farm, at the western end of the site it is the car park area close to existing properties. There are limited window openings facing the site here and those present appear to serve bathrooms. The use of the car parking area at night could give rise to some impact from car lights however the proposed wall to the car park should limit any such impact. The communal rear garden areas are shown at the same level as the existing ground levels. This space does not appear to have formerly

been used as amenity space but doing so would reflect the use of surrounding land at the rear of the site and no specific harm would arise.

To the north are a number of properties that currently view south over the roof of the existing building, some of these views may be reduced or restricted but the separation distance, at a minimum of approx. 6 metres (at the lower end of the site) is appropriate to avoid any overbearing impact. Windows at first floor level on the proposed townhouses serve bathrooms and a landing area and in the first instance are shown as obscure glazed and the second would not serve habitable accommodation. It is not considered that the amenity of neighbouring occupiers to the north would be significantly affected.

Finally to the east the neighbouring property would sit gable end on to the proposed apartment block, which would have a lower overall height, there are no facing windows proposed and again the separation distance is sufficient to avoid harm.

The proposed construction phase of the development is likely to give rise to some amenity impacts but these could be controlled to an acceptable level through a condition requiring submission of a Construction and Environmental Management Plan (CEMP). Outside the construction phase noise activity associated with the development would be limited and is likely to be less than that associated with the historic use of the site.

### **Ecological Impacts**

The application is accompanied by a Protected Species Survey report which includes the result of bat and nesting bird surveys and two bat emergence surveys. It identifies the use of the site by both Common pipistrelle and Lesser Horseshoe bats with the demolition of the building resulting to the loss of a hibernation and night roost respectively. A European Protected Species Licence would be required. Mitigation measures are proposed which include timing of works to avoid the hibernation period, alternative roosting provision and replacement nesting sites. These measures could be secured by an appropriately worded condition which would ensure the maintenance of protected species at a favourable status in accordance with policy EN5 of the Local Plan.

### **Highways and Access Issues**

The revisions to the scheme and reduction in number of units proposed has enabled the development to now seek to provide 1 no. parking space per unit. Such provision is however below the guide level suggested under policy TC9 of the Local Plan which seeks to secure 2 no. spaces for each dwelling of 2 bedrooms or more. In the Neighbourhood Plan the requirement under policy TP2 is for new development to demonstrate how any additional parking requirements generated will be accommodated. The site is relatively well related to the range of services available within the village, which are all within easy walking distance and therefore in this instance the proposed level of parking provision is considered to be acceptable. Any requirement for additional parking provision would, given the constraints of the site, require either a significant reduction in the number of units proposed, or alterations to the scheme which would result in car parking provision dominating the development.

The County Highway Authority (CHA) has considered the amended proposals and whilst the vehicle tracking to the individual parking spaces is considered to be symptomatic and visibility splays are below that normally required for accesses within 30 mph zones, no objection has been raised. This view takes into account the much lower actual vehicles speeds estimated to occur on Berry Hill.

In relation to pedestrian access, the revised scheme includes pedestrian refuge areas outside of the front door to each unit, avoiding the need for pedestrians to step straight out onto the highway. The addition an alternative route via the communal area to the rear and access steps is available. In pedestrian accessibility terms the scheme is not ideal, there are stepped entrances to the townhouses and to the rear of the site and there is no pedestrian footway provision forward of the building, however this is symptomatic of the sites constrained nature, existing road layout, location within the village centre and the topography of the site. In this instance the proposal is, on balance, considered to provide suitable pedestrian and vehicular access and to accord with policy TC7 of the Local Plan.

### **Economic Impacts**

As the former social club closed a number of years ago and was staffed, at least partially on a voluntary basis the current proposal would result in no direct loss of jobs.

On the other hand the development would help to support construction based jobs directly and indirectly linked to the development. In addition, the future occupiers of the units are likely to provide additional benefits to shops and services within the village through their patronage of these and in this way would help to sustain and maintain such services providing longer term economic benefits.

### **Other Issues**

Some concern has been expressed in relation to the difficulties of accessing the site for construction purposes and more generally once this is complete. As with many construction projects in tight knit areas of development construction can present challenges and the steeply sloping nature of the site further adds to the construction issues. However these issues are not insurmountable and how they are overcome generally sits outside of the remit of planning. In this case there is direct highway access to the site and the application includes details of how it is intended to carry out the demolition phase of development, as such there is no reason to consider that any additional special provisions need to be made. It is though considered reasonable and necessary to seek to control construction impacts through the requirement for a Construction and Environment Management Plan and requiring demolition to proceed in accordance with the submitted demolition plan, such matters can be controlled by condition.

It has been suggested that Berry Hill should be made one-way to avoid the potential for vehicle/pedestrian conflicts and in particular to avoid the awkward junction with New Road at its north-western end. This appears to be a reasonable suggestion but is not one that can be required through this application and is a matter for the County Highways Authority to consider.

## Legal agreement

A legal agreement under s.106 of The 1990 Town & Country Planning Act (as amended) is required in order to secure 50% of the units as affordable in perpetuity and to secure an appropriate tenure mix which reflects evidenced demand and nomination rights in favour of those with a local connection.

The applicant is proposing that 100% of the units are provided as affordable, in one form or another, but as the policy requirement is for only 50% provision this is all that can be secured through this planning permission. In this respect the legal agreement would secure 3 no. of the units as affordable rented.

## **CONCLUSION**

The application seeks the redevelopment of this site through the demolition of the existing vacant buildings and construction of 6 no. new residential units. The proposal would result in the loss of a community facility albeit the use of the existing buildings as a social club ceased several years ago and there are other venues within the village which perform a similar function. It is also recognised that the proposal, though the provision of affordable housing to people with a local connection, would continue to provide a community benefit.

The supporting information indicates that all of the units would be provided as affordable and managed through the Beer Community Land Trust which already manages other affordable units within the village. Whilst it is only possible to secure through the planning application that 50 % of the units would be provided as affordable in perpetuity this is still recognised as a significant benefit in favour of the scheme. Other benefits would also arise through construction and related jobs associated with the construction phase of development and the likely support of future residents to shops and other service providers in the village.

The site is located within the designated conservation area and therefore there is a requirement to pay special regard to the need to preserve and where possible enhance this designated heritage asset. The amended scheme seeks to reflect the surrounding pattern of development in form and layout and generally through the use of materials and further details can be adequately controlled by condition. The development proposed will have a greater impact than the existing buildings due predominantly to the increased height and massing however, it is not considered to be harmful and would preserve the character and appearance of the conservation area.

There are some elements of the scheme, including the parking platform which are not ideal in terms of their appearance, provision or usability but overall the benefits of the proposal are considered to weight in favour of the scheme and it is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions and completion of a s.106 legal agreement to secure the above matters:

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. Unless otherwise previously agreed in writing with the Local Planning Authority development shall proceed in accordance with the submitted demolition and site restoration plan.  
(Reason - In order to ensure an orderly demolition and site restoration process in the interests of residential amenity and the character and appearance of the site in accordance with policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
4. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
5. Notwithstanding details indicated on plans hereby approved and before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development as well as for windows and doors shall be 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 sympathetic to the character and appearance of the area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
6. Prior to any development above foundation level, a 1-2 square metre sample panel of stone walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be agreed in writing with the Authority together with any variations as to coursing,



pointing and the type of stone to be used. All stone walling as may be agreed, shall be completed prior to the initial occupation of any of the dwellings hereby approved.

(Reason - To ensure that the materials are considered at an early stage in the interests of the appearance and character of the area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the limited details indicated on drawing no. P-100 rev. E and prior to their installation the following further details of refuse/recycling and cycle storage, to serve all of the residential units hereby approved, shall be submitted to and agreed in writing with the Local Planning Authority.

(a) location and siting of any bin-recycling enclosures

(b) scaled elevation drawings and material finish for any enclosures

(c) means of providing secure undercover cycle parking provision for each unit  
Development shall proceed in accordance with details as agreed and shall be provided prior to the initial occupation of any of the dwellings and shall thereafter be retained and maintained for that purpose.

(Reason - To ensure appropriate provision is made and in the interests of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness, EN10 - Conservation Areas and TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

8. The site accesses and parking provision shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Proposed Site Plan - Drawing No. P100 Revision E.

(Reason - To provide satisfactory access to the site, to protect the pedestrian priority on the carriageway and to ensure adequate parking provision to serve the development is maintained in accordance with policy TP2 - Car Parking of the Beer Neighbourhood Plan 2014-2031 and policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

9. Development shall proceed in accordance with recommendations and mitigation proposals set out in the Protected Species Survey Report, prepared by Richard Green Ecology Ltd. and dated June 2019, unless otherwise previously agreed in writing by the Local Planning Authority.

(Reason - In the interests of the continued protection of protected species and biodiversity enhancement and in accordance with policy EN6 (Wildlife Habitat and Features) of the Adopted East Devon Local Plan 2013-2031.)

10. 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: Schedule 2, Part 1, Classes A to E (inclusive) for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than those that do not materially affect the external appearance of the buildings, or

for the provision within the curtilage of any building or enclosure (other than any hereby approved or required).

(Reason - In the interests of residential amenity and the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

11. Prior to the initial occupation of the dwellings to which the window relates the first floor windows on the north elevations of units 1 -4 which are shown to be obscure glazed on drawing no. P-300 Rev.D shall have been glazed as such with the obscure glazing of these windows thereafter retained at all times.

(Reason - To protect the privacy of occupiers of properties opposite the site in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Prior to their installation the following details and specification for these items (including where required samples) shall be submitted to and approved in writing by the Local Planning Authority:

- New rainwater goods including profiles, materials and finishes.
- External fixings including meter boxes, extraction vents & flues
- Rooflight specification and design which should be of conservation type flush with the roof.

Development shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas 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.

This planning permission shall be read in conjunction with the completed s.106 legal agreement dated XXXXXXX and which secures the provision of on-site affordable housing.

##### Plans relating to this application:

E100 Rev D: Location/Site Plan	Existing Combined Plans	09.03.20
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P200 Rev D	Proposed Floor Plans	09.03.20
P201 Rev D	Proposed Floor Plans	09.03.20
P300 Rev D	Proposed Elevation	09.03.20
P301 Rev D	Proposed Elevation	09.03.20
P400 Rev E	Sections	06.04.20
P201 Rev E	Proposed Floor Plans	06.04.20
P100 Rev E	Proposed Site Plan	06.04.20

List of Background Papers

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

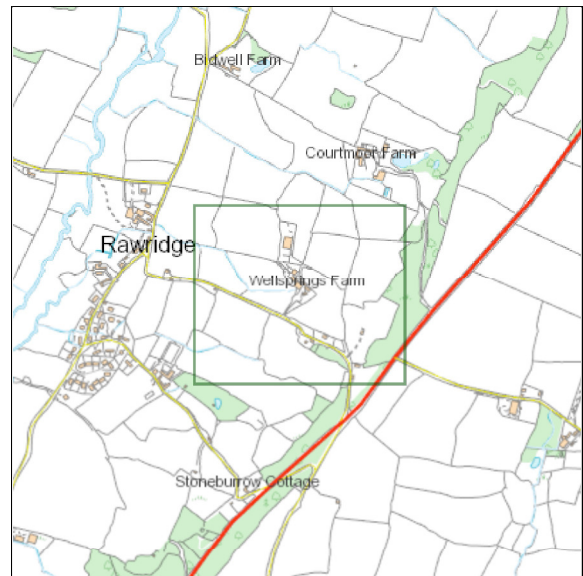
**Ward** Dunkeswell And Otterhead

**Reference** 20/0425/FUL

**Applicant** Mike Drew

**Location** Wellsprings Farm Pound Lane Uptonery  
Honiton EX14 9QB

**Proposal** Construction of replacement farmhouse and  
conversion of existing farmhouse into walled  
garden



**RECOMMENDATION: Refusal**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Dunkeswell And Otterhead (Upottery)</b>	<b>20/0425/FUL</b>	<b>Target Date: 28.05.2020</b>
<b>Applicant:</b>	<b>Mike Drew</b>	
<b>Location:</b>	<b>Wellsprings Farm Pound Lane</b>	
<b>Proposal:</b>	<b>Construction of replacement farmhouse and conversion of existing farmhouse into walled garden</b>	

**RECOMMENDATION: REFUSE**

#### **EXECUTIVE SUMMARY**

**This application is before committee because the officer view differs from that of one of the Ward Members.**

**Wellsprings Farm is a rural farmstead located on the eastern side of the Upper Otter Valley, just to the east of the hamlet of Rawridge and within the Blackdown Hills Area of Outstanding Natural Beauty. The site comprises of the existing farmhouse and a number of traditional barns/outbuildings as well as a more recent farm buildings at the western end of the site.**

**The application seeks permission to demolish the existing farmhouse, one of the traditional barns and a number of redundant more modern farm buildings. A new farmhouse would be constructed on the site of the existing farm buildings with some further earthworks proposed to create a levelled terrace.**

**The supporting information concludes that the existing farmhouse probably dates from the late 18<sup>th</sup> century and is ‘unremarkable’ from an architectural point of view, having been subject to alterations over the years. However, there is some evidence of earlier origins to the building and together with the traditional outbuildings it forms an attractive vernacular group. The limits to the extent of survey work carried out means that a full understanding of the building’s significance has not been possible and this, in turn restricts the ability to properly balance the loss of the building against any potential benefits of the scheme.**

**The applicant suggests that the proposal would enable a more energy efficient dwelling house to be erected; would remove the existing damp problem (caused by the existing farmhouse being constructed into the slope), and; would represent an overall enhancement by removing unsightly and decrepit farm buildings.**

**However, officer view is that the proposal would result in the loss of the traditional farmhouse, where the historic significance (and therefore value) of this is not fully understood and that the proposed replacement farmhouse, would have a greater and more harmful landscape impact than the buildings it would replace. In addition, the replacement farmhouse is considered to fail to reflect the key characteristics and special qualities of the area in terms of its scale, design, layout and external appearance. As a result the proposal fails to provide any clear planning or environmental benefit and is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Dunkeswell And Otterhead - Cllr David Key**

03/04/20 - I fully support the application for a replacement dwelling on this holding. The existing house is totally inadequate for present day occupation with the floors of the rooms on different levels ranging to approximately seven feet different in the lowest to the highest room floor levels plus nothing has been spent on the interior to make it habitable.

Further comments 27/04/20:

I still fully support this application with a partly stone faced front elevation, the rest of my previous comments remain.

Further comments 30/04/20:

Having received the amended application I fully support the application as before. This old farmhouse is not fit for present day occupation due to the floor levels differ over a distance of 7 feet from the sitting room to the kitchen and so certainly not disabled friendly. The present roof was replaced in the late 1970s early 1980s when 90 percent grants were available and this was done by a local builder. The windows are of plastic and wood together with a plastic entrance door to the house.

The only thing that is old are the four walls which are to be made into a walled garden and so preserved, with quite a bit of attention as wall ties are at present holding them together further attention will be needed to hold them in place.

To rebuild on the same site would need a large excavation to level the site for building.

I fully support the design and position of the proposed dwelling.

#### **Clerk To Upottery Parish Council**

The parish council reviewed the amendments made to the application at a virtual meeting on 4 May. As the parish council said previously they do not object but feel the finish of the final building needs to be in keeping with the old farmhouse. It was felt

that the exterior of the new house needs to be blended into the valley. The parish council would like final approval of the finish of the build before the plan is approved.

### **Technical Consultations**

#### Devon County Highway Authority

Observations:

The proposed development would not result in a net gain of residential dwellings in the open countryside and therefore the number of likely traffic movements will remain similar to those that already exist.

Therefore the CHA does not oppose the development or request any conditions.

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

#### Devon County Archaeologist

23/04/20 - I refer to the above application. The proposed development involves the demolition of a historic farmhouse. The farm is shown as "Wells Springs" on the mid-19th century Tithe Map and it is possible that it may have earlier origins. The ecological survey submitted with this planning application suggests that the building is 17th century in date but does not indicate how this date has been determined. The images within the ecological survey suggest that there may be a cruck frame which extends into the rooms on the first floor and, as such, may indicate the building does have some antiquity. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of the farmhouse as a heritage asset.

Given the potential for the extant farmhouse to have early origins, that the proposed development involves the complete loss of this historic farmhouse and the absence of sufficient heritage information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the heritage asset is not submitted in support of this application then I would recommend the refusal of the application. The requirement for this information is in accordance with East Devon Local Plan Policy EN8 Significance of Heritage Assets and their Setting, and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of a historic building appraisal undertaken by an appropriately experienced historic building specialist to enable the significance of the farmhouse as a heritage asset area to be understood as well as the impact of the development upon it, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for historic building specialists who would be able to undertake this work. Provision of detailed advice to non-householder developers

may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

## EDDC Landscape Architect - Chris Hariades

05/05/20 –

### 1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

### 2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

#### 2.1 Location and brief description of proposals

The site is situated to the north side of Pound Road above and 500m northeast of the small village of Rawridge in the upper Otter Valley. The proposals comprise demolition of the existing farmhouse and a number of out-buildings, the construction of a new farmhouse and associated engineering and landscape works. Access is from the existing track off Pound Road.

#### 2.2 Site description and context

The site covers the farmyard and buildings of Wellsprings Farm and comprises a stone fronted farmhouse to the north eastern end with a small barn and linhay in front and a stone built cowshed and main barn to the west. The latter has been extended southwards by erection of a steel clad lean-to structure. Two further open modern but dilapidated barns are situated west of this.

The farm complex stands at the head of a dry valley on a west facing, steeply sloping hillside, just below the springline, at an altitude of 170-175m AOD. Land to the east rises to the A30 which follows a northeast-southwest running ridge at an altitude of 230m AOD.

There are a number of trees and hedgerows around the perimeter of the site to the north, east and west. The southwest boundary is open and drops away steeply with yard levels retained by approximately 1-2m high retaining structures. A clump of mature pines growing in front of this has recently been felled.

Surrounding land use is agricultural, predominantly pasture on the higher slopes with mixed arable/ pasture lower down and scattered isolated farms and occasional dwellings. A belt of woodland runs along the steep scarp slope to the east.

There is no public access within the site or its immediate vicinity, the nearest public access being Pound Lane itself 70m to the south.

#### 2.3 Conservation designations

The site lies within the Blackdown Hills AONB where, in accordance with NPPF policy



great weight should be given to conserving and enhancing landscape and scenic beauty.

Furzy Cottage is situated further up Pound Road 130m to the east and Rawridge Farm, lies 420m to the southwest. Both are grade II listed.

The grade II/ II\* listed Mohun's Ottery is situated 2km to the southwest.

#### 2.4 Views

The site affords extensive views down the Otter valley to the south and across it towards Hartridge to the west. Views to the north and east are much constrained by landform and tree cover.

There are short distance views of the site from sections of Pound Road in the vicinity of the existing access and below it.

There are clear views of the farm from roads and footpaths on higher ground to the west side of the Otter valley, in particular Luppit footpath 58 (1km distant) and 23 (1.2km distant), most of the length of Luppit bridleway 25 (1.8-2.1km distant) as well as the higher sections of New Road (1-1.6km distant) and numerous locations from access land on Hartridge (2-2.7km distant). In these views the farm complex is an attractive and clearly visible feature of the landscape.

The site is visible from the grade II/ II\* listed Mohuns Ottery and grade II listed Rawridge Farm.

#### 2.5 Landscape character

The site lies within East Devon Landscape Character Type (LCT) 2A Steep wooded scarp slopes key characteristics of which relevant to the site are:

- A narrow band of steeply sloping land immediately below the plateau edge
- Mixed woodland and semi-improved or unimproved pasture
- Pastoral cultivation, with small scale irregular field pattern
- Springline mires
- Lightly settled
- Narrow winding lanes with well treed banks
- Occasional long views out over adjoining valleys
- Many patches of semi-natural habitats, including springline mires and scrub

Relevant management guidelines for this LCT include:

- Encouraging the planting of oak as a hedgerow tree.
- Maintaining the inherent sparsely settled character.

The boundary of the adjoining LCT, 3A: Upper Undulating Farmed and Wooded Slopes, lies just to the west of the site Distinctive characteristics of LCT3A relevant to the site are noted as:

- Small to medium size fields with irregular boundaries
- Very wide, usually low, species-rich hedges with many hedgerow trees
- Dispersed settlement pattern of isolated farms and small villages
- Very winding narrow lanes
- Remote and with little 20th century development

#### 2.6 Site landscape character

The site and its immediate landscape setting largely conforms to the LCT types noted above. The existing farm complex is widely visible and an important component of the local landscape character by virtue of its setting, scale and materials (ref figure 1 below).

### 3 RELEVANT PLANNING POLICY

#### 3.1 National Planning Policy Framework 2018

para. 172 - Great weight should be given to conserving and enhancing landscape and scenic beauty in [inter-alia] Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas.

The scale and extent of development within these designated areas should be limited. Para. 180 - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### 3.2 East Devon Local Plan 2013-2031

##### Strategy 3 Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that [inter-alia] the following issues and their inter-relationships are taken fully into account when considering development:

- a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.

##### Strategy 46 Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well-being of the area.

#### H6 Replacement of Existing Dwellings in the Countryside

Proposals for the replacement of an existing dwelling outside the defined Built-up Area

Boundaries will be permitted, provided that all the following criteria are satisfied:

1. There is an existing, permanent, habitable dwelling located on the site, which is not a dwelling specifically granted planning permission under the agricultural or forestry exceptions policy.
2. The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved.
4. The replacement dwelling does not detract from the appearance and character of the landscape, and within the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty harm the natural beauty of the landscape.
5. The dwelling to be replaced is not of architectural importance (whether Listed or not) or important in terms of contributing to landscape character or quality or local distinctiveness.

#### D1 Design and Local Distinctiveness

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
  - Important landscape characteristics, prominent topographical features and important ecological features.
  - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
  - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
  - Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

#### D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting

and other soft landscaping.

6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

### D3 - Trees and Development Sites

Permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

### 3.3 Blackdown Hills AONB Management plan

The Blackdown Hills AONB draft management plan 2019-2024 sets out a number of policies aimed at protecting landscape character within the AONB amongst which, of particular relevance to the application are:

PD2 – All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment.

- Being sensitively sited and of appropriate scale.

- Seeking to protect and enhance natural features and biodiversity.

LC3 – Promote high levels of peace and tranquillity with dark skies by minimising noise, intrusive development and light pollution.

## 4 REVIEW OF SUBMITTED INFORMATION

#### 4.1 Issues supporting information

##### 4.1.1 Ecological assessment

It is noted in the assessment of potential bat roosts that there is no access to the roof void of the dwelling. The conclusion that no bats are present is based on daytime inspection of the exterior of the building only and should have been verified by dusk and dawn field observation and the placement of detectors.

Pine trees noted in the report as landscape and ecological value have since been felled.

##### 4.1.2 Tree survey

No tree survey is provided with the application. There is a possibility that proposed grading works to the north of the site will impact RPAs of existing trees and hedgerow and as required by EEDC policy D2 the application should therefore be supported by a tree survey prepared in accordance with BS 5837 2012: Trees in relation to design, demolition and construction.

##### 4.1.3 Location plan

The accuracy of the red-line to the southwest application boundary is questioned. The submitted sections indicate that this should be extended outwards a further 4m or so (refer section 3.1.5 below).

##### 4.1.4 Topographic survey

No topographic survey is provided with the application although some spot levels are indicated on the existing and proposed site plan. Given the significant level changes across the site and the extent of proposed earthworks a full topographic survey of the application site should be provided which should include accurate levels contours across the site at intervals of 0.5m and identify sudden level changes and slopes greater than 1:3, the extent and height of existing walls, retaining structures and fences and the location and extent of steps, pavings, grass, shrubs, hedgerows, trees, overhead powerlines and any other structures and noteworthy features.

##### 4.1.5 Proposed site layout and sections drawings

The proposed site layout plan should clearly show the limits of proposed areas of cut and fill earthworks in order to ascertain their full visual impact and whether they would impact tree and hedgerow root protection areas.

The plan should clearly differentiate between existing trees, hedgerow and scrub to be retained and proposed new planting.

The area to the south of the main barn appears to be shown on the layout plan as a parking area although this is unclear and should be clarified.

A low, rendered masonry wall is marked to the south of the main barn. It should be clarified whether a parapet above it and the proposed finished height of the wall. A suitable local stone facing would be more appropriate than render.

A note on the plan refers to the construction of a ha-ha feature with stock fence. The location and extent of this should be indicated on the plan.

A modern barn is situated at a higher level to the northwest of the site and is presently

accessed through it. The proposals seem to sever this route and the applicant should confirm how the barn will be accessed in future should the proposed development go ahead.

The following discrepancies are noted between the submitted proposed site layout plan and sections which should be clarified and corrected:

-The extent of the proposed terrace area to the southwest of the new dwelling shown on the proposed site layout plan differs from that shown on the sections. Whereas the plan shows the terrace extending 8m and 10.5m measured along section lines 2 and 3 respectively, the sections themselves show these to be 5.4 and 8m.

-The plan indicates a berm forming the southwestern edge of the terrace which is not shown on the sections.

-The sections show a parapet wall forming the outer edge of the terrace which is neither reflected on the existing or proposed ground levels profiles.

The vertical levels bar on the sections does not tally with the actual section levels and should be adjusted accordingly.

#### 4.1.6 Landscape strategy

No landscape details are provided with the proposals apart from a note on the layout plan indicating a single feature native tree. A landscape strategy plan should be provided indicating proposed surfaces and planting structure and habitat/ bio-diversity enhancements.

### 4.2 Design

#### 4.2.1 Site layout

The proposed site layout places the new dwelling 28m to the west of the existing farmhouse where it is prominently set to take full advantage of the fine views to the west and south. The consequence of this is to make the proposed dwelling much more conspicuous in from views to the site.

The new access drive to the north of the site ends in a large turning circle which seems unnecessary and if omitted would enable the proposed dwelling to be set further back into the site, reducing its prominence and allowing some tree planting around the edge of the terrace to the south elevation that would provide screening without over shading and further reduce its visual impact.

#### 4.2.2 Dwelling scale and design

The plan form of the proposed dwelling is in the shape of a shallow 'V' and is much bigger than the existing one with an 80% increase in footprint and approximately double the internal floor area and stands 8m to ridge. By comparison the open barn to be demolished on part of its footprint is 6m high while the adjacent main barn is 5m high to ridge. Neither its form or scale reflects local vernacular building style and, with the proposed fenestration on the outward facing southwest elevation, the building presents a rather barrack-like appearance.

No details appear to be provided of proposed roof, walls, windows, doors and

rainwater goods materials and details should be confirmed.

A note on the proposed site layout plan and sections 1-4 indicates the creation of a ha-ha feature with stock fence through the proposed embankment below the main site. Aside from the cost of creating the necessary retaining structures for this within the made up embankment, its purpose is questioned as the stock fencing would not be seen in any case in views from the house or terrace areas in front. Money would be better spent providing a stone facing to the retaining wall to the south of the main barn instead.

#### 4.3 Landscape and visual impact

The surrounding landscape is of high value as recognised by its AONB status. The landscape retains most of its historic field patterns and hedgerow and is of high quality being remote and sparsely settled with few modern detractors and a high degree of tranquillity. As such it is considered to have a moderate to high sensitivity to change of the type proposed.

While the existing farmhouse is discretely set within the landform and an attractive feature in views of the site the proposed dwelling is of much larger scale and more prominently set forward and to the west of the existing farm complex where it would be a much more noticeable feature in views from Pound Lane and from across the valley to the west/ southwest including at night when the many windows to the southwest elevation may be lit up.

In themselves the demolition of the sheet metal clad lean-to structure to the south side of the main barn and the demolition also of the open barn to the west would enhance the site. However, their relative low height and weathered materials help to reduce their visual impact (ref figure 2 below).

A lack of detail in the submitted information makes it difficult to assess the extent of the proposed earthworks and the impact this may have on existing trees and hedgerow making it difficult to assess the full landscape and visual effect of the proposals. Notwithstanding this, overall the proposals are considered likely to have moderate adverse landscape and visual impact.

#### 4.4 Heritage impact

The historic farm buildings appear on the 1841 Upottery tithe map and form an interesting grouping which contributes to local landscape character. The proposed demolition of the dwelling and cowshed seems regrettable and the opinion of the District conservation officer should be sought in this regard.

## 5 CONCLUSIONS & RECOMMENDATIONS

### 5.1 Acceptability of proposals

The demolition of the existing farmhouse is subject to EDDC policy H6 which sets out 4 conditions that must be met for an application to replace an existing dwelling to be acceptable. The application does not meet condition 2 as the replacement dwelling is sited some distance apart from the one and provides no clear planning or environmental benefit. The proposal also fails to satisfy conditions 3 and 5 (there is no condition 4) as it will give rise to adverse landscape and visual impact and result in the

loss of buildings which are important contributors to local landscape character.

The submitted information also has a number of shortcomings as noted at section 4.1 and 4.2 above.

As such the proposals are considered contrary to NPPF para. 172 and 180 c); EDDC Local Plan Strategy 3, 7 and 37 and Policy D1, D2 and D3; and Blackdown Hills AONB management policies PD2 and LC3. As such the application should be refused.

However, notwithstanding the above, if the LPA decides that replacement of the existing dwelling is acceptable, amendments to the submitted scheme should nevertheless be sought as noted at sections 4.1 and 4.2 above in order to minimise adverse landscape and visual impact.

## 5.2 Conditions

In the event that satisfactory amended information as noted at sections 4.1 and 4.2 above is provided prior to determination and approval is granted, the following condition(s) should be imposed:

1) 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 shall include the following:

- A Green infrastructure statement describing the various types of proposed planting and features, and how they tie into the local landscape character and other elements of the proposed development.
- Detailed layouts providing the following information:
  - Planting proposals
  - Hard or soft boundary treatments
  - Hard surface treatments
  - Proposed external lighting scheme incorporating recommendations from the Ecological Impact Assessment and in compliance with Guidance note 08/18 – Bats and Artificial Lighting in the UK, Institute of Lighting Professionals/ Bat Conservation Trust, 2018.
  - Proposed earthworks
- 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 species and notes describing how the scheme will be implemented.
- Hard landscape proposals shall be accompanied by a material specification.
- If the scheme has significant level changes, sections shall be provided showing how the proposed development will integrate into the existing context.
- Construction details of any proposed walls, fences and other boundary treatments
- The various tree pits and/or Devon bank construction details.

The landscaping scheme shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earliest unless otherwise agreed in writing by the Local Planning Authority and the landscaping 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 Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy

D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

### Conservation

20.05.20 - The property is located north of Pound Lane and to the north east of Rawridge and appears on the 1889/90 historic OS map. At that time the site comprised the farmhouse, and several barns/outbuildings grouped informally to the south, west and north-west of the farmhouse. Today only some of the barns/ outbuildings remain, see below. Several modern outbuildings have now been constructed on the site.

In addition, the 1947 aerial photograph clearly shows the farmhouse and the wider farm group, although it appears that the range to the south west may have already been lost or removed by that time. Later aerial photographs still show the farmhouse and remaining wider group in situ including a large modern agricultural building to the north.

Farmhouse: two storey stone rubble (chert) with asbestos cement slate roof and 2no. brick chimneys, set into the hillside. Two and three light upvc casements some with timber lintels over. Two upvc doors to the front elevation. Single storey lean-to at the rear and small lean-to structure. There is evidence of structural intervention in the form of ties on both the front and rear elevations.

Barns: originally four stone barns, there are now only three remaining and named as on the submitted plans as Main Barn, Dairy and Barn for consistency. See below for more detail.

Non-Designated Heritage Asset: I was asked to look at this application to assess whether the Farmhouse was considered to be a Non-Designated heritage asset. To clarify, these are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. I certainly consider that the farmhouse and wider farm group is of local significance and within the rural landscape of Upottery. On the basis of comments made by Devon County Council Archaeology an Historic Building Evaluation by Luxton Chartered Surveyors has now been submitted, see below. This has strengthened the case for the farmhouse to be considered an NDHA.

The NPPF specifically states that:

Para 197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The significance of the farmhouse derives from its age, visual appearance and the use of traditional local vernacular materials, its prominent location above the lane within the local landscape, and its juxtaposition and association with the wider farm group. The farm buildings are also considered to be worthy of NDHA status. These factors therefore require consideration in terms of the proposed development to demolish the farmhouse, retaining the walls as a walled garden and the replacement of the farmhouse with a new dwelling.

Listed buildings: Furzy Cottage, Rawridge Farm, Chapel Cottage, and Rose Cottage are all in relatively close proximity to Wellsprings and are listed Grade II. Mohuns Ottery is Grade II/II\* and is some distance away, but there is some visibility between the two. It is considered that there is no impact on the immediate settings of the listed buildings, but that the wider views from the listed buildings, in particular Rawridge Farm and Mohuns Ottery will be affected by the proposals in terms of the agricultural landscape setting (see Landscape comments).

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

This application is for the construction of a replacement farmhouse and the conversion of the existing farmhouse into a walled garden. In association with the works a new access route and turning circle is envisaged and two of the existing farm buildings are to be retained.

The comments below relate to the status of the farmhouse as a NDHA, the submitted Historic Building Evaluation and the proposed plans:

Historic Building Evaluation: this has now been provided as a result of comments raised by Devon County Council Archaeology. This is a relatively detailed document, but there are a number of concerns relating to the assumptions made and perhaps the need for a more comprehensive inspection which includes gaining access to the roof structure. Not all of the photographs are labelled and it would have been useful to have seen far more interior shots. Comments relating to the content of the document are set out below:

It is accepted that the farmhouse appears on the 1841 Tithe map, but there are certainly indications that the building maybe a lot earlier, perhaps even C17 as indicated by the Ecological survey, but the lack of access into the roof has not provided much needed evidence of the earlier structure. The report refers to re-roofing in the 1970's, and that no structural works were undertaken at that time, but again there is no clear evidence of this. To fully understand the building an evaluation of the roofspace and roof structure would have been expected.

The plans show what appears to be a 3 room cross passage, but there is also an indication that the Sitting room was either added or altered and updated at a later date, as seen by the stepped layout/floorplan and the roof slope at the rear. Certainly, its location, set into the hillside, indicates an earlier building. Further investigation of the layout and in particular looking at the modern rear lean-to might help. Could this have

replaced an earlier structure? A stair turret for instance which wouldn't necessarily have had a rear access.

There is evidence of a range of joinery, some indicating C18 work and the under part of the stairs suggests C18-19. There is evidence of lathe and plaster ceilings and some beams within the ground floor. The removal of the modern ceiling in the kitchen might reveal an earlier ceiling. The photographs of the first floor are not as clear as those within the Ecology report, but certainly indicate an earlier roof structure with possible changes in ceiling height. Again, this indicates a need for access into the roof.

The chimneys have certainly been altered and again access into the roof will assist in dating the overall structure. The inglenook and the fireplace in terms of their location and size indicate an earlier building and warrant further investigation.

Barns: see above for general points.

Main barn: constructed in stone and slate, it has been the subject of modern alteration and extension with cattleyards. Likely to have been a threshing barn, it has an original 'A' frame pegged roof structure and was probably originally thatched. This structure seems exceptionally well preserved;

Dairy: stone with corrugated roof, this has undergone some alteration, but its loss within the proposals is still unfortunate. Could this be incorporated into proposals to retain and extend the farmhouse?

Barn: this appears to be a small stone building with 'A' frame trusses, but has been re-roofed. As indicated in the report this is likely to have been the stone and tiled wash house and store and has a number of interesting features and is an important historic structure within the group.

Cart shed: open fronted, but currently boarded with stone wall to rear and corrugated asbestos roof. This is to be removed as part of the proposals.

To summarise, the plan form of the farmhouse is itself a 'medieval feature' and by the late 18th-century the three room and cross passage plan was very rarely, if ever used. (Lobby entry and other symmetrical plans were common from the mid-17th century and were almost ubiquitous by the 'end of the 18th'). The house may occupy the site of and incorporate part of a medieval or post-medieval house. It has just been much modified, but not so much as to destroy all its significance. The location of the house, built deep into the hillside, is again a clear indication that this house is likely to be much older than the 'late 18th century' as states in the report. Without further investigation of the roof and other exploratory work, the date of the building remains unclear.

The house is 'modest', but not necessarily 'unremarkable' as described in the report. Whilst an internal inspection has not been undertaken by myself it appears to be in relatively sound condition and capable of improvement to modern standards. The recent Estate Agent particulars suggested that it has 'potential to be improved and potentially extended (subject to the necessary consents)'. It may not contain any exceptional architectural details, but this vernacular building is typical of the Blackdown Hills and just as worthy of preservation as less 'unremarkable' buildings.

The whole complex appears to have been improved in the 18th century, including the farmhouse (by the reconstruction of its service end) with the provision of a complete set of new farm buildings, most of which, except the cart linhay, are of 18th century. It is a good example of well-preserved traditional farm buildings which seems to have been re-planned around a much earlier house, possibly after it was acquired by the Upottery estate. If this interpretation is correct then the importance of the complex as an example of mid-18th century agricultural planning, pre-dating the usual run of 'model farms' needs to be recognised.

It is considered that the submitted report does not go far enough in establishing the historical background of the property or its date of construction. There are a number of questions still unanswered or set aside within the report and the conclusion fails to provide sufficient justification for its lack of significance and therefore subsequent demolition. Further investigation is therefore required.

Structural Survey: the Design Statement (Additional Information) contains an indication of the structure and concerns relating to some historic movement and damp issues. However, there is no detailed Structural Assessment of the farmhouse or the barns. There is a presumption for demolition, but nothing to support or substantiate the fact that it is capable of improvement and extension as the existing farmhouse, see above;

Demolition of the farmhouse: this is certainly regrettable and is based on insufficient justification for its loss. The farmhouse is considered to be a non-designated heritage asset, see above and in conjunction with the historic barns contributes to the local landscape as a significant and visible farm group. Its date of construction has not been fully established and neither its historical importance as a farm group within the local community and wider Blackdown Hills;

Walled garden: whilst this provides evidence of the form and layout of the original farmhouse and utilises the existing stonework, this option, is only appropriate if it is deemed acceptable to demolish the farmhouse and to construct a new dwelling;

Replacement farmhouse: setting aside whether it is appropriate or not for a replacement dwelling, the proposed new dwelling is too large, and will dominate this sensitive and visible rural setting. The form and overall design and appearance is inappropriate with grandiose central doorway and porch/portico and regimented fenestration out of keeping with the rural vernacular. The large hard surfaced patio and surroundings will have considerable impact on the landscape. Any scheme needs to be much reduced and further thought given to retaining the farmhouse, subject to further survey and investigation;

New access drive: this is to the north of the proposed new dwelling and requires the removal of the existing Dairy and has a large turning circle which seems inappropriate and unnecessary for this rural setting. The loss of the Dairy building is also unfortunate and an alternative route should be sought;

Open modern barns: no objection to their removal as this will enhance the setting of the farm group and the wider landscape

Historic barns: the Main Barn and Barn, are to be kept as part of the scheme, with the Dairy being removed, see above. There are no details of how the barns are to be repaired and maintained or any future use to ensure their longterm care;

Conclusion: as it stands, I cannot support the current scheme and have concerns relating to the loss of the farmhouse, which is considered to be a Non-Designated Heritage Asset including the barns. Based on the lack of and insufficient conclusive supporting documentation, in terms of the heritage assets, I would recommend refusal.

**PROVISIONAL RECOMMENDATION - PROPOSAL  
UNACCEPTABLE**

REASONS FOR REFUSAL: see above

### Other Representations

2 no. representations have been received offering support for the proposal as follows:

- The current buildings do not add anything to the area of outstanding natural beauty and the proposal seeks to rectify this.
- The new farmhouse will help the environment by meeting current building regulations and enable a modern way of living whilst the walled garden helps retain the essence of the original farmstead

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 - (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN8 (Significance of Heritage Assets and their setting)

H6 (Replacement of Existing Dwellings in the Countryside)

### **Site Location and Description**

Wellsprings Farm is a rural farmstead located on the eastern site of the Upper Otter Valley just to the east of the hamlet of Rawridge and to the southeast of Upottery. It is accessed via a private drive from the local road to the south of the site and which links between Rawridge and the A30.

The site comprises of the existing farmhouse and a number of traditional barns/outbuildings as well as a more recent farm building at the western end of the site. The farmhouse and traditional barns are largely of random stone wall construction. The farmhouse has a slate roof and other buildings have a mix of slate or corrugated sheeting roof coverings. The building group is constructed on a platform cut into the slope and there are concrete block retaining walls to the southwest side of the group, with in the site and again on the northwest side. There are a number of further modern farm buildings to the northwest of but outside the application site.

The access drive that serves the site runs in a straight line from the local road to the farmhouse before turning tightly to run between the traditional farm buildings to the modern farm buildings and concrete yard area at the northwestern end of the site. The access track continues passed these to serve the larger barn to the north.

There are a number of trees and hedgerows around the perimeter of the site to the north, east and west. The southwest boundary is open and a clump of mature pines forward of the retaining wall has recently been felled.

Surrounding land use is agricultural, predominantly pasture on the higher slopes with mixed arable/ pasture lower down and scattered isolated farms and occasional dwellings. A belt of woodland runs along the steep scarp slope to the east.

There is no public access within the site or its immediate vicinity, the nearest public access being Pound Lane itself 70m to the south.

The site lies in open countryside forming part of the designated Blackdown Hills Area of Outstanding Natural Beauty.

### **Proposed development**

The application proposes the demolition of the existing farmhouse and the construction of a replacement dwelling on a site to the northwest currently occupied by a modern farm building which it is proposed to remove.

The replacement dwelling would have a shallow V shaped footprint. It would be of two storey height featuring rendered elevations under a slate roof with brick detailing. A two storey gabled entrance projection is proposed to the northeast side of the building featuring random stonework. To the southwest side of the building a level garden/patio

area is shown with as steep slope down to a proposed 'ha-ha' providing a division to the adjoining field. At the rear of the proposed dwelling it is proposed to level the existing yard area and create a turning/parking area to serve the dwelling.

To the northwest of the parking area a further existing barn is shown for removal but this lies outside the application site. The traditional 'main barn; between the existing and proposed dwellings is indicated to be outside of the site but the lean-to, to its southwest side is proposed for removal creating a further parking area.

A smaller barn 'Dairy/Cow Shed' to the rear of the main barn is shown for removal to enable a revised access track to serve the new dwelling.

On the site of the existing farm house it is intended to retain/rebuild the lower part of the walls to form a walled garden.

## **ANALYSIS**

It is considered that the main issues in the determination of the application are as set out below:

- Principle of development
- Design and Impact on the character and appearance of the area
- Landscape and Visual Impact
- Heritage Issues
- Ecological Impact
- Other Issues

### **Principle of Development**

The site lies in open countryside where development is only supported by Strategy 7 of the Local Plan 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.

In this case the application site, along with the whole of Uppottery Parish was formally designated as Neighbourhood Area on 2<sup>nd</sup> April 2014, however since that time there has been no made neighbourhood plan and no consultation draft produced. This being the case there are no neighbourhood plans which offer specific support to the application.

In relation to the Local Plan, policy H6 deals specifically with applications for the replacement of existing dwellings in the countryside.

Policy H6 permits such replacement dwellings subject to meeting 4 no. specified criteria as follows:

1. There is an existing, permanent, habitable dwelling located on the site, which is not a dwelling specifically granted planning permission under the agricultural or forestry exceptions policy.

2. The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved.

(There is no criteria 3).

4. The replacement dwelling does not detract from the appearance and character of the landscape, and within the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty harm the natural beauty of the landscape.

5. The dwelling to be replaced is not of architectural importance (whether Listed or not) or important in terms of contributing to landscape character or quality or local distinctiveness.

Although the application highlights a number of deficiencies with the existing dwelling there is no reason to consider it uninhabitable and there is no evidence that its occupation is restricted in any way, criteria 1 is therefore met.

With regard to criteria 2, in terms of siting it is proposed to construct the new dwelling on a new site approximately 30 metres to the northwest of the existing dwelling on the site of an existing barn. Whilst there are no objections to the removal of the barn as proposed, the chosen site would be in a more prominent location, elevated above the natural ground level on an artificial terrace. This site has been made more visible by the recent felling of a group of pine trees to the southwest.

The supporting statement at para. 1.3 states that the reasoning for the proposed development is two-fold, these being that, *"...the current dwelling is not suitable for long-term conversion without the need for repeat maintenance and repair, and that the site of the current property is on a surface water 'desire line' (with the building having been built into the hillside, and reaping the effects of the subsequent ingress of surface water and associated problems)."*

The desire to replace the existing building with a new building requiring less maintenance is noted and may provide some limited environmental benefit if the replacement dwelling is better insulated, or otherwise requires less use of non-renewable energy to run. However, this does not provide justification in itself for the revised location. The reference to damp ingress relating to surface water run-off at the rear of the building is noted and provides some limited benefits, although there are also alternative solutions that could be undertaken to deal with this problem. It is not considered that on their own the justification put forward for re-locating the building would be sufficient to represent a *'clear planning or environmental benefit'*. This point appears to be recognised as the submitted Design Statement acknowledges that rebuilding on the same site would be *'more acceptable in planning terms.'*

Whilst the justification offered for the revised location is considered to be limited it is also recognised that the proposal involves the removal of a number of existing buildings on the site and that their removal coupled with landscaping proposals has the potential to provide planning or environmental (landscape) benefits that could weight in favour of the scheme, these are considered below. Considered in isolation however, a strong justification to re-locate the building 30m to the northwest does not



appear to have been made, although there is further consideration of the visual impact from this below.

In relation to criterion 4 and 5 (there is no criteria 3) these matters are considered separately below in the landscape and heritage impact sections of the report.

### **Design and Impact on the character and appearance of the area**

The proposed replacement dwelling represents a significant increase in scale over the existing dwelling. A shallow 'V' shaped plan form is proposed with the wings either side of the central entrance area set at a slight angle, the reasons for this are not explicitly made and whilst not in itself overly harmful represents a change from the more traditional and linear layout displayed by the existing farmhouse and cannot be said to be characteristic of the AONB. The narrow depth of the building is however noted. The two storey form is also reflective of the existing dwelling and other residential development in the area and there is no objection in this respect, albeit to afford full first floor internal ceiling height there would be an overall height increase compared to the existing dwelling house.

In terms of external appearance the proposal indicates the use of rendered elevations under a hipped slate roof. Windows are shown with brick detailing and the full height gabled projection on the north elevation is shown in natural stonework. Policy D1 of the Local Plan requires that development respects the key characteristics and special qualities of the area in which it is proposed and to ensure that the scale massing, density, height, fenestration and materials of building relate well to their context.

The proposed dwelling is of considerably greater scale than the existing dwelling but that is not of itself necessarily a concern provided that the landscape and visual impact is acceptable, particularly as in this location there are no immediate neighbouring properties that the dwelling would be viewed in context with. In terms of materials the use of render and slate is noted on the traditional properties within the area, albeit the use of render/cob elevations under thatched roofs appears more prevalent. The submitted Design and Access statement refers to Exeter's historic brick industry as justification for the use of brickwork, however the use of brick detailing to the window cills does not appear to be locally distinctive.

Although it is evident that elements of the design have, individually, sought to respect traditional local design characteristics, overall this is not considered to be particularly successful. The proposal is of greater scale than the building it seeks to replace and the regimented fenestration arrangement and lack of articulation to the principal elevation does not assist in grounding the building in its rural setting. Given the prominent hillside location and sensitive nature of the landscape how the building would sit within its landscape setting, is an important consideration. The building does not therefore appear to have been designed taking into account the rural location and these design shortcomings are detailed in both the Landscape Officer and Conservation Officer comments.

The surrounding landscape forms part of the Blackdown Hills Area of Outstanding Natural Beauty and as such its conservation and enhancement needs to be given great weight. Strategy 46 of the Local Plan states that development should only be

permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well being of the area.

The existing farmhouse is discretely set within the landform and together with the traditional farm buildings on site represents an attractive feature in views of the site, characteristic of the landscape type. The proposed replacement is sited on an existing terraced area of land to west of the existing farmhouse and currently occupied by a redundant and dilapidated farm building. A group of pine trees to the south of the building have recently been removed exposing this farm building and making it more visible in public views from the south/southwest. In terms of public views the site is visible in close range views from Pound road to the west/southwest of the site. More distant views are afforded from public roads/footpaths on higher ground to the west of the site and from where the exiting traditional farm group is seen distinct from the main group of buildings that form Rawridge.

The supporting information suggests that the removal of the dilapidated farm buildings would offer an opportunity for enhancement of the site and in this regard there are no objections to their removal, however for enhancement to occur the impact of any replacement development must be less (harmful) than that being replaced. In this respect it is recognised that the existing farm buildings, to be removed, with the possible exception of the small dairy building, are of no historic or architectural merit and their removal would not be a loss. Nevertheless, these buildings are not uncharacteristic and indeed representative of the agricultural character of the landscape and have a weathered and organic appearance that reduces their overall landscape impact. They also display some variety in height and form that assists in breaking up their massing. Overall, these buildings are of lower height and width than the proposed replacement dwelling (which is also considerably larger than the existing dwelling) and are considered to be less visually prominent, as their elevation materials are more recessive in appearance than the render (presumably light in colour) proposed for the replacement dwelling's elevations.

Aside from the replacement dwelling itself, landscaping works are proposed to rep-profile the land forward of and to the rear of the dwelling. The works would look to provide a banked slope to the south of the proposed patio area using soil cut from the rear of the site where a level parking/turning area to serve the dwelling is proposed. In order to provide this new access the existing 'dairy' barn would be demolished. It is understood that it is proposed to provide a continuation of the realigned track to the northwest in order to maintain access to a further farm building. This track extension however does not form part of the current application.

There are discrepancies between submitted plans in relation to the extent of earthworks proposed. However, it appears that the development has the potential to impact on trees/hedgerow to the north of the site and which are indicated to be retained and which themselves form part of the landscaped setting of the farm. The proposed site layout plan does indicate some replacement planting but lacks detail as to what is proposed.

There is also missing information on how the excavation to the rear of the site would be retained.

On the basis of the submitted information, it is considered that the scale, layout and external appearance of the replacement dwelling, together with its more prominent location would have a moderate adverse landscape and visual impact even when the buildings proposed for removal under the application are taken into account. Criteria 4 of policy H6 would not therefore be met and the proposal would fail to conserve or enhance the quality and local distinctiveness of the surrounding landscape as required by Strategy 46 of the Local Plan.

### Heritage Issues

The buildings on site are not listed and do not lie within a designated conservation area, as such they are not designated heritage assets. Nevertheless, the farmhouse together with the traditional barns within the building group form an attractive group of traditional farm buildings which individually and collectively are of some merit. It is unfortunate that the potential heritage value of the group had not been formally recognised prior to the submission of the application but nevertheless it is necessary to consider this in the determination of the application.

Devon County Council's Historic Environment Service initially identified the site's potential and subsequently EDDC's conservation team has reviewed the submitted and other available information, as a result of which the building group is considered to represent a non-designated heritage asset. In this regard Para. 197 of the NPPF states that,

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Criteria 5 of policy H6 also requires consideration as to the architectural importance and/or contribution to the landscape character of the area when determining whether or not a replacement dwelling should be permitted.

The farmhouse and a number of the outbuildings appear on the 1889/90 historic OS map and the submitted Historic Building Evaluation identifies the farmhouse as appearing on the 1841 Tithe map. There are some indications that the building could be older still but lack of access to the roof void has affected the ability to carry out a full survey of the building and therefore a full investigation of the building's evolution. Whilst the building is described in the submitted Historic Building Evaluation report as 'unremarkable' it is considered to represent a vernacular building with some interesting features that potentially hint at much earlier origins than the late 18<sup>th</sup> century date attributed to it.

The proposal would result in the loss of the farmhouse (and dairy barn), albeit with a proposal to retain/rebuild the lower elevations of the dwelling house to form a walled garden and which would serve to identify and reflect the historic building layout. There

are concerns that the limits to the extent of investigation carried out means that it is not possible to fully understand the significance of the buildings. The lack of a structural survey, for example, means that it is not possible to determine whether the farmhouse is capable of being brought back into everyday use or the degree of renovation/reconstruction required to enable this. This leads to a concern that the proposed demolition is not fully justified, particularly where such demolition is of, what is considered to be, a non-designated heritage asset which is important in its contribution to landscape character and local distinctiveness. On this basis, and given the objections from the County Archaeologist and Conservation officer, it is not possible to fully determine the significance of the asset and therefore to balance the harm that would result against any benefits that might arise from its demolition and replacement.

### Ecological Impact

Policy EN5 of the Local Plan requires development to take into account the potential impact on wildlife and their habitats. Where such potential harm is identified appropriate mitigation is required and in all cases biodiversity enhancement is encouraged.

The application is accompanied by an ecological assessment report that considers the potential impact of the development on protected and other species using the site. The report found limited evidence of use of the site by protected species and concludes that there would be no harm arising subject to replacement planting to compensate for the loss of Pine trees that have been removed. In addition, a number of enhancement measures including provision of bat boxes and bird nesting boxes are proposed. The provision of these measures could be secured by condition.

### Other Issues

The proposal would give rise to some recognised benefits amongst which would be the support for construction and related employment during the construction phase of the development. The development would also involve the removal of some modern farm buildings which are in themselves of no value and in the case of the lean-to the south of the main barn screen views of the traditional barn.

Although the original plans have been supplemented by further/amended information there are though still some discrepancies between submitted plans and a lack of information in other respects.

### **CONCLUSION**

The application proposes the demolition of the existing farmhouse and several outbuildings both modern and traditional. A new farmhouse is then proposed for construction on the site of some redundant farm buildings approximately 30 metres to the northwest of the original site.

The existing farmhouse is considered to have some heritage significance forming an attractive vernacular group with the remaining traditional barns to its northwest, west and southwest. Whilst some investigation into the significance of the building has been

undertaken there are limits to the extent of this and as such it is not possible to determine the full significance of the building and therefore to be able to determine the degree of harm that would arise from its removal. However, the building is considered to represent a non-designated heritage asset and as such its proposed loss needs to be balanced against any benefits arising from the scheme. In addition, the farmhouse and group of traditional buildings are considered to be important in terms of their contribution to landscape character and local distinctiveness and their loss, in this respect weighs against the proposal.

Although there is the potential for some landscape and visual improvement through the removal of dilapidated modern farm buildings, any benefit in this regard is outweighed by the harm arising from the replacement farmhouse which would due to its scale, layout, external appearance and associated hard landscaping would result in a more prominent building within the landscape and one which pays little heed to local vernacular design. In balancing the limited benefits that would arise from the scheme, these are not considered to outweigh the identified landscape, visual and heritage harm that would arise and the proposal is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development by virtue of the layout, scale, external appearance and detailing of the replacement dwelling together with proposed earthworks would result in a building which would fail to reflect the key characteristics and special qualities of the surrounding area; would result in a more prominent form of development that would detract from the character and appearance of the landscape, designated as Area of Outstanding Natural Beauty, and harm the natural beauty of the landscape, and which overall fails to demonstrate any clear planning or environmental benefit. The proposal would therefore be contrary to Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and policies D1 (Design and Local Distinctiveness) and H6 (Replacement of Existing Dwellings in the Countryside) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.
2. The historic evaluation work undertaken is limited and as such it is not possible to fully understand the significance of the asset and to carry out the required balanced judgement relating to its loss. Nevertheless, the proposal would result in the loss of a traditional farmhouse and adjoining barn which together with other traditional barns on the site form an attractive historic group which are considered to represent a non-designated heritage asset, which make an important contribution to local landscape character and where their loss would result in harm which has not been fully justified or demonstrated to be outweighed by other benefits, the proposal is therefore contrary to Strategy 48 (Local Distinctiveness in the Built Environment) and policy H6 (Replacement of Existing Dwellings in the Countryside) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.

Plans relating to this application:

2020_073_01 rev 0 : cross section proposed reshaping 002	Other Plans	27.04.20
2020_073_01 rev 0 : cross section proposed reshaping 1 + 2	Other Plans	27.04.20
2020_073_01 rev 0 : cross section proposed reshaping 3 + 4	Other Plans	27.04.20
P2 A : proposed (amended)	Layout	27.04.20
P5 C : (amended)	Proposed Elevation	27.04.20
P6 A (amended)	Proposed Elevation	27.04.20
amended	Location Plan	27.04.20
P3	Proposed Floor Plans	25.02.20
P4	Proposed Floor Plans	25.02.20
P9	Layout	25.02.20

List of Background Papers

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

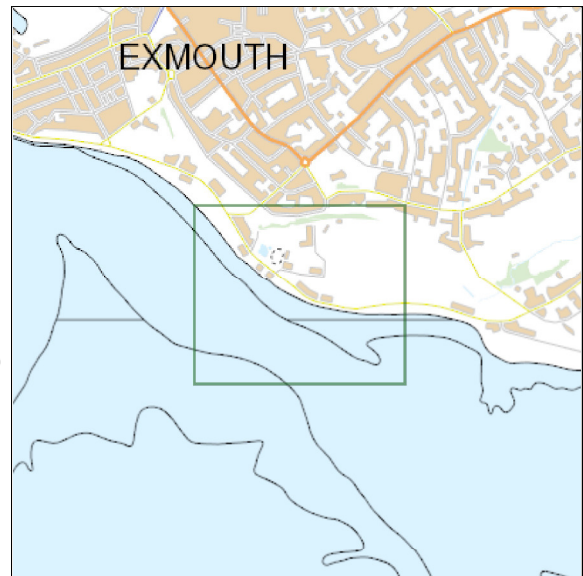
**Ward** Exmouth Littleham

**Reference** 20/0324/VAR

**Applicant** Mr Aiden Johnson-Hugill

**Location** Queen's Drive Space Queens Drive Exmouth

**Proposal** Variation of condition 2 (approved plans), planning permission 18/0376/MFUL (watersports centre, cafe, restaurant and retail) to allow addition of glass canopy with retractable walls and roof over first floor terrace, fenestration changes, changes to parking arrangements and the addition of 2 no. electric car charging points.



**RECOMMENDATION:**

- 1. Approval with conditions**
- 2. Adopt the updated appropriate assessment**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>20/0324/VAR</b>	<b>Target Date: 19.05.2020</b>
<b>Applicant:</b>	<b>Mr Aiden Johnson-Hugill</b>	
<b>Location:</b>	<b>Queen's Drive Space Queens Drive</b>	
<b>Proposal:</b>	<b>Variation of condition 2 (approved plans), planning permission 18/0376/MFUL (watersports centre, cafe, restaurant and retail) to allow addition of glass canopy with retractable walls and roof over first floor terrace, fenestration changes, changes to parking arrangements and the addition of 2 no. electric car charging points.</b>	

**RECOMMENDATION:** 1. Approval with conditions  
2. Adopt the updated appropriate assessment

### **EXECUTIVE SUMMARY**

**This application is before members as the Council retains a financial interest in the site being the freeholder and as objections have been received to the application.**

**The site represents part of the wider Exmouth regeneration area adjacent to the re-routed part of Queen's Drive, where permission has previously been granted for a watersports centre, café and restaurant together with a new car park under reference 18/0376/MFUL; that permission is currently being implemented.**

**This application seeks to vary condition 2 (approved plans) of application 18/0376/MFUL to enable a glass canopy with retractable roof to be built over the approved external terrace area to enable the restaurant seating area to be extended and used in all weathers. Permission is also sought to provide additional electric vehicle charging points and amend the fenestration on the building to provide more louvres.**

**Whilst the proposed structure on the roof terrace has been submitted as an afterthought and does not follow the existing design of the building, the lightweight structure, flanked by a parapet wall when viewed from the north, would allow views through it and is of a scale that would not take away from the original design and materials of the building such that it is considered acceptable in relation to Policy D1 of the EDDC Local Plan.**



**The use of the terrace all year round will result in a greater level of noise and light impact but given the small nature of the area and distance to nearby properties, the proposal will not result in any detrimental impact that could justify refusal of planning permission, particularly given the economic benefits provided from wider use of the area.**

**The loss of two parking spaces (over that previously approved) to provide access to the substation is regrettable, however, there is sufficient parking provision in the locality to make up for this loss, it is welcomed that there would be an additional 2 electric vehicle charging points in the strive towards a low carbon future.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 02.03.20

No objection

### **Technical Consultations**

Conservation  
No comment.

Contaminated Land Officer  
No contaminated land concerns anticipated with this variation application

South West Water  
I refer to the above application and would advise that South West Water has no objection.

Natural England  
Thank you for your email of 3 June 2020 consulting Natural England on the Appropriate Assessment (AA) for the above development, in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017.

We concur with the conclusion that with the mitigation measures proposed, and these being secured, there will be no adverse effect on the integrity of the European sites.

However, from the information contained in the variation of condition application and the AA, we are unclear how these measures will be secured e.g. through planning condition. If this AA has been based on revised documentation such as a CEMP or a shadow HRA from the applicants, these documents will need to be referenced in the decision notice so that the mitigation measures are enforceable.

### **Devon County Highway Authority**

The amendments drafted under this variation planning application include 2 spaces lost for access to the sub-station and 5 parking spaces lost for the marine storage. I do not believe the loss of these 7 parking spaces will create an undue impact upon the local highway network.

I also do not believe the other modifications proposed in this application from the original permitted application 18/0376/MFUL impact upon the local highway network. Therefore the County Highway Authority has no 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

#### Other Representations

Three representations have been received one in support the other two raise the following concerns:

- Light pollution on properties to the north
- Car park is for members only and should be public
- Loss of vista along the sea front
- Wrong site for this development given climate change and the front will be covered in sand a lot of the time

#### **POLICIES**

##### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 49 (The Historic Environment)

EN10 (Conservation Areas)

EN5 (Wildlife Habitats and Features)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

Strategy 47 (Nature Conservation and Geology)

EN22 (Surface Run-Off Implications of New Development)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

E20 (Provision of Visitor Attractions)

E12 (Neighbourhood Centres and Shops)

EN21 (River and Coastal Flooding)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

#### Other Plans

Exmouth Town Centre and Seafront Masterplan

Made Exmouth Neighbourhood Plan

#### **Relevant Planning History**

13/1819/MOUT - Outline permission for construction of a water sports centre with storage (1450m<sup>2</sup>); holiday accommodation with parking and gardens (3000m<sup>2</sup>); indoor leisure activity buildings (1165m<sup>2</sup>) with external attractions and staff parking; new cafe, restaurant and retail use (1200m<sup>2</sup>); a minimum 250 space car park; landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout. - Application approved 24/1/14

15/2487/MFUL - Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT. - Application approved 21/3/16

17/0099/MRES- Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including water sports centre, holiday accommodation, indoor leisure and retail uses 13/4/17

18/0376/MFUL - Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping - Approved

#### **Site Location and Description**

The site is located off Queens Drive, on an area formerly used as a car park but is now a construction site implementing application 18/0376/MFUL. The surrounding land is largely flat, and Exmouth beach is on the opposite side of Queens Drive (now re-routed to behind the site) to the site. To the

east, the site is adjoined by The Maer, which is a County Wildlife Site (CWS) and a Local Natural Reserve (LNR). The aforementioned beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. On the opposite site of the estuary, around 1 kilometre from the site, is Dawlish Warren, which is also a SSSI.

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, some beach huts, and other beach/tourism related buildings located reasonably close to the site.

### **Proposed Development**

This application seeks full planning permission for the variation of condition 2 of planning application 18/0376/MFUL to allow provision of a covered external seating area on the terrace on the western side of the building. Some fenestration changes to the existing building are proposed together with the provision of an additional 2 no. electrical vehicle charging points and revision of the approved parking arrangements.

### **ANALYSIS**

The principle of the proposed development has already been accepted through the granting of planning application 18/0376/MFUL, together with the design, mass and scale of the building, its layout and the provision of car parking. Therefore, the main considerations in the determination of this application are the impact of the proposed addition to the outside terrace and fenestration changes on its surroundings, the design in relation to the previously granted building and the layout of the re-arranged car parking on highway safety and parking provision in the area. Comments on the previously adopted appropriate assessment and impact on the flood zones are also key consideration.

### **Impact on surroundings and residential amenity**

The building form is defined into two key areas; the first to the west is the two storey restaurant and café area. The second area is the water sports zone with wet changing training, storage and space for retail, or other water sports users.

It is proposed to construct an enclosed canopy with retractable roof over the balcony/terraced area on the western end of the building to enable it to be used as an extended seating area for the upstairs restaurant that can be used in all weathers day and night.

When viewed from the north (looking towards the sea) the walls around the terrace would form a mini parapet so that only the top layer of glazing would be visible. Concerns by officers and the public have been expressed regarding light spill, however, it has been confirmed that there would be fabric shades inside the building that would limit the amount of light spill, the exact details of these could be secured by condition.

The foremost change in view of the building would be on approach from the west when walking along or driving along the esplanade. As approved the restaurant would have had a solid wall with only doors to access the outside area, this would be replaced by full length glazing, however, this is

not considered to be detrimental to the character and appearance of the area and would assimilate well with the design of the overall building.

Accordingly, whilst the proposal has been submitted as an afterthought and does not follow the existing design of the building, the lightweight structure would allow views through it and is of a scale that would not take away from the original design and materials of the building. In any case, given the small nature of the area, enclosed nature and distances to the closest residential dwellings, it is not considered that light spill will be harmful to the area or residential amenity.

The fenestration changes in the form of louvres over the windows is considered minor in nature and would add to the design of the building such that they are considered acceptable in accordance with Policy D1 of the EDDC Local Plan.

### **Flood Risk**

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding, however given the site is with the Exmouth regeneration area and the previous permission that has now been implemented, it is considered that the amendments to the design and layout would not increase the risk of flooding given that the proposed canopy would be located at first floor level.

Accordingly, with the flood risk condition carried over from application 18/0376/MFUL, the proposed development is considered acceptable in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and advice contained in the NPPF.

### **Impact on highway safety/parking layout**

This application proposes to amend the layout of the car park to remove 2 no. parking spaces to allow access to the substation and installation of two additional electrical units to charge electric vehicles. The applicant's agent has also clarified that the car park would be for public use and not be a private car park for members only.

Whilst the loss of the 2 no. parking spaces is regrettable, there is ample parking on the opposite side of the re-routed Queens Drive to cater for the needs of the centre and the general public, especially as there are no locally or nationally prescribed parking standards for this type of development.

It is of the building owner to manage the car park and with adequate spaces to serve the development, there is no planning justification to insist that the car park be open to the wider public.

The proposal is therefore considered to be acceptable in relation to Policy TC7 of the EDDC Local Plan.

### **Appropriate assessment**

The proposal relates to a variation to a major development located within close proximity to the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application (as it was on the original

application 18/0376/MFUL). Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Impact Assessment (AIA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site. This has also been requested and re-affirmed in the consultation response from Natural England.

East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and concludes the following:

In providing an assessment of the likely environmental impacts from the proposed development, it is pertinent to note that the site of the proposed development forms part of a much larger area which benefits from an extant planning permission (ref 13/1819/MOUT) for a masterplan development which involved the construction of a water sports centre, a hotel and holiday accommodation, leisure and retail uses. The watersports element was approved under application 18/0376/MUL which considered the following:

The impacts from this water sports centre are considered to be from:

- o New pedestrian and ramped access points onto the beach
- o Any environmental impacts during construction
- o Increasing in the use of the Estuary as a result of the water sports building/ uses

Whilst the proposed water sports centre and associated uses could have significant direct/ indirect impacts upon the aforementioned sites, the 2017 Environmental Impact Assessment Regulations does allow for regard to be had to any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

In this regard the applicant puts forward a number of mitigation measures to reduce the overall impact which were previously considered to be appropriate measures contained within the Environmental Statement which accompanied the previous outline planning application for a greater scale of development on this site and which were secured through a condition. In addition it was previously recognised and accepted by Natural England that whilst the water sports facility may increase the use of the Estuary on this part of the beach, it would be located away from the most sensitive part of the estuary and could provide a benefit in providing a facility that would discourage the use of the most sensitive part of the estuary for water sports activities (further up the estuary).

The mitigation measures proposed incorporate opportunities to encourage best practice and as part of a more strategic approach to access management, refocus activity from sensitive areas, times of year and/or tide helping to reduce any likely significant impacts. These measures can be summarised as the following:

Operational Parameters:

- o The Water sports Centre will focus activity in the areas adjacent to Exmouth Beach in an area known to be used by lower numbers of birds for which the estuary is designated. This facility will therefore move Water sports users away from the more sensitive parts of the estuary.
- o All activities would operate in accordance with existing and proposed guidelines for water-based activities within the estuary. This would include adherence to the 'water sports zones' identified in the South-East Devon European Sites Mitigation Strategy (Footprint Ecology, 2013);

'Fowl Play' kiteboarding guidelines (East Devon District Council, undated), PWC code of conduct (East Devon District Council, undated); the Exe Estuary Code (Exe Estuary Management Partnership, undated); and the emerging review of zonation and codes of conduct (Exe Estuary Management Partnership, undated).

- o Grenadier is committed to creating a joint strategy for the Mamhead Slipway and proposed water sports centre slipway to optimise their use and ensure users are directed to the appropriate location.

- o The existing facility in Exmouth would cease to operate once the new centre was open therefore preventing the development of multiple centres.

#### Educational Parameters:

- o On the opening of the Water sports Centre, promotional material would be produced to educate users on the ecological sensitivity of the estuary and to promote the water sports centre as a preferred location for water craft to launch and recover. This will result in more educated and informed users of the estuary who understand the environmental sensitivities and their potential impacts.

- o Commitments would be made to ensure staff working at the Water sports Centre are trained to educate users regarding the use of the beach access ramp as the preferred launch and recovery site and the importance of protecting the conservation interests of the estuary.

- o Signage would be placed in and around the Water sports Centre and adjacent to the steps and access ramp promoting the information set out above.

- o For other slipways within EDDC's control, signage would be erected which could discourage the use of these slipways (particularly in winter months when nesting is taking place).

#### Other Parameters:

- o The requirement for a Construction and Environmental Management Plan (CEMP) to be put in place to ensure that building works were carried out sensitively;

- o The requirement for a Landscape and Ecological Management Plan (LEMP) to be put in place and to introduce measures to limit the impacts on the Exe Estuary through issues such as noise, night time lighting, vibration, and habitat creation measures;

- o The use of an Ecology Clerk of Works who would be appointed to provide oversight and coordination during the construction works on all issues likely to affect the ecology of the site and the wider area.

In having regard for the likely impacts of the proposal on these environmentally sensitive sites coupled with the range of mitigation measures put forward which can be secured through the imposition of an appropriately worded condition, the proposed development is unlikely to have any significant effects. The addition of the roof canopy over the external seating area, fenestration changes and alterations to the layout of the car park are not considered to create any additional impact or require any further mitigation measures than were secured under the original permission.

This amended Appropriate Assessment has been sent to Natural England for their comments.

## **CONCLUSION**

The proposed amendments are considered acceptable, not diluting the design or impacting negatively on the character and appearance of the surroundings nor residential amenity. Providing

a greater number of electrical charging point for vehicles will assist in the transition to a low carbon future and as such the loss of two parking spaces is also considered to be acceptable.

## **RECOMMENDATION**

### **1. Adopt the appropriate assessment appended to this report and**

### **2. APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before 7th June 2021 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 hereby approved shall be undertaken in accordance with the conclusions and recommendations of the Flood Risk Assessment, prepared by WSP and dated January 2018.  
(Reason - In order to ensure that the development does not result in an increased flood risk, and to comply with the provisions of Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)
4. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.  
(Reason - To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)
5. The works shall be undertaken in accordance with the agreed details indicated in the drainage strategy Rev P1 dated 16.01.2019 received on 26.07.2019.  
(Reason - To ensure that the development does not result in an increased flood risk, to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)
6. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.



(Reason - To protect the amenity of local residents from noise, and to comply with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)

7. The works shall be carried out in accordance with the approved Construction and Environment Management Plan (CEMP) method statement (Project 23622) received on 26th July 2019.  
(Reason - This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the National Planning Policy Framework and in accordance with Policies EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)
8. The individual retail units shall remain, in terms of size, as approved and no internal dividing walls shall be removed to create larger units unless varied by a further grant of planning permission.  
(Reason - To ensure that there is no adverse impact on the town centre and to maintain a variety of individual uses in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan.)
9. The 64sq m retail unit hereby approved only sell goods associated with seafront and watersports leisure activities unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In order to protect the vitality and viability of Exmouth Town Centre in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan and the National Planning Policy Framework.)
10. The works shall be carried out in accordance with the approved Construction and Environment Management Plan (CEMP) method statement (Project 23622) received on 26th July 2019.  
(Reason - To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
11. Development shall be carried out in accordance with the approved materials indicated on drawing number 3521-PBWC-03-XX-DR-A-3204 received on 26th July 2019 and the samples of cladding (Western Red Cedar) and Yennadon/Pilsamoor Stone cladding received on 5th August 2019.  
(Reason - To ensure that the materials 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.)
12. Notwithstanding the operational parameters outlined in Paragraph 3.3.7 of the Ecological Impact Assessment Report dated January 2018 prior to commencement of any part of the development hereby approved, a Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include (but not be limited to) educational parameters for all users of the water sports centre and users of the

section of beach immediately to the south of the water sports centre including users of the new ramp and steps to advise of the importance of the conservation interests of the estuary and the impending tidal conditions. The development shall thereafter be carried out in accordance with the approved details.

(Reason - To provide ecological enhancement and education of users of the site in the interests of ecology and biodiversity in accordance with Policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and the guidance contained within the National Planning Policy Framework.)

13. Prior to first use of the restaurant a scheme for minimising light spill in a northerly direction from the glass canopy structure on the roof terrace shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented in full prior to first use of the restaurant and thereafter retained as such in perpetuity.

(Reason: To ensure the proposal does not detrimentally impact upon the character and appearance of the surroundings in terms of light spill in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

#### 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.

The historical planning application is referenced under 18/0376/MFUL for which the approved plans were as follows:-

Type of Plan    number    dated

3521-PBWC-03-01-DR-A-6110 REV P10 Proposed Floor Plans 11.04.19  
3521-PBWC-03-00-DR-A- 6113 P10 Proposed Floor Plans 11.04.18  
3521-PBWC-03-01-DR-A-6111 REV P8 Proposed Floor Plans 11.04.19  
3521-PBWC-03-XX-DR-A-6114 REV P5 Proposed Elevation 12.02.18  
3521-PBWC-03-XX-DR-A-6116 REV P2 Proposed Combined Plans 12.02.18  
3521-PBWC-03-00-DR-A-6001 REV P5 : LOCATION 25.04.18  
3521-PBWC-03-00-DR-A-6004 REV P4 : PHASE 1 ROAD DIVERSION 25.04.18  
3521-PBWC-02-00-DR-A-6002 REV P4 : EXISTING BLOCK PLAN 25.04.18  
3521-PBWC-03-XX-DR-A-6120 REV P4 : RAMP+STEP DETAILS 11.04.19  
326/01 B : PROPOSED LANDSCAPE SOFTWARE 24.04.18  
326/02 B : PROPOSED LANDSCAPE HARDWORK 24.04.18  
326/03 B : LANDSCAPE SECTIONS 24.04.18

The historical planning application is referenced under 19/2136/VAR for which the approved plans were as follows:-

Type of Plan    number    dated

3251-PBWC-03-XX-DR-6117 Combined Plans 25.09.19

This decision notice for the variation should be read in conjunction with these previously approved plans.

Plans relating to this application:

3521-PBWC-03- XX-DR-A-9033 Rev: P8	Perspective Drawing	13.02.20
3521-PBWC-03- XX-DR-A-3111 Rev: P8	Proposed Elevation	13.02.20
3521-PBWC-03- XX-DR-A-3110 Rev: P11	Proposed Elevation	13.02.20
3521-PBWC-03- XX-DR-A-3113 Rev: P5	Proposed Elevation	13.02.20
3521-PWBC-03- XX-DR-A-9032 P7	Perspective Drawing	13.02.20
3521-PBWC-03- XX-DR-A-9031 Rev: P5	Perspective Drawing	13.02.20
3521-PBWC-03- 02-DR-A-6112 Rev: P7	Proposed roof plans	13.02.20
3521-PBWC-03- 00-DR-A-6003 Rev: P24	Proposed Block Plan	13.02.20

List of Background Papers

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

<b>Appropriate Assessment</b>	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference	20/0011/VAR
Brief description of proposal	Variation of condition 2 (approved plans) of planning permission 18/2174/MOUT (Exmouth Tidal Defence Scheme) to allow changes to design, layout and materials of defences
Location	Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>
<b>Step 1</b> Screening for Likely Significant Effect on Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth	
<b>Risk Assessment</b>	
Could the Qualifying Features of the European site be affected by the proposal?  Consider both construction and operational stages.	Yes – potential for direct impacts on the SPA/SAC – <i>full Appropriate Assessment will be required – See Step 2 Appropriate Assessment.</i>
<b>Conclusion of Screening</b>	

<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth in the absence of mitigation.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - <a href="http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf">http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</a></p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>
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Local Authority Officer		Date:
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<p><b>Step 2</b> <b>Appropriate Assessment</b></p> <p>NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.</p>
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	<p>As identified by the applicant in their environmental statement the proposed tidal defence scheme is within the Exe Estuary Special Protection Area (SPA) and Ramsar site. These sites are designated for their overwintering wildfowl and waders. In addition the works are within close proximity to the Dawlish Warren Special Area of Conservation (SAC), designated for its coastal geomorphology and dune systems.</p> <p>A Habitats Regulations Assessment (HRA) has been submitted as part of the application which outlines how development in each area could impact on the overwintering bird species. Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Impact Assessment (AIA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site.</p> <p>East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and Dawlish Warren, building upon the content contained in the HRA (the majority of which has been used in this AIA) and concludes the following:</p> <p>Construction phase:</p> <p>Revetment repairs in Area A1 would be relatively small scale and localised and can be carried out by a small workforce using wheelbarrows which could have an impact on the sea grass beds, however, given the limited distance repairs are required over it is considered that these grasses could be avoided and therefore there would be no impact.</p> <p>More significant works are required in Area A2 as the lower half of the revetment requires repair, it is likely that machinery would be required which would damage the sea grasses. The Environmental Statement concludes that damaged grasses would grow back within 3 years, furthermore, to limit the impact the works could be undertaken early in the growing season or by placing bog mats over the grasses to limit damage by vehicles. The applicants agree that the lifting and placement of bog mats to protect seagrass could result in ground disturbance affecting the rhizomes of the seagrass if it is present within the works area. They are therefore seeking to undertake the majority of these works from the land, reducing the amount of time that the bog mats will be required (if at all) and avoiding the need for lifting and replacing. This will be detailed in the EAP and the method statements once the detailed design is finalised at this location. Given the measures that could be put in place to limit the impact and the relatively short period of time for regrowth it is considered that there would be no impact.</p> <p>Construction of two rock groynes in Area C would result in disturbance to gravels from construction machinery on the shore line, this does not support habitat features for the SPA, however it is important to note that the re-instatement of the groynes may have an impact on the geomorphology and dune systems in the Dawlish Warren SAC. A report was commissioned by the applicants into how the groynes may impact the Dawlish Warren SAC, it concludes the following:</p>
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'The review has highlighted the significant links between the behaviour of the wider area and that of the local study area. In particular the frontage is critically influenced by the change in the distal end of Dawlish Warren. Given the developing management strategy for Dawlish Warren, it might be expected that significant change will continue to the distal end. As sediment is added to the Warren, this may encourage the distal end to grow forward, further towards the east, and, in this case, some of the existing pressures on the study frontage might in time reduce. However, should the additional sediment merely extend the present alignment of the distal end, then flows pressure principally during the flood over the upper tide but potentially at the sub-tidal level may increase. This linkage and the behaviour of the distal end, the channel and the response of the Exmouth frontage will require monitoring'.

As such it is considered that the re-instatement of the groynes are not likely to have a significant impact on the tidal processes affecting Dawlish Warren, however, with all modelling there is a risk that unforeseen circumstances could occur and it is recommended that regular monitoring of the tidal processes at Dawlish Warren are undertaken and could be conditioned as part of this application.

#### Exe Estuary SPA Coastal Squeeze

The need for the Exmouth Flood Defence Scheme was identified in the Exe Estuary Flood and Coastal Erosion Risk Management Strategy which sets out the short, medium and long term aims for the Exe Estuary as a whole. A HRA was undertaken for this Strategy document which identified that there would be loss of internationally designated intertidal habitat in the footprint of new defences and due to coastal squeeze within the Exe Estuary European Marine site as a result of HTL policies, with associated impacts on waterbirds and therefore an effect on the integrity of the site.

The scheme proposed in this Planning Application does not deviate from that outlined in the Exe Strategy; therefore, there are no changes to the impacts reported and no alteration to the amount of compensatory habitat required. The Environment Agency has been seeking opportunities for habitat creation to compensate for Coastal Squeeze in the Exe Estuary. A site in the Lower Otter Estuary has been identified and is being progressed by the Environment Agency. This will be functional by the time any significant impacts from coastal squeeze from Exmouth TDS are observed therefore it will offset the loss of intertidal habitats and there will be no impact.

#### Exe Estuary SPA Indirect Disturbance to Supporting Habitats (and SPA Wintering Bird Species) due to Pollutants

The main risk would be from a spillage event during construction; this would affect water quality and therefore the prey species available for foraging. All construction activities will adhere to the Contractors Method Statement which will include a protocol for spillages. This will adhere to the guidelines set out in CIRIA's Environment Good Practice on Site, 3rd Edition; and Construction Industry Publication (CIP) Construction Environmental Manual. The application of the above measures will reduce the risk of a pollution event to zero and therefore there would be no impact.

#### Exe Estuary SPA - Noise and Visual Disturbance to Wintering Bird Species

Some of the works in Area C are proposed during the wintering bird period; however this is located 420m from the nearest works. Noise and visual impacts

are not predicted over this distance and therefore there will be no impact. The groynes will be constructed in April and May therefore there will be no impact. Table 2.6 identifies that the following species are present within 300m of the proposed works: cormorant, curlew, dark-bellied brent goose, dunlin, grey plover, oystercatcher, red-breasted merganser, Slavonian grebe, redshank and wigeon.

All construction activities in Areas A and B that have the potential to disturb birds will be carried out between April and September, with Piling in Area B between June and August. All of these elements will be completed before the wintering bird commences, as such there would be no wintering bird species present (or present in very low numbers and not during any sensitive period and no disturbance is expected. There will therefore be no impact.

The construction compound in Area A will be in place for 50 weeks, including during the overwintering period. There would be downward security lighting at the main site compound and this will be reviewed to determine whether the lighting would be motion activated. There is already street lighting along the estuaryside throughout the Royal Avenue Car Park, the presence of lighting at the compound will have no impact.

The increase in vehicles to the main construction compound has the potential to disturb birds through noise and increased visual disturbance. Traffic movements are described in the construction methodology section of the ES (Table 4.3). At present there is already disturbance from movement of vehicles to boatyard, HGV and coach parking, and people walking. During the wintering bird period construction there would be 20 each way lorry movements per week and a maximum of 14 personnel car movements which is not a significant increase in traffic volumes from the baseline. Furthermore the compound is set back 20m from the boundary of the estuary therefore any increase in noise impacts would not cause a startle response. The additional vehicles to the compound will not result in a change from the baseline conditions and there will be no impact.

#### Operation Phase

##### Exe Estuary SPA Indirect Disturbance to Supporting Habitats (and SPA Wintering Bird Species) due to Pollutants

There would be no activity associated with the operational phase of the Exmouth TDS other than routine inspections. Therefore, there would be no potential source of pollutants. There would therefore be no deterioration to the supporting habitats of the Exe Estuary SPA or Dawlish Warren SAC, and therefore no impact on prey resource availability or density.

##### Exe Estuary SPA - Disturbance to Wintering Bird Species

There would be no activity associated with the operational phase of the Exmouth TDS other than routine inspections. These would comprise a maximum of two people walking the scheme, and making observations and would most likely be undertaken outside of the wintering bird period. The inspections would be mainly carried out from the land; however it is likely that the revetments and gabions will need to be inspected from the shore. This would be undertaken as part of the ongoing existing asset checks, and will be carried out during the summer months at low tide when birds will be at a significant distance from the structures. Given that there are already revetment and gabions which are already



inspected this would have no noticeable increase against the baseline levels of disturbance from people and therefore there would be no impact.

All trees in Area A that require removal for construction will be replaced on completion of the works as shown on the Landscape General Arrangement Plan drawings.

During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas. All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds.

All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.

Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect. This impact can be mitigated through the installation of a camouflage material, similar to that used at bird hides. This will provide an artificial backdrop whilst the vegetation establishes, and will ensure that additional visual disturbance does not occur. The works would also not result in any increase in access along the foreshore over and above that which currently exists. Therefore, there would be no increase in disturbance, furthermore the combination of walls and defensive planting will reduce public access in locations that are sensitive to birds. No impact.

Effect on Achievement of Conservation Objectives and Site Integrity

Table 3.2 considers the impacts assessed above in relation to the achievement of the conservation objectives for the Exe Estuary SPA. Given that no influences or changes arise which could result in the failure to achieve any of the conservation objectives for any of the qualifying habitats or species, it is concluded that no adverse effect on the integrity of the Exe Estuary SPA would occur.

Table 3.1: Consideration of Impacts in Relation to the Conservation Objectives for the Exe Estuary SPA

Feature	Conservation objective	Construction
Wintering Slavonian grebe	Subject to natural change, to maintain or restore the extent and distribution of the habitats of the qualifying features.	The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of wintering Slavonian grebe. Objective achieved.

		<p>Subject to natural change, to maintain or restore the structure and function of the habitats of the qualifying features.</p>	<p>The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of wintering Slavonian grebe. Objective achieved.</p>
	<p>Subject to natural change, to maintain or restore the supporting processes on which the habitats of the qualifying features rely</p>	<p>The revetment repairs in Area A2 have the potential to damage seagrass beds which provide prey species for Slavonian Grebe, mitigation measures including the timing of works as early as possible in the growing season and use of bog mats will limit the opportunity for damage. Objective achieved.</p>	
	<p>Subject to natural change, to maintain or restore the populations of the qualifying features.</p>	<p>No change to the supporting habitat would occur (see above). No disturbance to Slavonian grebe has been identified as a result of the noise and visual disturbance associated with the Exmouth TDS and therefore there would be no effect on the population of wintering Slavonian grebe. Objective achieved.</p>	
	<p>Subject to natural change, to maintain or restore the distribution of the qualifying features within the site.</p>	<p>As there is no change to the extent, distribution, structure, and function of supporting habitats and no disturbance to Slavonian grebe during the Exmouth TDS, there would therefore be no change to the distribution of Slavonian grebe across the site. Objective achieved.</p>	
<p>Over winter, the area regularly supports 23,513 individual waterfowl including:</p>	<p>Subject to natural change, to maintain or restore the extent and distribution of the habitats of the qualifying features.</p>	<p>The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of any species of the wintering bird assemblage. Objective achieved.</p>	
<p>black-tailed godwit, dunlin, lapwing, grey plover, oystercatcher, red-breasted merganser,</p>	<p>Subject to natural change, to maintain or restore the structure and function of the habitats of the qualifying features.</p>	<p>The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of any species of the</p>	

wigeon, dark-bellied brent goose, cormorant, avocet, Slavonian grebe, and whimbrel		wintering bird assemblage. Objective achieved.
	Subject to natural change, to maintain or restore the supporting processes on which the habitats of the qualifying features rely.	No change to the supporting habitat would occur (see above). No disturbance to the waterfowl assemblage has been identified as a result of the noise and visual disturbance associated with the Exmouth TDS and therefore there would be no effect on the population of wintering Slavonian grebe. Objective achieved.
	Subject to natural change, to maintain or restore the populations of the qualifying features.	As there is no change to the extent, distribution, structure, and function of supporting habitats and no disturbance to Slavonian grebe during the Exmouth TDS, there would therefore be no change to the distribution of Slavonian grebe across the site. Objective achieved.
	Subject to natural change, to maintain or restore the distribution of the qualifying features within the site.	As there is no change to the extent, distribution, structure, and function of supporting habitats and no disturbance to the waterfowl assemblage during the Exmouth TDS, there would therefore be no change to the distribution of the waterfowl assemblage across the site. Objective achieved.

Table 3.2 considers the impacts assessed in Section 3.4 in relation to the achievement of the conservation objectives for the Exe Estuary SPA.

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
<ul style="list-style-type: none"> <li>• <b>Avocet</b></li> <li>• <b>Bar-tailed godwit</b></li> <li>• <b>Black-tailed godwit</b></li> <li>• <b>Lapwing</b></li> <li>• <b>Whimbrel</b></li> </ul>	Habitat loss	No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.
		No impact and no likely significant effect. All of these species are located at least 1km upstream, and therefore Coastal Squeeze will not affect the habitats on which these species rely on. There will be no

			impact.
		Habitat alteration	No impact and no likely significant effect. As described in Section 10.5 of the ES, there will be temporary disturbance to the seagrass beds in Area A from the working area of the revetment repairs. Avocet rely on prey that use the seagrass as a nursery habitat, however the nearest record of Avocet is over 2km upstream, therefore they are not likely to be utilising the seagrass in the site area. None of the other species rely on this food source and therefore a likely significant effect is not expected.
		Disturbance (e.g. access, noise)	Likely significant effect. Construction activities would not be visible and no experience of increased noise would extend to the areas where these species are found within the estuary given their distance from the works. As these species and the populations will not be disturbed, a likely significant effect is not expected.
	<ul style="list-style-type: none"> <li>• <b>Cormorant</b></li> <li>• <b>Curlew</b></li> <li>• <b>Dark-bellied brent goose</b></li> <li>• <b>Dunlin</b></li> <li>• <b>Grey plover</b></li> <li>• <b>Red-breasted merganser</b></li> <li>• <b>Slavonian grebe</b></li> <li>• <b>Wigeon</b></li> <li>• <b>Redshank</b></li> </ul>	Habitat loss	No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groynes will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.
			<b>Potential for a likely significant effect.</b> Coastal squeeze as a result of “
		Habitat alteration	<b>Potential for a likely significant effect.</b> As described in Section 10.5 of the ES, there will be temporary disturbance to the seagrass beds in Area A from the working area of the revetment repairs. Dark-bellied brent geese and wigeon are known to forage on this habitat within and adjacent to the proposed works <sup>1</sup> . The disturbance to this habitat could have a Likely Significant Effect on these species. None of the other species rely on this food source and therefore a likely significant effect is not expected.
			<b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for wintering birds.
		Disturbance (e.g. access, noise)	<b>Potential for a likely significant effect.</b> The revetment repairs in Area A, construction of the wall in Area A, and piling and gabion replacement in Area B would potentially be visible. The presence of plant and

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<sup>1</sup> Goss-Custard (2007) National Cycle Network – Exe Estuary Proposals. Assessment of the anticipated Effects on the Exe Estuary Special Protection Area

		<p>personnel on the shore or working on top of the defences could potentially result in disturbance to populations of these species. As such a potential likely significant effect could occur.</p> <p>During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas.</p> <p>All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.</p> <p>Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect.</p>				
	<p>• Oystercatcher</p>	<table border="1"> <tr> <td data-bbox="676 1218 810 1624">Habitat loss</td> <td data-bbox="810 1218 1556 1624"> <p>No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> Coastal squeeze as a result of “</p> </td> </tr> <tr> <td data-bbox="676 1624 810 2022">Habitat alteration</td> <td data-bbox="810 1624 1556 2022"> <p>No impact and no likely significant effect. There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for oystercatcher.</p> </td> </tr> </table>	Habitat loss	<p>No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> Coastal squeeze as a result of “</p>	Habitat alteration	<p>No impact and no likely significant effect. There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for oystercatcher.</p>
Habitat loss	<p>No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> Coastal squeeze as a result of “</p>					
Habitat alteration	<p>No impact and no likely significant effect. There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for oystercatcher.</p>					

		Disturbance (e.g. access, noise)	<p><b>Potential for a likely significant effect.</b> The revetment repairs in Area A, construction of the wall in Area A, and piling and gabion replacement in Area B would be visible across intertidal areas. The presence of plant and personnel along the shore or working on top of the revetment could potentially result in disturbance to populations of these species. As such a potential likely significant effect could occur.</p> <p>During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas. All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds.</p> <p>All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.</p> <p>Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect a likely significant effect is not expected.</p>
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**Table 2.2: Exe Estuary Ramsar Screening**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Bird assemblage - winter	Habitat loss	No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groynes will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a

			likely significant effect is not expected.
			<b>Potential for a likely significant effect.</b> Coastal Squeeze as a result of “
		Habitat alteration	<p><b>Potential for a likely significant effect.</b> As described in Section 10.5 of the ES, there will be temporary disturbance to the seagrass beds in Area A from the working area of the revetment repairs. Dark-bellied brent geese and wigeon are known to forage on this habitat within and adjacent to the proposed works.<sup>2</sup> The disturbance to this habitat could have a Likely Significant Effect on these species.</p> <p>There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p>None of the other species rely on this food source and therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for wintering birds.</p>
		Disturbance (e.g. access, noise)	<p><b>Potential for a likely significant effect.</b> The revetment repairs in Area A, Construction of the wall in Area A and piling and gabion replacement in Area B would potentially be visible. The presence of plant and personnel on the shore or working on top of the defences could potentially result in disturbance to populations of these species. As such a potential likely significant effect could occur.</p> <p>During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas. All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds.</p> <p>All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.</p> <p>Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation</p>



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<sup>2</sup> Goss-Custard (2007) National Cycle Network – Exe Estuary Proposals. Assessment of the anticipated Effects on the Exe Estuary Special Protection Area

alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect

**Table 2.3: Dawlish Warren SAC Screening**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Dunes along the shoreline with <i>Ammophila arenaria</i> (“white dunes”)	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
		No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
	Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
		No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.
Fixed dunes with	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC.

	herbaceous vegetation (“grey dunes”)		Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.
	Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat, and there is no change to the activities or access in the area of this habitat as a result of the Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	Humid dune slacks	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal

			processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.	
		Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat, and there is no change to the activities or access in the area of this habitat as a result of the Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	Petalwort	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.	
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.	
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.	
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.	
	Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat, and there is no change to the activities or access in the area of this habitat as a result of the Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.		
	<b>Table 2.4: East Devon Pebblebed Heaths SAC Screening</b>			

	Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
	Northern Atlantic wet heaths with <i>Erica tetralix</i>	Habitat loss	No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
Habitat alteration		No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.	
Disturbance (e.g. access, noise)		No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	European dry heaths	Habitat loss	No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
Habitat alteration		No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.	
Disturbance (e.g. access, noise)		No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	Southern	Habitat	No impact and no likely significant effect. The project

	damselfly	loss	site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this species where it is present within the site and no habitat loss will occur to its supporting habitat a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this species where it is present within the site and no habitat alteration will occur to its supporting habitat a likely significant effect is not expected.
		Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.

**Table 2.5: East Devon Heaths SPA Screening**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Dartford warbler	Habitat loss	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat loss would occur that could affect this species and a likely significant effect on these species is not expected.
	Habitat alteration	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat alteration would occur that could affect this species and a likely significant effect on these species is not expected.
	Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works would be in excess of 4.8km away and would not be discernible at any level, particularly given the intervening settlement of Exmouth. There is

			also no change to the activities or access in the site that could impact on this species as a result of the Exmouth TDS. As this species and its population will not be disturbed, a likely significant effect is not expected.
	Nightjar	Habitat loss	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat loss would occur that could affect this species and a likely significant effect on these species is not expected.
	Nightjar	Habitat alteration	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat alteration would occur that could affect this species and a likely significant effect on these species is not expected.
	Nightjar	Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.
	<p>When considered against the criterion for the Exe Estuary Ramsar site (see Table 2.8), and taking into consideration the assessment of the effects on the achievement of favourable condition of the sites, it is concluded that <u>no adverse effect on the integrity of the Exe Estuary Ramsar site</u> would occur.</p>		
	<p>In-combination Assessment</p>		
	<p>Based on the nature of impacts of the proposed development, the potential cumulative impacts associated with the development have been considered with reference to other proposed developments in the surrounding area. All key developments that are currently within the planning system have been screened to determine whether they are likely to result in cumulative effects</p> <ul style="list-style-type: none"> <li>• <b>Exmouth Regeneration</b></li> <li>• <b>Mamhead slipway rock installation</b></li> <li>• <b>Exe Estuary Flood and Coastal Risk Management Strategy Other flood defence proposals around the estuary, such as at Starcross and Cockwood</b></li> <li>• <b>Exmouth Beach Management Plan</b></li> </ul>		

	<ul style="list-style-type: none"> <li>• <b>A search for projects within the planning register of EDDC was made on 4<sup>th</sup> July 2018.</b></li> <li>• <b>Coastal and marine habitat loss or alteration;</b></li> <li>• <b>Disturbance to birds.</b></li> </ul> <p>It is considered on the basis of the information available that the proposed Exmouth TDS will have no adverse effect on the integrity of the Exe Estuary SPA, Dawlish Warren SAC and Ramsar sites alone, or in-combination with other plans or projects.</p>
<b>Conclusion</b>	
List of mitigation measures and safeguards	<ul style="list-style-type: none"> <li>• Use of bog matting to reduce impact on sea grasses</li> <li>• Timing of works at start of sea grass growing season</li> <li>• Monitoring for at least 2 years of sea grasses to ensure re-growth and a feedback mechanism for works to take place should the sea grasses not re-grow as necessary</li> <li>• Monitoring of Dawlish Warren SAC and the distal end together with build up of sediment to ascertain whether coastal processes have been effected by the re-instatement of the two groynes and a feedback mechanism for work to take place should the impacts be different than anticipated</li> <li>• Provision of temporary camouflage netting to mimic bird habitat adjacent to boatyard until habitat re-establishes itself</li> <li>• Piling in Area B to take place in July and August (outside overwintering period)</li> <li>• Any activities that cause noise/vibration to be undertaken outside overwintering period</li> <li>• Groynes constructed in April/May outside overwintering period</li> </ul>
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth can be ruled out.
Conclusion of Appropriate Assessment	East Devon District Council that there would be <b>NO</b> adverse effect on integrity of the Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites <b>provided</b> the mitigation measures are secured as above.
Local Authority Officer	Date:
21 day consultation to be sent to Natural England Hub on completion of this form.	

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site



Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*  
Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*  
Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*  
Wintering populations of Slavonian Grebe *Podiceps auritus*  
Wintering populations of Oystercatcher *Haematopus ostralegus*  
Waterfowl Assemblage  
>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)  
Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

#### SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**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.**

#### Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').  
(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra-Galium verum* fixed dune grassland

SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens-Calliargon cuspidatum* dune-slack community

SD16 *Salix repens-Holcus lanatus* dune slack community

SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

#### SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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.

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)

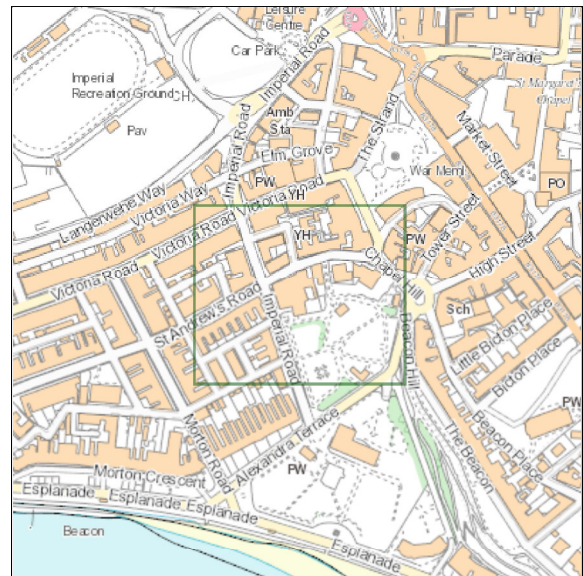
**Ward** Exmouth Town

**Reference** 19/1753/MFUL

**Applicant** Stag Inns (Exmouth) Ltd

**Location** Sams Funhouse St Andrews Road/Imperial Road Exmouth EX8 1AP

**Proposal** Demolition of existing buildings and construction of 34 apartments on the upper floor; cafe/bar, restaurant and youth centre on the ground floor with associated parking, cycle and bin store provision



**RECOMMENDATION: Refusal**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Exmouth Town (Exmouth)</b>	<b>19/1753/MFUL</b>	<b>Target Date: 08.11.2019</b>
<b>Applicant:</b>	<b>Stag Inns (Exmouth) Ltd</b>	
<b>Location:</b>	<b>Sams Funhouse St Andrews Road/Imperial Road</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings and construction of 34 apartments on the upper floor; cafe/bar, restaurant and youth centre on the ground floor with associated parking, cycle and bin store provision</b>	

**RECOMMENDATION: REFUSAL**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer view is contrary to that of Exmouth Town Council.**

**The application site is within the development boundary close to the town centre of Exmouth in an area designated as flood zones 2 and 3. There are a mix of residential and commercial properties bounding the site.**

**The proposal would allow for the redevelopment of a site which occupies a prominent position at the entrance to the town which currently makes little positive contribution to the streetscene or the wider Conservation Area. It is proposed to demolish the existing buildings on the site and replace them in a comprehensive modern development providing a mixture of commercial uses and residential apartments above. It is proposed to provide a café, youth club and restaurant premises at ground floor with 34 no. apartments over a further 3 floors split into two main blocks – 35% of the proposed apartments would be for affordable occupation.**

**National Planning Policy advises that only in exceptional circumstances should residential development be permitted in areas at high risk of flooding especially when there are areas available in less vulnerable areas in the district. It has been suggested by the applicant's agent that a reduced area of sequential test should be considered given the considerable need for rented affordable units in Exmouth and given the high level of affordable housing proposed. However, in this instance given the significant amount of smaller units recently approved and the fact that insufficient evidence has been provided by the applicant to demonstrate that registered providers would be interested in taking on the units, or whether this would be on a shared ownership basis or as rented accommodation which puts the deliverability of rented affordable housing into doubt, it is considered that a**

**reduced sequential test area has not been justified. There is considered to be sufficient land available in the district to meet the need without developing in areas of high flood vulnerability as such it is considered that this proposal fails to satisfy the sequential approach to steering new development to areas with the lowest probability of flooding.**

**Matters of residential amenity, design and layout, highway safety and drainage have all been found to be acceptable subject to appropriate safeguarding conditions.**

**Notwithstanding the benefits from provision of smaller units, acceptable design and an above policy level amount of affordable housing, the harm from the provision of development in an area of high flood vulnerability and concerns over the lack of interest in the affordable units is considered to outweigh the benefits of the scheme and therefore the application is recommended for refusal for this reason.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 19.08.19

Objection on the grounds that the proposal was overdevelopment of the site in terms of its mass and scale. The site was in Conservation Area, members felt the design had not been mindful of the surrounding building styles and therefore contrary to policy EB2 of the Neighbourhood Plan. The parking provision was inadequate for the number of proposed dwellings.

Further comments\_Meeting 30.09.19

Objection sustained, amended plans did not mitigate previous concerns raised.

Further comments Meeting 03.02.20

Objection sustained, members felt the amended plans did not go far enough to mitigate concerns raised regarding overdevelopment, mass and scale. Although members had no objection in principle to the development of the site.

Further comments: 27.04.2020

No objection to the amended plans subject to outstanding noise concerns from EH were met, outstanding concerns from Conservation Officer considered and if possible, a further reduction on number of apartments to mitigate over development concerns.

Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of Exmouth Town Council Planning Committee agreed via co-ordinated telephone and email consultation process and will be ratified at the next appropriate meeting of the council

Exmouth Town Ward – Cllr Eileen Wragg

With regards to the above planning application, I assume that this will be heard by DMC, so until it does, I reserve any views that I might have until I have heard all the information available. In case a delegated decision is considered, I request that due to the interest in this application, that it goes to Committee for decision.

**Technical Consultations**

Devon County Highway Authority

The application is located on the junction of St Andrews Road (L2608) and Imperial Road (L2625).

Exmouth benefits from good sustainable travel, of bus, train and the Exe-Estuary trail together with an array of local services and facilities. Therefore although various uses are proposed for this site, I do not believe traffic will build-up onto local carriageway parking.

However a comprehensive construction management plan needs to be prepared to show how the site can be transformed in-situ.

The proposed site layout allows for turning off-carriageway and the re-entry of vehicles to the highway in a forward gear motion. The visibility splay upon the existing access will remain unimpeded. The cycle storage will help in the cause of sustainable travel and inter-connection with the local sustainable travel facilities.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays



to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

### Conservation

#### CONSULTATION REPLY TO PLANNING WEST TEAM PLANNING APPLICATION AFFECTING LISTED BUILDING AND CONSERVATION AREA

ADDRESS: Sams Funhouse, St Andrews Road/Imperial Road, Exmouth

GRADE: Adj II APPLICATION NO: 19/1753/MFUL

CONSERVATION AREA: Adj Exmouth

PROPOSAL: Demolition of existing buildings and construction of 35 apartments on the upper floor; cafe/bar, restaurant and youth centre on the ground floor with associated parking, cycle and bin store provision

#### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site including Sams Funhouse and the Community Centre, 'The Hive', falls within Area A, an extension to Exmouth's Conservation Area, characterised as ... Morton and Alexandra Terraces are bold and prominent stuccoed buildings on the seafront. Dating from the late 19th century their linear form, scale and detailing contribute to the character of Exmouth. To the east and north of these terraces the seafront is dominated by the open space of the pleasure gardens, most notably Manor Gardens linking the seafront with the town centre.' Manor Gardens, is located to the rear of Sams Funhouse, a mixed use urban block, the majority of which includes a consciously designed public green space, with mostly C19th utilitarian public structures defining the southern edge. The wider setting includes, the rhythm provided by the mass, scale and detail of the C19th terraced housing to the west, Chapel Hill to

the east and the open space of the pleasure gardens to the south, which in conjunction with Manor Gardens, provides a green corridor to the seafront. In summary, Manor Gardens forms the immediate setting of the land to the rear of Sams Funhouse. The gardens make a positive contribution to the character of the surrounding conservation area. While there is some built form to the southern boundary, these are mostly C19th public service buildings, of reasonable quality and design that in conjunction with Manor Garden introduce an urban block, within a mostly residential part of the conservation area.

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

This application has been the subject of pre-application advice under 19/0072/PREAPP

The proposed scheme is for a mixed use development with business/office use, restaurant and Youth Centre at ground floor and residential apartments above and there is no objection in principle to this use. Despite this advice, the proposed scale, mass and bulk of the development across the whole site still appears to be excessive, particularly in the context of the immediate surrounding development opposite in Imperial Road and on the north side of St Andrews Road. It is noted that the existing building behind 'The Hive' is considerably larger and this hierarchy of development should be reflected in any future proposals with scope to include both two and up to four storeys. There is still a considerable expanse of flat roof and the low profile zinc roof at second floor is an unusual solution.

The proposals now introduce a more contemporary approach at the upper levels to reduce the overall massing of the development. However, whilst there is no objection in principle to a contemporary solution, this has created a very large overall structure outside the existing built forms and the stepped levels from ground up to a 4th floor (5 storeys) are out of keeping with the adjacent traditional two to three storey buildings, many residential, that surround the site.

Overall, whilst in conservation terms some form of development is considered to be acceptable, this needs to be sufficiently reduced to have less impact and therefore to be less than substantial harm, on the inherent character associated with the surrounding Exmouth Conservation Area.

PROVISIONAL RECOMMENDATION - PROPOSAL  
ACCEPTABLE some form of development  
UNACCEPTABLE current proposals

Further comments:

ADDRESS: Sams Funhouse, St Andrews Road/Imperial Road, Exmouth

GRADE: Adj II APPLICATION NO: 19/1753/MFUL

Amended plans received 23rd January 2020:

This is certainly an improvement on the original scheme and includes changes to the elevations, including those to St Andrews Road and Imperial Road, a reduction in the number of floors, changes to the roofscape, now divided into two distinct roof areas and changes to the roof profiles creating more traditional pitches. In addition, the overall design has been broken up into more individual blocks with a gradual setting back of the individual floors respecting the original form and massing of the site more closely.

The changes to the materials, the introduction of brick and slate are also welcomed, but will require careful choices in terms of samples etc.

There is still some concern relating to the ground floor frontage of the curved corner of St Andrews Road and Imperial Road, where the large glazed frontage to the restaurant could be improved by more sub-division and better detailing.

Further comments:

ADDRESS: Sams Funhouse, St Andrews Road/Imperial Road, Exmouth

GRADE: Adj II APPLICATION NO: 19/1753/MFUL

Amended plans received 20th April 2020:

The amended plans relate mainly to other matters rather than heritage issues. The slight change to the Heritage Statement with regards the reduced number of units from 35 to 34 is noted. No further comments.

SUGGESTED CONDITIONS: materials and frontage detailing

### EDDC Trees

The site is bounded to the south and east by the Manor Gardens. Primarily there are two groups of mature trees growing in this part of the Gardens that overhang the southern boundary of the site. All of these trees benefit from the protection afforded them by the Conservation Area status of the site. It is noted that there is no Arboricultural Survey or report accompanying this application.

The group of trees adjacent to the Imperial Road frontage is shown as retained in the combined plans and the perspective drawing. The overhanging crowns being given space by virtue of them overhanging the access road. Some limited crown raising can be anticipated in order to facilitate and maintain clearance for vehicles accessing the site.

The lack of appropriate arboricultural advice may lie behind the conflict created by the building line in the SE corner of the site extending into the existing canopy of the adjacent tree group. The situation is further aggravated by the design of units 12 and 23, with the two windows serving the lounge areas facing directly into the crowns of these trees.

This conflict does not provide for sustainable retention of these trees. The current design will result in extensive crown reduction in order to facilitate the construction of the building and further pressure to reduce the crowns in order to enable appropriate light levels to be available to future residents of these units. As such this element of the application is not acceptable arboriculturally and requires redesign to accommodate the long term sustainable retention of these trees.

Notwithstanding the above, should the application be granted consent a condition is required to secure an appropriate Tree Protection Plan, Arboricultural Method Statement and details of any branch reduction or pruning (compliant with BS 3998:2010) necessary to facilitate the construction of the development.

Further comments:

I have no objection to this development with the following condition:

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Advanced Arboriculture on the 14 November 2019 and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Housing Strategy Officer Melissa Wall

In accordance with Strategy 34 this proposal should provide for 25% affordable housing which is 8.75 units.

Ideally the units should be provided on-site with a commuted sum for the 0.75. The heads of terms state that 25% affordable housing will be provided, however the plans do not identify which of the units are to be affordable. There is no mention of tenure either. In accordance with policy 70% (6 units) should be for rented accommodation and 30% (2 units) as shared ownership or other form of home ownership product.

As the affordable units are not identified I cannot comment on their suitability. However I am concerned that the arrangement and layout of the flats may not be suitable for providers of affordable housing. The preference for registered providers is for affordable flats to be in a separate, self-contained block. Mixed tenure flats (affordable and market housing) is not suitable when it comes to the management of the building and maintenance arrangements. This is especially relevant when there is a management company and a service charge is payable for items such as a lift. This can also effect the affordability of the units. The design of this block shows one long corridor on each floor with the flats accessed off the corridor and I am concerned that this will put off registered providers. This should be explored further with registered providers to assess the suitability of the building to provide on-site affordable housing. It may be the case that another form of affordable housing on-site may be more suitable especially if no provider is necessary i.e. discounted market sale housing. However we would want to be assured that this is the only option and evidence should be provided to support this option. A commuted sum towards the provision of off-site affordable housing is also an option when all others have been fully explored.

This development is a good opportunity to meet the need for affordable 1 bedroom units in a central location close to local amenities however it needs to be deliverable.

Any deviation from the policy compliant amount of affordable housing must be evidenced by a viability assessment. Without submitting a viability assessment we will not be in a position to enter into discussions regarding the affordable housing element. In addition, an overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Further comments:

The amendments include the reduction from 35 flats to 31. To be policy compliant 7.75 units (25%) for affordable housing is now required.

The affordable units are still not identified on the plans so I cannot comment on their suitability. I still have concerns regarding the mixed tenure block and whether these affordable units will be able to be delivered. Generally there is a lack of information provided about the proposed affordable units for this scheme.

Further comments:

The applicant has increased the affordable provision from 8 units to 12 units (35% provision) and made changes to group all the affordable units together with a core staircase and separate lift. This is a result of feedback from Registered Providers

(RPs). Some of the comments received included that 8 units was too few a number for some providers hence the increase in provision to 12, which is above policy requirements. The applicant has sought to mitigate the risks identified by the RPs by trying to separate the affordable units from the market and with a core staircase however this staircase is still shared with some of the market flats.

The flats identified as the affordable units range in size from 26 sq m to 42 sq m and are considerably smaller than some of the 1 bedroom market flats. EDDC has not adopted any space standards however flat 15 at 26 sq m is very small even for 1 person.

In 3.3 of their Affordable Housing Statement the agent states that they will go back to the RPs with the revised scheme. We have not yet received these comments so do not know if these changes have made the scheme more attractive to a RP. Therefore it still remains that no registered provider has expressed an interest in taking on the units.

Although the applicant has sought some feedback from registered providers and amended the proposal to reflect those comments without a provider on board these units will not be able to be delivered on-site. Normally in these circumstances we would agree to a commuted sum payment (once all supporting evidence had been submitted), however there are other factors aside from affordable housing with this site and development, namely the location in a flood zone which is not supported. A commuted sum does not equate to the same amount of units as on-site therefore it is not a like for like benefit in terms of numbers provided.

### NHS Local Summary

As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, for one year only, and the funding for which, as outlined above, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at risk of significant delays in accessing care. Such an outcome is not sustainable.

One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.

There will be a dramatic reduction in the Trust's ability to provide timely and high quality care for the local population as it will be forced to operate over available capacity and as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's current Local Plan.

## Conclusion

In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

## Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. There aspects of the design that I cannot support.

It is disappointing to note that designing out crime has not been referred to in the Planning Statement and therefore it is not clear whether such principles have been considered in the application. Sections 91 and 127 of the NPPF state that planning policies and decisions should aim to achieve places which are 'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion' and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

The site is situated within Beat area 'KE2D Exmouth Town' which crime and incident data shows experiences higher levels of offences such as criminal damage, acquisitive crime, public order incidents, vehicle and violent crime, when compared with other Beat areas within the same Sub Sector policing area. Therefore measures to reduce the likelihood and fear of crime and anti-social behaviour (ASB), should be a clear consideration of the scheme.

## Access and Movement

How is access and movement throughout the site going to be managed and controlled in order to prevent conflict between the different uses at the development?

I note that 'the proposal will provide 25 parking spaces'. Can it be confirmed if the parking space is intended for use by residents, customers of the café/restaurant and/or users associated with the Youth Centre? A shortage in parking could cause conflict.

From the plans, it appears that there is open vehicle and pedestrian access to the rear parking area including the under-croft parking. I cannot support such a design as it has shown to increase the likelihood of crime and ASB.

It is vital that access to the residential parts of the development are restricted to residents and that casual intrusion is prevented. If communal areas, landings, stairwells, corridors etc. as well as the car park itself, are compromised then they can attract ASB such as rough sleeping, drug use etc. and crimes such as damage, theft, arson etc. particularly in a location within the town centre.

With regards to under-croft car parking it essential to ensure that criminal opportunity is minimised and the safety of legitimate users maximised. To assist please find the following Secured by Design guidance for underground and under-croft car parks:-

- An access control system must be applied to all vehicular and pedestrian entrances to prevent unauthorised access in to the carpark.

- Inward opening automatic gates or roller grilles must be located at the building line to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters should be as quick as possible to avoid tail gating by other vehicles. This will allow easy access by a disabled driver, and should satisfy the requirements of the Highways Department who under normal circumstances do not permit vehicles to obstruct the pedestrian footway whilst the driver is unlocking a gate. Automatic roller shutters should be certificated to a minimum of LPS 1175 SR1, STS 202 BR1 or LPS 2081 SRA

- Lighting must be at the levels recommended by BS 5489:2013.

- Walls and ceilings must have light colour finishes to maximise the effectiveness of the lighting as this will reduce the luminaires required to achieve an acceptable light level. Reflective paint can reduce the number of luminaires needed to achieve the desired lighting level and reduce long term running costs.

Additionally any internal door that gives access to the residential floors must have an access control system, as must the lifts in order to prevent unrestricted access to residential areas. Further advice in relation to external communal doorsets is given below.

### Physical Protection

External communal doorsets need to be robust enough to withstand the day to day use in a communal application. The following guidance as set out by Secured by Design should be adhered to (Secured by Design Homes 2019). They should be certified to one of the following standards:

- STS 202 Issue 6:2015 Burglary Rating 2
- LPS 1175 Issue 7.2:2014 Security Rating 2+
- LPS 1175 Issue 8:2018 B3 Security Rating 2+
- LPS 2081 Issue 1.1:2016 Security Rating B
- PAS 24:2016, paragraph 4.4.3 i.e. tested to BS EN 1627 Resistance



A visitor door entry system should be installed with the following features:

- Capability to allow a visitor to ring any selected dwelling within the particular system and/or building, and hold a two way conversation.
- Allow the occupant to see and identify the visitor and their location.
- Enable occupant of the dwelling to remotely operate the electric locking device from their room terminal, thereby allowing the visitor access.
- Ability to display the image of the caller before the call is answered so the resident can choose whether to answer the call or not.
- SBD recommends the use of colour monitors to assist the occupier with the identification of visitors

With suitable access control measures including:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.)
- Vandal resistant external door entry panel with a linked camera
- Ability to release the primary entrance doorset from the dwelling
- Live audio/visual communication between the occupant and the visitor
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose.
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Tradesperson release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments. External doorset apertures for retail use should be certificated to a minimum:
- LPS 1175: Issue 7, SR2 or
- STS 201 or STS 202: Issue 3, BR2

In relation to electronic access control, specifiers are advised to make reference to guidance published by the British Security Industry Association (BSIA) 'A specifiers guide to the Security classification of access control systems'.

Windows for retail use should be certificated to a minimum:

- PAS 24:2016 or
- STS 204 Issue 3: 2012, or
- LPS 1175 Issue 7:2010 Security Rating 1 or
- LPS 2081 Issue 1:2014 Security Rating A

Additional security may be gained by utilising additional protection such as a certified roller shutter or grille.

### Security Glazing

All ground floor and easily accessible glazing should incorporate one pane of laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 Glass in building. Security glazing - resistance to manual attack to category P1A.

### Bin and Cycle Storage

I note that 'cycle storage will be provided for a minimum of 1 bicycle for each dwelling' but am unsure from the plans where such storage will be situated.

If external containers specifically designed for the secure storage of bicycles and other property are to be used, they should be certificated to one of the following minimum security standards:

- LPS 1175 Issue 7.2, Security Rating 1
- LPS 1175 Issue 8:2018 A1 Security Rating 1
- STS 202, BR 1
- LPS 2081 Issue 1 (2015) Security Rating A
- Sold Secure (Bronze, Silver or Gold)

The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.

If the cycle storage is an external, open communal store with individual stands or multiple storage racks for securing bicycles, the store should be in view of active rooms, lit at night using vandal resistant, light fittings and energy efficient LED lights.

Research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment are:

- Galvanised steel bar construction (minimum thickness 3mm)
- Minimum foundation depth of 300mm with welded 'anchor bar'.

If integral communal bin and/or cycle stores are to be used, they should be easily accessible, with floor to ceiling dividing walls, no windows and be fitted with a secure doorset meeting one of the following standards:

- PAS 24:2016
- STS 201 Issue 7:2015
- LPS 1175 Issue 7.2:2014 Security Rating 2+
- LPS 1175 Issue 8:2018 B3 Security Rating 2+
- STS 202 Issue 6:2015 Burglary Rating or
- LPS 2081 Issue 1.1:2016 Security Rating B

As with the external containers, the locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.

### Mail Delivery

What provision will there be for mail delivery and utility readings? As above there should be no unrestricted access to the doors of the flats and no tradesperson or timed release mechanisms on the communal door entry system.

SBD recommends that a 'through-the-wall' mail delivery into secure internal letterboxes, or boxes located within an 'airlock' access controlled entrance hall/lobby, whereby access can be gained by a postal worker through the outer door only, and therefore negate casual intrusion could be used. However, from the plans in the current design this does not appear to be suitable. If plans are not altered to incorporate such a system, external letterboxes that meet the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS009) should be used. If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space, thus again negating the need of a trades button.

### Surveillance CCTV

Given the location of the development, lack of surveillance afforded to under-croft parking, the mixed use nature of the site and the levels of crime and ASB in the Beat area, CCTV should be distributed throughout the development. Coverage of access controlled areas, entry/exit points, secure areas, the bar/café area are particularly important. A Passport for Compliance document including an Operational Requirement must be in place.

### Environment Agency

Thank you for the recent consultation with regards to the above. We object to this proposal on flood risk grounds.

The flood risk assessment, as submitted, does not appear to have correctly identified the level of flood risk and appropriate methods of mitigation.

In order for the flood risk assessment to be satisfactory it should include all flood risks to the residential and commercial elements of the scheme (surface water and tidal)

and provide an agreed design flood level. The assessment should describe the flood risks to the current and proposed commercial development.

We recommend that the revised flood risk assessment include drawings showing the finished floor levels above the predicted flood levels taking account of climate change over the lifetime of development.

#### Commercial Development

It is recommended that the development of the site take the opportunity to provide a better standard of protection than the what is currently onsite. A betterment can be achieved by raising the ground floor as high as technically possible. The ground floor level should aim to be at least 600mm above road levels. In addition the flood resilience measures should be employed up to the design flood level which is approximately 4.6m AOD.

#### Residential Development

Under most circumstances safe access and egress is the preferred option and by far the safest. The proposed provision of safe refuge during a flood event should be considered, in terms of appropriateness, against the duration of the flood event and the dangers associated with undertaking rescues. It is a matter for the emergency services and the emergency planners on the suitability of safe refuge. The flood risk assessment should set out the scenario for safe refuge and provide a realistic timeframe for the use of the refuge space before evacuation will be necessary. In instances when the refuge is not supplied by water, or electricity the length of time the safe refuge can be occupied will be very short. Such constraints should be outlined in the flood risk assessment to determine the suitability of the refuge space.

Should you have any queries with regards to the above please do not hesitate to get in touch.

Further comments:

#### Environment Agency position

Following review of the Flood Risk Assessment (Ref. J-1047-Rev. 01, EDS), we maintain our objection to the proposed development on the grounds of flood risk. The reason for this position and advice is provided below.

Reason - The site is located within flood zone 3, identified by Environment Agency Flood Maps as having a high probability of flooding. The submitted Flood Risk Assessment (FRA) concludes that the commercial ground floor element of the development could flood up to 0.5m from tidal flood water during a design event. The FRA considers this flooding to be manageable by flood resilient construction techniques and suitable flood plans triggered by flood warning information.

However, as set out in our previous letter dated the 19th August 2019, further information is required regarding the feasibility of raising ground floor levels. Whilst we recognise that it may not be possible to raise the floor levels to the full level (at least 600mm above road levels), the applicant needs to demonstrate that the floor is, or can be, raised as high as technically possible with full justification as to why the highest level cannot be achieved.

We note that the FRA proposed electrical circuitry and apparatus installed at or above 5.14mAOD.

Advice - We wish to highlight to the applicant that the Exmouth tidal defences are very important to this location. The existing defences are currently being upgraded to provide a comprehensive scheme to protect from tidal flooding from the Exe Estuary and wave overtopping along the Esplanade. When these upgrades are completed and operated correctly, there will be a sufficient level of protection, however the applicant needs to consider the residual risk to the development from defence failure or mismanagement.

#### Overcoming our Objection

The applicant may overcome our objection by submitting further information to cover the deficiencies outlined in this letter. We would accept an addendum to the FRA which investigates the matters of raising flood levels, and discusses the benefits of future improved tidal defences with the residual risk also considered.

Further comments:

Thank you for re-consulting us on this application.

#### Environment Agency position

Following review of the revised Flood Risk Assessment (FRA), we maintain our objection to the proposed development. The reason for this position and advice is provided below.

Reason - We have reviewed the revised flood risk assessment prepared by EDS (ref. J-1047-Rev.02, dated 21/01/20). Whilst this assessment is more comprehensive than previous submissions for the development, it does not fully address two key points which have been highlighted in our earlier correspondence. These are as follows:

1. Finished floor levels for ground floor units - section 4.0 on Mitigation Measures indicates that the FFL will be 300mm above existing levels. However, the specific level to mAOD is not defined and there is no clear reference to the existing level. A specific level should be stated, which is then reflected in the application details.
2. There are currently flood defences for Exmouth which provide a degree of protection from tidal flooding in the estuary and along the Esplanade. These defences are currently being improved to provide a defence level of 4.50mAOD. Such protection will have significant benefits to the development and should be acknowledged appropriately in the assessment.

#### Overcoming our objection

The applicant may overcome our objection by submitting further information that covers the deficiencies outlined within this letter. Please re-consult us on any revised information relevant to the above points.

Please contact us again if you require any further advice.

Thank you for re-consulting us on this application.

Further comments:

Thank you for re-consulting us on this application. We have reviewed the amended proposal which includes an increase in the number of residential units and layout changes. We have also reviewed the additional Flood Risk Assessment (FRA) (ARA Architecture reference 7816 dated 4/3/2020). We can support the findings of the additional FRA in line with the amendments. We consider that these revisions do not change our position from that of our previous letter reference DC/2019/120835/04-L01 dated 27th February 2020. This is reproduced below:

Environment Agency position

Following review of the revised Flood Risk Assessment (FRA) (reference J-1047-Rev.03) and drawing reference 7816-100 revision E, we are able to remove our objection to the proposed development subject to the inclusion of a condition on any permission granted which ensures the implementation of the FRA. Suggested wording for this condition and the reason for this position is provided below.

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (EDS, reference: J-1047-Rev.03) and the following mitigation measures it details:

- Finished Floor Levels of 3.30mAOD
- Flood Resistant materials used for all new construction work below 5.14mAOD
- Future electrical circuitry and apparatus installed at or higher than 5.14mAOD, and where this is not feasible, should be designed to be suitable for inundation with water
- Flood resistant barriers to 600mm high
- Residents should sign up to the EA's flood warning system

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason - To reduce the risk of flooding to the proposed development and future occupants.

Reason for position - The updated FRA (Ref: J-1047 Issue 03) and Site & GF Plan (Ref: 7816-100 Rev E) have been reviewed. These documents now define the Finished Floor Levels for the ground floor units and acknowledge the benefits provided by the improved tidal flood defences being constructed for Exmouth.

It would be advisable for the applicant to prepare a flood plan which outlines how the business will respond to a flood. Further advice on this can be found in the following link: <https://www.gov.uk/prepare-for-a-flood>

Please contact us again if you require any further advice.

### Environmental Health

Final response sent to planning west on 12th March:

Dear Planning West

I have assessed the planning application including the amended planning statement.

We would be unable to recommend approval for the scheme as there are some serious omissions in the amendments:

(1) Sound Insulation - in particular above the youth centre  
Unfortunately I am not confident that the applicant / and or their agent understands the sound insulation problems associated with this development:

- o They have only recommended a proprietary sound insulation systems for dealing with the walls
- o There is no information relating to how they would deal with ceilings and floors
- o They have also suggested a sound reduction of 80 dB between the youth centre and the residential units - The wall sound insulation system suggested is often used in very noisy situations for example separating rooms in cinema complexes
- o The suggested total thickness of the wall sound insulation system product they have suggested (GypWall audio) varies between 300 and 800 mm and in order to get the 80 DB reduction, the maximum thickness would be required. The product is clearly not designed for floor / ceiling use, but this information gives an idea of the thickness and the level of insulation that would be required between vertically stacking units to achieve 80 dB reduction. I think you would agree that this would be a substantial structure "above" the youth centre and may or may not be achievable given the proposed unobstructed ceiling span, though I am not an engineer!

From my own personal experience of measuring sound insulation, a good quality acoustic floating floor and a good quality acoustic ceiling when used in combination with an existing ceiling which passes current building regulation document E standards should achieve 60 DB sound reduction if installed by experienced contractors who regularly install acoustic products and understand the nature of undertaking such works (for example not nailing down an acoustic floor!) I believe achieving 80 dB reduction would be difficult in a new mixed use building

(2) Odour abatement

The applicant proposes that we condition the restaurant ventilation system with a list of requirements.

I think given the relative complexity of the proposed development, we would be unable to recommend approval of a ventilation system unless very detailed specifications (including drawings) regarding odour and noise abatement are provided.

Holding response sent on 25.02: Consideration of these plans is taking some time to evaluate because we are concerned about noise transmission between units, particularly where habitable rooms are immediately above or adjacent to each other. We intend to submit our final comments before 13th March.

I have assessed the planning application including the amended planning statement.

We would be unable to recommend approval for the scheme as there are some serious omissions in the amendments:

(1) Sound Insulation - in particular above the youth centre  
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I think given the relative complexity of the proposed development, we would be unable to recommend approval of a ventilation system unless very detailed specifications (including drawings) regarding odour and noise abatement are provided.

I hope the above is self-explanatory and please do not hesitate to contact me for further advice or information.

Further comments:

We have received notification of amended plans and an amended design and access statement for the above application. We sent over the full EH comments on 12th March (prepared by John Smith who has now left EDDC) and I have included them below. I cannot see in the amended docs that these concerns have been addressed so please could the agent be requested to address each point below with



details of the solution being offered? In this way it will be clear in the future that all the EH concerns have been addressed and this will be important in the event of neighbourhood noise issues between new residents and also between the residential and commercial uses.

#### South West Water

I refer to the above and would advise that South West Water has no objection and can confirm the proposed surface water drainage strategy is acceptable insofar as an attenuated discharge of 10l/s to the public sewer meets our requirements.

Further comments:

I refer to the above application and would advise that South West Water has no objection subject to details of the proposed means of surface water drainage being submitted for approval.

Whilst it is accepted the existing buildings currently drain their roofwater to the public sewer we would expect to see attenuation to provide a betterment over the existing situation.

It should also be noted that public sewers lie within the site area (see plan under associated documents tab) and no buildings or structures will be permitted within 3 metres of these without our prior approval.

Further comments:

I refer to the above application and would advise that South West Water has no comment on the proposed amendments.

#### DCC Flood Risk Management Team

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 not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/sustainable-drainage/suds-guidance/>.

Further comments:

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, 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 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 in accordance with the principles of sustainable drainage systems, and those set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated

[Document Date]). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development 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 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.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

Following my previous consultation response FRM/DM/0228/2019, dated 19th June 2019, 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 has produced a surface water drainage strategy which is compliant with DCC SUDS Guidance (2017). The strategy will present a betterment to the existing surface water runoff regime by attenuating flows and restricting discharge to 10l/s.

Thank you for letting us know that additional information has been submitted for 19/1753/MFUL - Sams Funhouse St Andrews Road/Imperial Road Exmouth EX8 1AP. The updated 04/03/2020 Flood Risk Assessment does not have any updated information on drainage, therefore my response from 02/10/2019 still stands.

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Observations:

The previously submitted Redevelopment at St Andrews Road, Imperial Road, Exmouth, EX8 1AP - Foul and Surface Water Drainage Statement (Report Ref. J-1047, Rev. -, dated 12th September 2019) remained the same and therefore our previous response Ref. FRM/ED/1753/2019 dated 02nd October 2019 remains unchanged.

The applicant has submitted the Sequential Test Report and associated FRA to examine the alternative sites within Exmouth Town Centre. As the proposed development site is within Flood Zone 3, The Environment Agency shall be consulted.

Other Representations

In total 14 letters of representation have been received at the time of writing this report. 4 letters of support have been received with the following observations:

- Regeneration of the site which is an eyesore
- Good design
- Would provide affordable housing into the town
- Improvement to the visual amenity of the site
- Current buildings are an eyesore

10 letters of objection have been received raising concerns which can be summarised as:

- Inadequate parking provision
- Loss of family attractions

- Over provision of restaurants and cafes in the town
- Flooding and sewerage
- No provision for waste and recycling
- Over-development
- Large overbearing building
- Pressures on local parking
- Loss of pub and community facility
- Overlooking and loss of privacy
- Over bearing impact
- Noise

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Exmouth Neighbourhood Plan

#### Government Planning Documents

NPPF (National Planning Policy Framework 2018)

NPPG (National Planning Practice Guidance)

## **Site Location and Description**

The site refers to a complex of buildings which occupy a prominent corner plot position at the junction of Imperial Road and St Andrews Road. The buildings currently contain

a variety of commercial uses including two Public House's, Sam's Funhouse, a children's play area and cafe and a Community Centre. The site falls within Area A, an extension to Exmouth's Conservation Area. On the eastern boundary is Manor Gardens, a public park which forms the immediate setting of the land to the rear of Sam's Funhouse. The streets around the site are made up of predominantly Edwardian terraced houses, small shops and other businesses typical of an area located just off the town centre.

In planning terms the site is located within the built-up area boundary of Exmouth and falls within the extended Conservation Area. The land also falls within an area designated as flood zones 2 and 3- areas at highest risk of flooding.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
09/0325/MFUL	Conversion of 1st & 2nd floors into 14 flats comprising 8 X 2 bedroom and 6 X 1 bedroom units and associated bicycle and refuge storage.	Approval with conditions	10.07.2009
13/2610/FUL	Change of use of the first floor from nightclub to childrens play area	Approval with conditions	20.01.2014
16/2867/FUL	Change of use of offices and store room and extensions to provide 8 no flats	Withdrawn	02.10.2017
17/2498/FUL	Change of use of offices/store rooms and extensions to provide 6no. flats	Refusal	13.02.2018

It is pertinent to note that an application to change the use of offices/store rooms and extensions to provide 6no. flats to the rear of Sams Fun House (land and buildings included within this application) was refused in 2018 (ref 17/2498/FUL) for the following reasons:

- 1. The Environment Agency Flood Map indicates that the site lies in flood zone 3 where there is a high risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site that would be appropriate for the type of 'more vulnerable' residential development proposed. In the absence of a sequential test showing there are no alternative sites for housing development, there is a lack of evidence that the proposal would bring about wider sustainability benefits for the community that would outweigh the flood risks for the buildings and potential*

*occupiers over the lifetime of the buildings on a site in flood zone 3 which is likely to adjust in the future. The proposals are contrary to guidance within the National Planning Policy Framework and National Planning Policy Guidance and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.*

- 2. The proposal would result in the loss of office/employment space, and no evidence has been submitted to indicate that the current offices are no longer viable. The current use does not harm area, the building is not listed and it is not proposed to introduce an A1 use. Therefore, the proposal fails to comply with Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.*

An appeal was subsequently dismissed (ref APP/U1105/W/18/3200250) on the basis that the proposal was not appropriately located in terms of flood risk and therefore failed the sequential test set out within the National Planning Policy Framework and the National Planning Practice Guidance.

### **Proposed Development:**

Planning permission is sought for the demolition of the existing buildings on the site and for the construction of a mixed use development with business/office use, restaurant and Youth Centre at ground floor and 34 no, 1 and 2 bedroom residential apartments across the 1st, 2nd, 3rd and 4th floors above.

The proposal offers 35% on-site affordable housing which equates to 12 one bedroom units on the first and second floors of the building. The proposed building would reach a maximum of 4 stories in height with a roofscape that has been designed to be divided into two distinct roof areas with traditional roof pitches. The design approach is contemporary in the form of individual blocks with a gradual setting back of the individual floors whilst incorporating more traditional materials in the form of red brick and natural slate with sections of render to break up parts of the building.

The building presents itself as two storey to Imperial Road gradually stepping up to four stories in the form of a pitched slate roof. The St Andrews Road elevation would be predominately three stories with glazed commercial units at ground floor, stepping up to four stories in height with a pitched roof. A number of the residential apartments would have recessed balcony areas. The ground floor of building would have a distinctive curved corner fronting onto St Andrews Road and Imperial Road with a large glazed frontage to the proposed ground floor restaurant.

The proposal would make provision for 27 car parking spaces in a courtyard area behind the proposed building which would be accessed via the existing vehicular access off Imperial Road.

### **Issues and Assessment:**

The main issues to consider in determining this application relate to the following matters:

- Principle of the proposed development
- Flood Risk
- Affordable Housing
- Character and Appearance
- Heritage Impact
- Impact on neighbouring amenity
- Ecology and Trees
- Habitats Regulation Assessment
- Highway safety and Parking
- Drainage
- Other matters

#### **Principle of Development:**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan has been 'made' and carries full weight alongside the Local Plan.

The site lies within the Built-up Area Boundary (BuAB) of Exmouth. The spatial strategy for the District requires significant housing to take place within these boundaries, with the seven main towns (of which Exmouth is one) forming focal points for development. In addition, Strategy 22 requires moderate new housing development to take place within Exmouth, in addition to the stated allocations. The principle of development is therefore acceptable.

#### **Flooding and Sequential Test:**

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system and is therefore at high risk of flooding. In accordance with guidance in the National Planning Policy Framework (NPPF) development should be directed to areas with a lower risk of flooding (flood zone 1) unless it can be demonstrated, through a sequential test, that there are no other suitable sites in flood zone 1. It is usual practice to set the areas of search for the sequential test as the whole of East Devon's administrative area and clearly there would be a number of sites available in flood zone 1 to accommodate 34 no. apartments, however, as indicated in the

following text from the National planning Practice Guidance, the area of search can be reduced where there is an overriding need to certain developments.

*'For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.*

*When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.*

*Any development proposal should take into account the likelihood of flooding from other sources, as well as from rivers and the sea. The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified to the local planning authority by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere'.*

In this instance it has been suggested by the applicant that the need for 1 and 2 bedroom properties in Exmouth is an important consideration and one that should be taken into account when determining the area of search for a sequential test. The table below (taken from Devon Home Choice) indicates the current level of need in Exmouth, this is where the greatest need is in the district.

3.Areas in East Devon	Exmouth
-----------------------	---------

Count of Bedroom	Bedroom					Grand Total
	1	2	3	4	5	
Band B	27	13	6	3	2	51
Band C	31	51	40	10	1	133
Band D	160	45	14	3	1	223
Grand Total	218	109	60	16	4	407



Given this high demand for one and two bedroom properties in excess of 300 units, the applicant considers that a reduced area of search for a sequential test could be justified in principle.

The sequential test that has been undertaken by the applicant's agent considers 18 sites within the built up area boundary that could accommodate some or all of the proposed development. The Council has no reason to dispute any of the reasons for discounting the sites considered, however, the sequential test does not examine existing permissions that have yet to be commenced or properties currently under construction that could meet some of the demand. The Council is aware of permissions at Plumb Park (16/1022/MOUT) for 260 dwellings, 88 of which are affordable housing, predominantly 1 and 2 bedroom apartments and houses and an outline planning permission at Goodmores Farm (14/0330/MOUT) for up to 350 dwellings, 18 of which would be affordable houses. Accordingly, a significant amount of the affordable housing need would be met by these permissions as well as providing a number of open market smaller units within areas in the town less at risk of flooding.

The affordable housing offer is discussed in more detail in the next section of this report. The applicant's agent has contacted registered providers to ascertain whether they are likely to take on affordable units within a mixed block with open market units however insufficient evidence has been provided by the applicant to demonstrate that registered providers would be interested in taking on the units or whether this would be on a shared ownership basis or as rented accommodation. Without evidence of interest or confirmation of tenure type from the RP's and without a provider on board these affordable units will not be able to be delivered on-site and it is therefore questionable as to whether the need and demand for rented accommodation would be met to justify allowing a reduced area of search for the sequential test and to direct new residential development to an area most at risk of flooding.

Therefore, it is a matter of judgement as to whether the need identified in the table above is of sufficient weight to be addressed now rather than in the future, when future allocations of land are made. Officers are of the opinion that in all likelihood the units would be shared ownership and this would not meet any of the rented need identified and whilst the affordable units would still be occupied by persons in need it is not tackling the issue that justified a reduced area for sequential testing in the first place i.e. the demand for rented accommodation.

Therefore, given the level of recent approvals for smaller units and affordable units in Exmouth and the lack of evidence of the deliverability of the affordable housing or interest from RP's it is not considered, at this point in time, that there is sufficient justification to warrant development in an area of high vulnerability of flooding and that the need can be met by current development and future allocations both in Exmouth and district wide.

As such it is considered that the principle of development would be unacceptable as there is sufficient land in flood zone 1 in the district to meet the current needs and that the reduced sequential test area has not be justified by providing shared ownership units rather than rented.

## **Affordable Housing**

In accordance with Strategy 34 (District Wide Affordable Housing Targets) of the Local Plan to be policy compliant, this proposal should provide for 25% affordable housing which equates to 8.75 units.

A clear benefit from this scheme is the fact that the applicant is offering to provide 35% affordable housing on-site which equates to 12 one bedroom apartments and is above the policy requirement of Strategy 34. Whilst this over provision is welcomed and would contribute towards meeting the identified need for 1 bedroom affordable units within the town, the weight to be attributed to this offer within the overall planning balance is questionable.

The Council's Housing Enabling Officer acknowledges that the development is a good opportunity to meet the need for affordable 1 bedroom units in a central location close to local amenities but that it needs to be deliverable.

Concerns have been expressed about the arrangement and layout of the flats which may not be suitable for providers of affordable housing. It is understood that the preference for Registered Providers is for affordable flats to be in a separate, self-contained block. Mixed tenure flats (affordable and market housing) tend not to be suitable when it comes to the management of the building and maintenance arrangements which can be especially relevant when there is a management company and a service charge is payable for items such as lifts etc. This can also effect the affordability of the units and deter Registered Providers.

In response to these concerns, the scheme has been amended to group all the affordable units together with a core staircase and separate lift. This is a result of feedback from Registered Providers (RPs). Some of the comments received from RP's included that 8 units was too few a number for some providers hence the increase in provision to 12, which is above policy requirements. The applicant has sought to mitigate the risks identified by the RPs by trying to separate the affordable units from the market and with a core staircase however this staircase is still shared with some of the market flats.

The Housing Enabling Officer has advised that the flats identified as the affordable units range in size from 26 sq m to 42 sq m and are considerably smaller than some of the 1 bedroom market flats. EDDC has not adopted any space standards however flat 15 at 26 sq m is very small even for 1 person.

In section 3.3 of the applicant's Affordable Housing Statement the agent states that they will go back to the RPs with the revised scheme. However these comments have not been received so it is unclear as to whether these changes have made the scheme more attractive to a RP and whether the affordable housing offer would be deliverable. Despite repeated requests to the agent for expressed levels of interest from RP's to the scheme, none has been forthcoming. Therefore it still remains that no registered provider has expressed an interest in taking on the units and therefore officers consider that the weight that should be attributed to the deliverability of the affordable housing offer, above the policy requirement, should be cautioned. Officers are aware that this issue is currently being experienced at another recently approved mixed use development within Exmouth where the affordable housing offer was considered to

outweigh concerns in respect of flood risk and the sequential test. In that case however no interest from a Registered Provider has been forthcoming undermining the original reason for the grant of planning permission.

Although the applicant has sought some feedback from registered providers during the course of this application and has amended the proposal to reflect those original comments without a provider on board these units will not be able to be delivered on-site. Normally in these circumstances the Council would agree to a commuted sum payment (once all supporting evidence had been submitted), however there are other factors aside from affordable housing with this site and development, namely the location in a flood zone which is not supported by officers.

On the basis that the deliverability of the affordable housing within the development has not been robustly evidenced through interest from Registered Providers, on balance, officers do not consider that the offer of 35% affordable housing is sufficient to outweigh the concerns in respect of the principle issue in relation flood risk and permitting residential development in areas at highest risk of flooding.

### **Loss of Employment, Retail and Community Sites and Buildings**

Strategy 32 of the Local Plan seeks to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

The policy states that permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

It is not considered that the proposal conflicts with the provisions of Strategy 32 of the Local Plan because the proposed uses on the ground floor include both employment generating commercial uses and a youth club which would ensure that there is no loss of employment or community uses. Should members be minded to approve the application, a condition is recommended to ensure that a youth club is provided at ground floor in accordance with the details submitted to ensure adequate provision is

made for new youth club facilities and that there is no loss of community facilities in the area.

### **Character and Appearance**

Strategy 6 (Development within Built-Up Area Boundaries) of the Local Plan states that within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
  - a) The distinctive historic or architectural character of the area.
  - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - c) Important landscape characteristics, prominent topographical features and important ecological features.
  - d) Trees worthy of retention.
  - e) The amenity of occupiers of adjoining residential properties.
  - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

Policy EB2 of the Exmouth Neighbourhood Plan states that new development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

It should be noted that following concerns that have been raised by the Council's Urban Designer and the Conservation Officer regarding the proposed scale, mass and bulk of the development across the whole site, which was considered to be excessive and inappropriate for this prominent corner position within the town, amended plans have been received which have made a number of design changes to the building. These amendments include the removal of a 5<sup>th</sup> floor, changes to the roofscape and roof profiles to create distinct roof areas and traditional roof pitches over a previously approved flat roof. The overall design has also been broken up into more individual blocks with a gradual setting back of the individual floors which help to respect the

original form and massing of the site more closely whilst reducing the bulk and massing and overall dominance within the streetscene when viewed from Imperial Road and St Andrews Road.

Concerns have also been expressed by officers about the relationship between the site to Manor Gardens where the existing building has been designed to sit well within the canopy line of the trees and not create an unacceptable visual intrusion to either the park or Imperial Road in existing views. As a public space, the relationship of the site to Manor Gardens is considered to be a particularly important viewpoint where the existing building shows a sensitivity to its surroundings that any replacement development should seek to match in the interests of visual amenity from Manor Gardens.

In response to these concerns the elevations of the building facing Manor Gardens has been significantly reduced in terms of its footprint within the site along with its height, bulk, scale which in-turn has reduced the overall massing of the building and lessens the visual impact when viewed from public vantage points within Manor Gardens. Whilst this part of the development would remain visible from parts of the public park, the re-design of this part of the scheme is considered to be more sensitive to its surroundings and would ensure that the building does not appear unduly prominent or dominant or visually intrusive in these views.

Overall, it is accepted that the proposal now has less of an overall contemporary approach and is considered to be more appropriate to the surrounding context with less of an impact on the inherent character of the area.

Whilst the proposal would still result in a development that is substantially larger than the existing buildings which make no positive contribution to the streetscene or the wider character and appearance of the area, overall, the design changes are considered to be a significant improvement to the original submission where the concerns of officers have clearly been taken into account. It is accepted that the proposal would have a greater impact than the existing buildings on the site however following the amendments that have been made to the scheme, on balance, it is considered that the visual impact of the building and its subsequent dominance and intrusiveness within the streetscene has been significantly reduced and that the design changes which incorporates a curved corner to the ground floor frontage would appropriately address the constraints of this prominent site at the junction of St Andrews Road and Imperial Road heavily used as an entrance to the town and to the seafont.

On balance, following the design changes that have been made and subject to conditions requiring the submission of materials and external finishes for the development, it is considered that the proposal would be acceptable in terms of its design and impact on the character and appearance of the area and would comply with the provisions of Strategy 6 and Policy D1 of the Local Plan and policy EB2 of the Exmouth Neighbourhood Plan.

## **Heritage Impact**

Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a duty in favour of preserving heritage assets. Paragraphs 193-196 of the NPPF deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation and this should be proportionate to the importance of the asset. This is reflected in policy EN10 (Conservation Areas) of the Local Plan which states:

*Proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area. Favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations. Loss of a building or other structure that makes a positive contribution to the significance of a Conservation Area will be considered against the criteria set out in Policy EN9.*

The site including Sam's Funhouse and the Community Centre, 'The Hive', falls within Area A, an extension to Exmouth's Conservation Area, characterised as ... Morton and Alexandra Terraces are bold and prominent stuccoed buildings on the seafront.

Dating from the late 19th century their linear form, scale and detailing contribute to the character of Exmouth. To the east and north of these terraces the seafront is dominated by the open space of the pleasure gardens, most notably Manor Gardens linking the seafront with the town centre.' Manor Gardens, is located to the rear of Sams Funhouse, a mixed use urban block, the majority of which includes a consciously designed public green space, with mostly C19th utilitarian public structures defining the southern edge.

The wider setting includes, the rhythm provided by the mass, scale and detail of the C19th terraced housing to the west, Chapel Hill to the east and the open space of the pleasure gardens to the south, which in conjunction with Manor Gardens, provides a green corridor to the seafront. In summary, Manor Gardens forms the immediate setting of the land to the rear of Sam's Funhouse. The gardens make a positive contribution to the character of the surrounding conservation area. While there is some built form to the southern boundary, these are mostly C19th public service buildings, of reasonable quality and design that in conjunction with Manor Garden introduce an urban block, within a mostly residential part of the conservation area.

Original concerns were raised by the Council's Conservation Officer in respect of the proposed scale, mass and bulk of the development across the whole site being excessive, particularly in the context of the immediate surrounding development opposite in Imperial Road and on the north side of St Andrews Road.

Observations were made in respect of the existing building behind 'The Hive' being considerably larger and this hierarchy of development should be reflected in any future proposals with scope to include both two and up to four storeys. Concerns were expressed about the considerable expanse of flat roof and the low profile zinc roof at second floor as being an unusual solution.

Whilst no objections were raised to the introduction a more contemporary approach at the upper levels to reduce the overall massing of the development there were concerns that the proposal created a very large overall structure outside the existing built forms and the stepped levels from ground up to a 4th floor (5 storeys) were out of keeping with the adjacent traditional two to three storey buildings, mainly residential, that surround the site.

The aforementioned amendments that have been made to the design, scale, bulk and massing of the development are now broadly supported by the Council's Conservation Officer who accepts that the changes to the St Andrews Road and Imperial Road elevations, the reduction in the number of floors and changes to the roof scape and roof profiles, the breaking up of the building into more individual block with a gradual setting back of the individual floors results in a development that better respects the original form and massing of buildings on the site more closely.

On balance, having regard for the condition and appearance of the existing buildings on the site which make little positive contribution to the Conservation Area in views from St Andrews Road and Imperial Road, it is considered that the amended proposals would have less of an impact and therefore would result in less than substantial harm, on the inherent character associated with the surrounding Exmouth Conservation Area. It is considered that the proposed development would comply with the provisions of policy EN10 of the Local Plan preserving and enhancing the Conservation Area through a carefully designed mixed use scheme which weighs in favour of the proposal.

## **Flood Risk**

Notwithstanding officer concerns about the principle of new development in an area designated as flood zone 3 the Environment Agency have removed their objection to the proposal following their review of the revised Flood Risk Assessment (FRA) (reference J-1047-Rev.03) and drawing reference 7816-100 revision E – although it is for the Local Planning Authority to make an assessment with regard to the Sequential Approach. The updated FRA (Site & GF Plan now define the Finished Floor Levels for the ground floor units and acknowledge the benefits provided by the improved tidal flood defences being constructed for Exmouth. Therefore, should members be minded to approve the application, a condition is recommended which ensures the implementation of the FRA ensuring that the following flood mitigation measures are implemented as part of the development prior to occupation:

- Finished Floor Levels of 3.30mAOD

- Flood Resistant materials used for all new construction work below 5.14mAOD
- Future electrical circuitry and apparatus installed at or higher than 5.14mAOD, and where this is not feasible, should be designed to be suitable for inundation with water
- Flood resistant barriers to 600mm high
- Residents should sign up to the EA's flood warning system

In the absence of any objections from the EA, it is considered that should members decided to accept the principle of development on this site, future occupiers of the development would be safeguarded from future flood risk following implementation of the flood proofing measures.

### **Residential Amenity**

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that development proposals do not adversely affect the amenities of occupiers of adjoining residential properties.

Replacing the existing buildings with a larger mixed use scheme would result in a degree of additional impact to the occupiers of surrounding properties although the separation between the site from the adjacent highway on each side of the building would be sufficient to ensure that the physical impact of the building is not significantly overbearing or over dominant to the properties on the opposite side of Imperial Road and St Andrews Road. Introducing residential development to the upper floors of the site and intensifying the use of the site would also result in a degree of additional impact from the change in the character of the use of the site however given the site's proximity to the town centre and the variety of existing uses at ground floor which include a night club and bar, it isn't considered that the impact would be so harmful to residential amenity to sustain an objection.

The most significant impact of the development would be to Manor Cottage, a two storey property to the east of the site which has been sub-divided into a number of flats. The western elevation of this property in particular shares a close relationship with the site where there are a number of first floor windows facing towards the site which currently has a blank elevation facing towards the site. The existing buildings are currently single storey rising to its full height stepping away from the boundary.

The proposed building has been designed so as to respect the relationship with Manor Cottage whereby it would be single storey in form where closest to the boundary increasing to three stories in height stepping back 13 metres back from the boundary. Officer concerns about the position of first and second floor windows for apartments 1, 16 and 17 on the eastern elevation and overlooking have been addressed by their removal or by replacing them with high level windows . Whilst two windows remain for apartment 2 at first floor level, views from these windows would be partially obscured by the shallow pitched roof construction of the single storey element of the building. The central portion of this part of the building would be dropped to allow for light to



enter into apartment 2 but as demonstrated by the cross section drawings, views out from these windows to Manor Cottage would be obscured by it's construction.

On balance, notwithstanding the intensification of the use of the site and the introduction of a residential use, it is considered that the proposed re-development would not adversely affect the residential amenities of the occupiers of surrounding properties to a harmful degree bearing in mind the relatively high density urban context within which the site is positioned, the variety of existing commercial uses in the area. The proposal is considered to comply with the provisions of policy D1 of the Local Plan.

The Council's Environmental Health Officer has raised some detailed observations about the sound insulation - in particular above the youth centre and the lack of information about how the suggested sound reduction of 80 dB between the youth centre and the residential units would be achieved. Whilst these concerns are noted, sound insulation would be considered under current building regulation document E standards.

Whilst concerns from the EHO about the relative complexity of the proposed development are noted, Officers are satisfied that should members be minded to approve the application that details pertaining to odour abatement for the restaurant could be dealt with through the imposition of a condition which could require the submission of detailed specification of the ventilation system and odour and noise abatement measures.

### **Arboricultural Impact**

The site is bounded to the south and east by the Manor Gardens. Primarily there are two groups of mature trees growing in this part of the Gardens that overhang the southern boundary of the site. All of these trees benefit from the protection afforded them by the Conservation Area status of the site.

This Council's Tree officer raised concerns about the conflict between the proposal and retained trees and that the proposal does not provide for sustainable retention of these trees. Concerns were raised that the current design would result in extensive crown reduction in order to facilitate the construction of the building and further pressure to reduce the crowns in order to enable appropriate light levels to be available to future residents of these units.

In response the applicant commissioned an Arboricultural Report and Impact Assessment from a qualified arboriculturalist and the Council's Tree Officer is now satisfied that the proposed development can be undertaken without adversely affecting the health and well-being of the trees in Manor Gardens. Subject to a condition requiring the development to be carried out in accordance with the Tree Protection measures and Arb Method statement, the tree officer is satisfied that the proposal complies with the provisions of policy D3 of the Local Plan.

## **Ecological Impact**

The application is accompanied by an Ecological Survey prepared by Devon and Cornwall Ecology who have been commissioned to undertake a phase 1 bat and nesting bird survey of the buildings on the site. The survey identified areas of low potential for crevice dwelling bats on the exterior of the three storey building and therefore an emergence survey has also been undertaken. The ecologist advises that no bats were recorded emerging from sections of the building covered in the first emergence survey and that very little bat activity was recorded. The ecologist also advises that some sections of the building owned by the Youth Centre haven't been inspected and that a survey had been commissioned however no further surveys have been received in support of the application.

The ecologist has prepared the report assuming a worst case scenario with the presence of individual common Pipistrelle bats present in the sections of the building not yet surveyed. The report assumes the loss of a summer day roost for individual bats and states that the works will need a European Protected Species Licence from Natural England and then puts forwards a series of mitigation measures to compensate for the loss of the summer day roost through the provision of 2 no Schwegler bat tubes being installed within the new building.

Whilst a worst case scenario approach would not usually be supported, as mitigation should be specifically tailored to the specific findings from surveys, given the location of the site in the heart of Exmouth with few green links to the wider areas that bats would find attractive, on the balance of evidence it is unlikely that there are bats present in the buildings and a worst case scenario is accepted.

## **Habitat Regulations Assessment**

The nature of this application and its location close to the Exe Estuary and/or 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 offered through a Heads of Terms which could be secured through a S106 agreement should planning permission be granted. 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 and Parking

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan states that Planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The application is located on the junction of St Andrews Road (L2608) and Imperial Road (L2625). Exmouth benefits from good sustainable travel, of bus, train and the Exe-Estuary trail together with an array of local services and facilities. Therefore although various uses are proposed for this site, the County Highway Authority are of the opinion that traffic will not build-up onto local carriageway and create any highway safety concerns. They have advised that the proposed site layout allows for turning off-carriageway and the re-entry of vehicles to the highway in a forward gear motion. The visibility splay upon the existing access will remain unimpeded. The cycle storage will help in the cause of sustainable travel and inter-connection with the local sustainable travel facilities.

In the absence of any objections from the CHA and the subject to the imposition of conditions requiring the submission of a comprehensive construction management plan to show how the site can be transformed in-situ without impacting on the safe operation of the highway network, it is considered that the proposal complies with the provisions of policies TC7 and TC9 of the Local Plan.

### Planning Obligations:

Should members be minded to approve the application, contrary to officer recommendation, in order to secure the necessary planning obligations a Section 106 agreement is required to secure the following:

- 35% affordable housing
- Habitat mitigation payments of £354 per residential unit (34 \* 354 = £12,036).

Although a request has been made for a contribution towards the local NHS Trust, sufficient evidence from the Trust to justify the request has not been provided.

Whilst such a contribution could be justified in principle, the NHS have failed to provide adequate justification on how their contribution has been calculated, how it would be

spend and over what timescale. As such the requested is not considered to be justified and cannot be legally secured in this instance.

## **CONCLUSION**

The principle of development is acceptable being within the heart of Exmouth.

Whilst the proposal would make a positive contribution to the Conservation Area, and provide levels of affordable housing above the required policy level, the site is located within a flood zone and inadequate evidence has been put forward to demonstrate that a registered provider would take on the affordable units.

Despite a need for smaller units in Exmouth, the lack of evidence of interest from registered providers undermines the applicant's case that a reduced sequential test area should be applied to this application. In light of this, and given that the NPPF rightly seeks to direct residential development away from areas at risk of flooding, the proposal fails the sequential test and residential development of the site is not considered to be appropriate.

Although matters of residential amenity, design and layout, highway safety and drainage have all been found to be acceptable (subject to appropriate safeguarding conditions), on balance, it is considered that the location of the site within a flood zone and lack of evidence of any interest in the affordable housing units from registered providers, outweighs the benefit of providing smaller units on the site and the positive impact on the conservation area.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development would take place in an area of high flood vulnerability and the reason for justifying a reduced area for the sequential test (as opposed to being a district wide area of search) to Exmouth has been diminished through the lack of evidence of the deliverability of the affordable housing and clarification over its tenure type in terms of whether it addresses the identified need for rented units in Exmouth. Furthermore, Exmouth has witnessed significant growth and approvals for additional dwellings (including for affordable occupation) in recent years which would address some of the evidence for rented accommodation need. Accordingly, it is considered that harm from the proposal outweighs any benefits and that the application fails to satisfy the sequential test and that residential development in flood zones 2 and 3 would be contrary to guidance contained within the National Planning Policy Framework and the Planning Practice Guidance which seeks to steer new development to areas with the least probability of flooding and policy EN21 (River and Coastal Flooding) of the 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 proactively and positively with the applicant to attempt to resolve the planning 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 this application:

TH/A467/1019 (additional info)	Arboriculturist Report	17.01.20
7816-LP	Location Plan	09.08.19
Phase 1 Bat Survey : July 2019	Protected Species Report	07.08.19
affordable housing contributions document	General Correspondence	07.04.20
7816-100 F : site/ground	Proposed Combined Plans	07.04.20
7816-120-E : 3rd/4th	Proposed Floor Plans	07.04.20
7816-130-E : elevations/roof	Proposed Combined Plans	07.04.20
7816-150-E : street views	Perspective Drawing	07.04.20
7816-151-E : south west birdseye view	Perspective Drawing	07.04.20
7816-152-D : south	Perspective Drawing	07.04.20

birdseye view		
7816-153-B : comparative street view	Perspective Drawing	07.04.20
7816-1D : appendix D : sequential test map	Other Plans	07.04.20
	Flood Risk Assessment	07.04.20
sequential test statement	General Correspondence	07.04.20
7816-140-F (amended)	Proposed Elevation	16.06.20
7816-110-F : 1st/2nd floor (amended)	Proposed Floor Plans	16.06.20

List of Background Papers

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

**Ward** Woodbury And Lymptstone

**Reference** 20/0568/VAR

**Applicant** Mr & Mrs Tom & Sarah Buxton-Smith

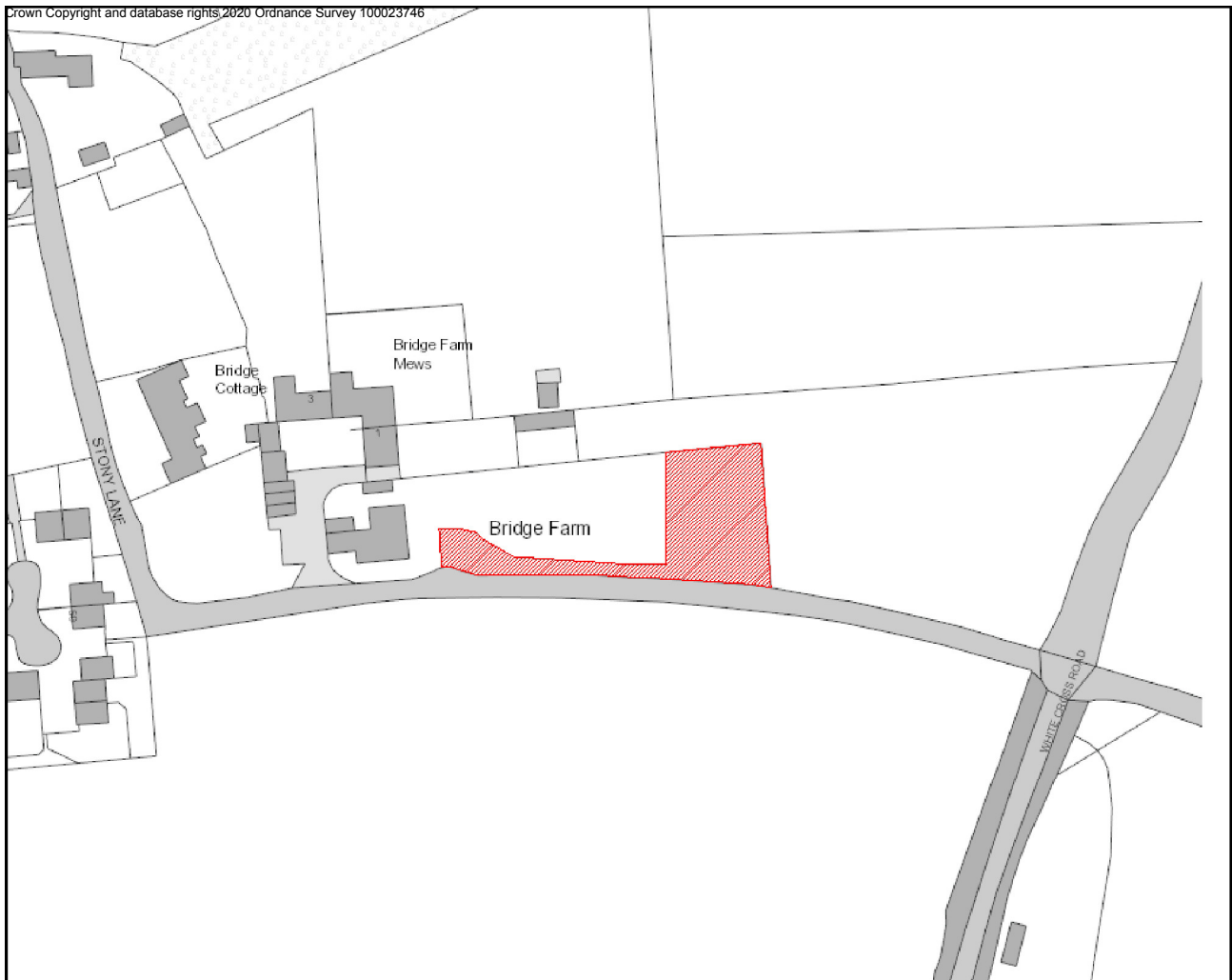
**Location** Bridge Farm Stony Lane Woodbury Salterton Exeter EX5 1PP

**Proposal** Variation of condition 2 (approved plans) of 19/0868/VAR to allow revisions to the layout/elevations, external materials and landscaping



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Woodbury And Lympstone (Woodbury)</b>	<b>20/0568/VAR</b>	<b>Target Date: 28.05.2020</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Tom &amp; Sarah Buxton-Smith</b>	
<b>Location:</b>	<b>Bridge Farm Stony Lane</b>	
<b>Proposal:</b>	<b>Variation of condition 2 (approved plans) of 19/0868/VAR to allow revisions to the layout/elevations, external materials and landscaping</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before Members because the applicant is a member of staff at East Devon District Council.**

**The application seeks to vary the design of a new dwelling previously granted permission by the reduction in the overall footprint of the dwelling. The design concept and general form of the dwelling remain as previously approved, although the first floor of the building has been extended to the north by 2.5m but with the large ground floor single storey offshoot to the north removed.**

**Given the location and orientation of the proposed dwelling the amendments will not give rise to any amenity issues, and the proposal is considered to be acceptable.**

**Whilst the concerns raised by the Councils Arboricultural Officer are appreciated, no alterations are proposed to the previously approved details in terms of works to trees or landscaping that have been previously found to be acceptable by the tree officers, and therefore, subject to appropriate conditions, no objections are raised in this respect.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Clerk To Woodbury Parish Council**

**30/04/20 - Woodbury Parish Council are unable to comment on the variations to this application.**



Ward Member – Cllr G Jung – Woodbury and Lypstone

I have reviewed the documents for 19/0868/VAR for the Variation of Condition 2 (Approved Plans) on 17/0990/RES (reserved matters application for the construction of a dwelling pursuant to outline approval 14/2969/OUT) to allow internal layout changes, elevational and fenestration changes and changes to external finishes, and variation of conditions 3, 4, 5, 6, 8, 9, 10, 11 and 12 of application 17/0990/RES following the submission of information to discharge these conditions. Bridge Farm Stony Lane Woodbury Salterton Exeter EX5 1PP

I note the Parish Council supports this application and I wish to support their view. Providing that officers agree with the variation regarding the conditions to the previous application I see no reason not to support this application.

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

**Technical Consultations**

EDDC Trees

I have concerns on arboricultural grounds with this development because

- there are a large number of good quality trees being felled to develop the new roadway for no arboricultural reason and no replacements offered or a better alternative investigated ie the existing opening.
- the store at the end of the garage will cause damage to the roots/canopy of retained trees and also put pressure for future pruning/removal
- The arb survey shos T5 as an english Oak for retention yet T5 on th etree protection plan is showing a copper beech for removal
- the windows to the north west will be looking straight at the canopy of retained trees an dthis will put pressure on their future retention/heavy pruning

Other Representations

None.

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)  
Strategy 50 (Infrastructure Delivery)

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

EN22 (Surface Run-Off Implications of New Development)

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 2019)

National Planning Practice Guidance

### **Site Location and Description**

The application site comprises part of the garden associated with Bridge Farm which is located to the west of the site. The site lies to the south east of the built-up area boundary of the village of Woodbury Salterton and is located on Stony Lane, which runs from its junction with White Cross Road to the east and then to the west with a single carriageway width to the village of Woodbury Salterton.

The site is not included in any specific landscape designation. The land slopes marginally from east to west downhill; the garden contains a number of trees and larger shrubs, including a heavier screen of trees on the eastern boundary.

### **Site History**

Outline planning permission was refused in 2014 (reference 14/1161/OUT) and dismissed at appeal on the basis of the visual impact from the access, the Inspector finding the principle of development acceptable.

Addressing the concerns raised by the Inspector, outline planning permission with all matters reserved was subsequently granted under reference 14/2969/OUT.

Two refusals of planning permission followed under references 15/0774/FUL and 15/01492/FUL, and these includes concerns regarding impacts upon the frontage hedge and impact upon ecology.

Reserved matters consent was granted under reference 17/0990/RES with access to the dwelling provided off the existing driveway to the existing dwelling and not via a new access through the boundary hedge.

This reserved matters consent was varied in 2019 under reference 19/0868/VAR to allow internal layout and fenestration changes.

The applicant for the current application became an employee at East Devon District Council last year and was also the applicant for 19/0868/VAR when he wasn't an employee. Previous to this the applicant for the other applications was the owner of Bridge Farm.

Development commenced on site last year.

### **Proposed Development**

Planning permission is sought to vary the approved details, including some alterations to the design and fenestration arrangements, of the dwelling approved by the previous outline and reserved matters applications.

The general design and concept, is largely as previously approved although the overall footprint has been reduced by the removal of the single storey irregularly shaped accommodation from the northern side of the building. The first floor accommodation is extended by 2.5m to the north to provide en-suite and bedroom accommodation. The proposed fenestration on the northern elevation remains essentially the same, with a proposed door offering access onto the flat roof being replaced by a window. Some internal alterations to the layout of the accommodation is also proposed.

The position of the dwelling remains as previously approved and no alterations to the access are proposed.

## **ANALYSIS**

With the principle and general design, position and access remaining unchanged and having been previously considered and found to be acceptable, the main issue to be considered is any impact of the revised proposals on the character and appearance of the area, impact on residential amenity and trees.

### **Impact upon character and appearance**

The application proposes the removal of the large single-storey part of the building off the north-facing elevation.

To partly compensate for this, an extension is now proposed to the two-storey element of the building by 2.5m to the north. This is the most significant alteration which would provide more bedroom and en-suite accommodation. This has the potential to make the building more visually prominent in its wider context, although there is significant planting within the site, and limited views of this part of the building such that the visual impact is acceptable.

Other changes to the configuration of doors, windows and some materials are considered to be acceptable and will not be highly visible.

Given this, and given the small extent of changes proposed, their visual impact is acceptable.

### **Impact upon amenity**

The land to the north of the site is a paddock and agricultural fields and it is not considered that any loss of amenity would arise from the extended first floor accommodation. There is no harmful impact upon Bridge Farm or across the road due to relationships and landscaping.

Overall the proposed changes are considered to be acceptable in terms of any impact on the amenity of surrounding residents.

### **Trees**

The application site has a number of trees, and the development of the dwelling and access has been the subject of considerable discussion in the past to achieve an acceptable layout. The current application will not alter any of the approved tree protection or works which have been previously approved. As such and whilst the comments of the Council's Arboricultural Officer are noted, the proposed amendments will not have any impact on the existing and approved tree works, and the proposed variations to the layout are therefore considered to be acceptable from this perspective. Any consent does however need to ensure that the previous conditions regarding the provision of tree protection measures are included with this application.

### Access

Notwithstanding works which were undertaken some years ago to provide an access to the site directly from Stony Lane, this access does not have planning permission and has previously been found to be unacceptable in two planning appeals. As such a condition requiring its removal and the reinstatement of the former hedgerow was imposed on the previous planning approvals, and it is considered that this condition remains pertinent to the success of the current application.

### Ecological Impact 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 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.

At the time that the original permission was granted it was subject to a Section 106 Legal Agreement to ensure that an appropriate contribution was made towards habitats mitigation. This legal agreement is binding upon this current application.

### **CONCLUSION**

The application seeks to vary the design of a new dwelling previously granted permission. This is mainly through some changes to the fenestration and by the reduction in the overall footprint of the dwelling. Whilst a large single-storey element is proposed to be removed from the proposal, a small additional two-storey element is proposed to the north by 2.5m. Given that the design concept and general form of the

dwelling remain as previously approved, these changes are considered to be acceptable.

Given the location, orientation of the proposed dwelling, distance to surrounding properties and landscaped setting, the amendments will not give rise to any amenity issues, and the proposal is considered to be acceptable.

Whilst the concerns raised by the Councils Arboricultural Officer are appreciated, no alterations are proposed to the previously approved details in terms of works to trees or landscaping that have been previously found to be acceptable by the tree officers, and therefore, subject to appropriate conditions, no objections are raised in this respect.

There are no changes proposed to the access with a condition required again to ensure than an unauthorised access is closed as part of the development through provision of a landscaped bank.

Subject to conditions, the application is considered to be acceptable.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. For the avoidance of doubt the development hereby permitted shall be begun before 25 August 2019 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 dwelling hereby approved shall not be occupied until the works to permanently close the unauthorised access created in the south eastern corner of the site onto Stony Lane shall have been undertaken in accordance with the Hedge Reinstatement works specified in Document reference R2451AL-DV prepared by A.M. Lane Ltd, dated 28.05.19 and received by EDDC on 31 May 2019, in respect of the approval granted under reference 19/0868VAR. The access shall thereafter remain closed in perpetuity.  
(Reason – To ensure that the unauthorised access is permanently closed in the interests of highway safety and visual amenity in accordance with the requirements of Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031).
4. All works on site shall be undertaken in accordance with Construction Stage Method Statement/Procedure details, Ref. 2093-CMP dated 17 April 2019 and received by EDDC on 24 April 2019 in respect of the approval granted under reference 19/0868/VAR.

(Reason – To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

5. Construction of the driveway shall be undertaken in accordance with details indicated on Site Plan drawing numbers 2093 37.1D sheet 1 of 2 Proposed Site Plan and 2093 37.2D sheet 2 of 2 Proposed Site Plan received 2 April 2020 and the tree protection details in the Arboricultural Implication Assessment, Planning Integration Report and Method Statements prepared by A.M. Lane Ltd, dated 14 April 2017 and received by EDDC on 2 April 2020. The works shall be carried out in accordance with these details prior to the first occupation of the dwelling hereby approved.

(Reason – To ensure the retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and construction 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 D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

6. 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 Part 1 Class E for the provision within the curtilage of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or Part 2 Class B – means of access to a highway shall be undertaken.

(Reason – To protect 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).

8. Landscaping shall be undertaken in accordance with drawing nos. 2093 37.1D :sheet 1 of 2 Proposed Site Plan and 2093 37.2D : sheet 2 of 2 Proposed Site Plan received 2 April 2020 and the Soft Landscaping Specification Ref. 2093–softld dated 17 April 2019, and received by EDDC on 24 April 2019. The 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.

(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.)

9. Refuse storage facilities shall be provided in the position indicated on drawing no. 2093 37.2D sheet 2 of 2 Proposed Site Plan received 2 April 2020 prior to the occupation of the dwelling hereby approved and shall be maintained thereafter.

(Reason - To ensure that consideration is given to the provision of appropriate refuse provision for the residents is in the interest of health and hygiene in

accordance with Policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

10. The tree protection works indicated in the Arboricultural Implication Assessment, Planning Integration Report and Method Statement dated 14 April 2017, and details on drawing nos. 2093 37.1D sheet 1 of 2 Proposed Site Plan and 2093 37.2D sheet 2 of 2 Proposed Site Plan received 2 April 2020 shall be installed prior to commencement of any other development on the site. These measures shall adhere to the principles embodied in BS 5837:2012 and remain in place throughout the course of construction works.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site during and after construction. The condition is required in 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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

11. The construction of all hardsurfacing within the vicinity of trees shall be undertaken in accordance with the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996), and the details indicated on drawing nos. 2093 37.1D :sheet 1 of 2 Proposed Site Plan and 2093 37.2D : sheet 2 of 2 Proposed Site Plan received 2 April 2020 and document no. 2093-softld dated 17 April 2019 and submitted to EDDC 24 April 2019.

(Reason - To ensure retention and protection of trees on the site during and after construction. The condition is required 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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

12. All arboricultural works on the site shall be undertaken in strict accordance with the details contained in the Arboricultural Implication Assessment, Planning Integration Report and Method Statements report dated 14 April 2017 and received by EDDC on 2 April 2020.

A monitoring log shall be maintained to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the

completed site monitoring log shall be signed off by the supervising Arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site during and after construction 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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

13. 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) the flat roofs hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

(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 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:

R.2061-West rev o : sheet 1 of 2	Tree Protection Plan	02.04.20
R.2061-West rev o : sheet 2 of 2	Tree Protection Plan	02.04.20
2093 30 D : ground	Proposed Floor Plans	02.04.20
2093 31 D : first	Proposed Floor Plans	02.04.20
2093 36 D	Proposed roof plans	02.04.20
2093 37.1D : sheet 1 of 2	Proposed Site Plan	02.04.20
2093 37.2D : sheet 2 of 2	Proposed Site Plan	02.04.20
2093 38 D : AA	Sections	02.04.20



2093 39.1 D : south	Proposed Elevation	02.04.20
2093 39.2 D : east	Proposed Elevation	02.04.20
2093 39.3D : north	Proposed Elevation	02.04.20
2093 39.4D : west	Proposed Elevation	02.04.20

List of Background Papers

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