

**Agenda for Planning Committee
Wednesday, 4th November, 2020, 10.00 am**



Members of Planning Committee

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair), 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

East Devon District Council
Border House
Heathpark Industrial Park
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Online via the Zoom App. All Councillors and registered speakers will have been sent an appointment with the meeting link.

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Thursday, 22 October 2020; Reissued Monday, 2 November 2020

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.**

Members are asked to follow the [Protocol for Remote Meetings](#)

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

[Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

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

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

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 26 October 2020 up until 12 noon on Thursday 29 October 2020 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

1 **Speakers' list and revised running order for the applications** (Pages 4 - 5)

Speakers' list and revised running order has been removed.

2 **Minutes of the previous meeting** (Pages 6 - 10)

Minutes of the Development Management Committee meeting held on 7 October 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.

7 **Planning appeal statistics** (Pages 11 - 21)

Update from the Development Manager

Applications for Determination

8 **20/1395/FUL (Minor) SIDMOUTH TOWN** (Pages 22 - 30)

Flat 1, Fernbrook, Convent Road,
Sidmouth, EX10 8RB.

- 9 **20/1246/VAR (Minor) OTTERY ST MARY** (Pages 31 - 45)
Land East Of The Long Range Hotel,
Whimple, EX5 2QT.
- 10 **20/0297/FUL (Minor) BUDLEIGH & RALEIGH) - (APPLICATION WITHDRAWN)** (Pages 46 - 61)
Ladram Bay Holiday Park, Ladram Bay,
Otterton, EX9 7BX.
- 11 **20/1559/OUT (Minor) AXMINSTER** (Pages 62 - 71)
Garages, Coombe Lane, Axminster.
- 12 **20/1617/FUL (Minor) BROADCLYST** (Pages 72 - 82)
Clystside, Blackhorse Lane, Blackhorse,
Exeter, EX2 2AR.
- 13 **20/1442/FUL (Minor) COLY VALLEY** (Pages 83 - 97)
Land At Colyford Common, Colyford Road, Seaton.
- 14 **20/0375/FUL (Minor) - YARTY** (Pages 98 - 107)
Fordings, Chardstock, Axminster, EX13 7BW.
- 15 **19/2283/COU (Minor) YARTY** (Pages 108 - 119)
The Big Office, Chubbs Yard, Chardstock, EX13 7BT.

Please note:

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

[Decision making and equalities](#)

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

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Online via the Zoom App on 7 October 2020****Attendance list at end of document**

The meeting started at 10.00 am and ended at 3.15 pm. (The Committee adjourned at 12.15pm and reconvened at 12.20pm followed by a further adjournment at 2.15pm and reconvened at 2.30pm)

153 Minutes of the previous meeting

The minutes of the Planning Committee held on 9 September 2020 were confirmed as a true record.

154 Declarations of interest

Minute 156. 19/2197/MRES (Major) – TRINITY

In accordance with the code of conduct for Councillors and Officers dealing with the planning matters as set out in the Constitution it was advised all Committee Members had been lobbied in respect of this planning application.

Minute 158. 20/1185/FUL (Minor) – TALE VALE

In accordance with the code of conduct for Councillors and Officers dealing with the planning matters as set out in the Constitution it was advised all Committee Members had been lobbied in respect of this planning application.

Minute 159. 20/0753/FUL (Minor) - AXMINSTER.

Councillor Geoff Pratt, Personal, Had attended meetings with Developers and Officers to discuss the Websters Site.

Minute 161. 20/1516/VAR (Major) - SIDMOUTH SIDFORD.

Councillor Colin Brown, Pecuniary, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillor Brown advised he was predetermined and was removed to the virtual lobby while this application was being discussed and did not participate in the debate or vote..

Minute 162. 20/1722/FUL (Minor) - EXMOUTH HALSDON.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 162. 20/1722/FUL (Minor) - EXMOUTH HALSDON.

Councillor Tony Woodward, Personal, Exmouth Town Councillor.

155 Planning appeals statistics

The Committee noted the Development Manager's report setting out 4 decisions notified and reported that 3 appeals had been dismissed and 1 allowed.

Members' attention was drawn to the appeal allowed for planning application 19/1787/CPE – Site of Spillers Cottage, Shute. The Development Manager referred to the Inspectorates decision to allow the appeal to grant consent of a Lawful Development Certificate determining the appellant had proven beyond reasonable doubt that the works had been commenced in the 1990's.

156 **19/2197/MRES (Major) - TRINITY**

Applicant:

Bestic Ethelston School Foundation.

Location:

Land Adjacent To Lyme Road (Adjoining Uplyme Village Hall), Uplyme.

Proposal:

Construction of two storey school building; improvements to an existing access off Lyme Road, car parking, all weather pay and sports area, grassed playing field and associated infrastructure (Reserved Matters application seeking approval of access, appearance, landscaping, layout and scale).

RESOLVED:

Approved as per Officer recommendation.

157 **20/0607/FUL (Minor) - BUDLEIGH AND RALEIGH**

Applicant:

CL Chambers (Budleigh Salterton)

Location:

Council Chambers, Station Road, Budleigh Salterton, EX9 6RL.

Proposal:

Provision of altered/additional car parking facilities.

RESOLVED:

Approved as per Officer recommendation.

158 **20/1185/FUL (Minor) - TALE VALE**

Applicant:

T & MJ Scarrott

Location:

Tale End, Payhembury, Honiton, EX14 3HL.

Proposal:

General purpose agricultural storage building.

RESOLVED:

Approved as per Officer recommendation.

159 **20/0753/FUL (Minor) - AXMINSTER**

Applicant:

Mr Hamid Hall

Location:

Former Natwest Bank, Victoria Place, Axminster, EX13 5AB.

Proposal:

Demolition of existing single storey rear extension and construction of terrace of 3 dwellinghouses.

RESOLVED:

Approved contrary to Officer recommendation.

Members determined that the public benefits from the proposal in terms of the improve appearance of the site/area, additional housing, sustainable nature of the development allowing the retention of the commercial use and enlivening of the area outweighed the less than substantial harm to the identified heritage assets. Conditions delegated to the Head of Planning in consultation with the Planning Committee Chairman and Ward Members.

160 **20/1395/FUL (Minor) - SIDMOUTH TOWN**

Applicant:

Mr Tim Drake.

Location:

Flat 1, Fernbrook, Convent Road, Sidmouth, EX10 8RB.

Proposal:

Alteration to front conservatory extension including increase in height (retrospective application).

RESOLVED:

Deferred for Officers to seek photographs from inside the flat at first floor to enable Members to fully consider the impact upon the occupiers of that dwelling.

161 **20/1516/VAR (Major) - SIDMOUTH SIDFORD**

Applicant:

Churchill Retirement Living.

Location:

Green Close, Drakes Avenue, Sidford, EX10 9JU.

Proposal:

Variation of Condition 1 (plans condition) and Condition 8 (tree protection) of planning consent 19/0996/VAR to include additional plan which proposes the felling of a horse chestnut tree and replacement with American Sweetgum (liquidamber) tree.

RESOLVED:

Approved as per Officer recommendation but subject to the following additional condition and the Council's Tree Officers being asked to consider the imposition of a Tree Preservation Order on the approved replacement tree:

'The replacement tree hereby shall be planted during the first available planting season and thereafter maintained for a period of 5 years. Should the tree die during this period it shall be replaced during the next planting season with a specimen of the same size and species.

(Reason: In the interests of the visual appearance and amenity of the area in accordance with Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), and D3 (Trees and Development Sites) of the adopted East Devon Local Plan.)

162 **20/1722/FUL (Minor) - EXMOUTH HALSDON**

Applicant:

Mr Richard Bartlett.

Location:

7 Belle Vue Road, Exmouth, EX8 3DR.

Proposal:

Construction of front porch.

RESOLVED:

Approved as per Officer recommendation.

163 **20/1683/FUL (Minor) - FENITON**

Applicant:

Mrs Jo Lock.

Location:

6 Feniton Gardens, Feniton, Honiton, EX14 3DG.

Proposal:

Construction of single storey rear extension.

RESOLVED:

Approved as per Officer recommendation.

164 **20/1529/FUL (Minor) - WOODBURY AND LYMPSTONE**

Applicant:

Mr B & Mrs S Ingham & Lenygon

Location:

Runaway, Courtlands Lane, Exmouth, EX8 5AB.

Proposal:

Construction of detached garage incorporating hall, wet room and first floor ancillary accommodation.

RESOLVED:

Approved as per Officer recommendation.

Attendance List

Councillors present:

E Wragg (Chairman)

S Chamberlain (Vice-Chairman)

K Bloxham
C Brown
O Davey
B De Saram
M Howe
D Key
K McLauchlan
G Pook
G Pratt
P Skinner
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
S Bond
A Dent
P Hayward
S Jackson
V Johns
G Jung
D Ledger
A Moulding
M Rixson
I Thomas

Officers in attendance:

Chris Rose, Development Manager
Jeremy Ebdon, Principal Planning Officer (East)
Shirley Shaw, Planning Barrister
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer
Amanda Coombes, Democratic Services Officer

Councillor apologies:

S Gazzard
J Whibley

Chairman

Date:

Ref: 20/0848/FUL **Date Received** 29.09.2020
Appellant: Mr Thomas Lowday
Appeal Site: Windrush Poltimore Exeter EX4 0AB
Proposal: Change of use of residential dwelling and agricultural land to an educational facility to operate as an independent special school (use class D1) and provision of car park spaces, installation of compost toilets and wildlife pond and planting of new woodland
Planning Inspectorate Ref: APP/U1105/W/20/3260272

Ref: 20/0846/FUL **Date Received** 05.10.2020
Appellant: Mr S Thorneywork
Appeal Site: Lloyds Tsb Bank Plc 8 Fore Street Budleigh Salterton EX9 6NQ
Proposal: Construction of 1 bed cottage
Planning Inspectorate Ref: APP/U1105/W/20/3260621

Ref: 20/0946/FUL **Date Received** 12.10.2020
Appellant: Mr Tim Thorn
Appeal Site: 108 Exeter Road Exmouth EX8 1QH
Proposal: Construction of single storey rear extension, dormer window to rear and front with balcony.
Planning Inspectorate Ref: APP/U1105/D/20/3261076

Ref: 20/0668/PDQ **Date Received** 14.10.2020
Appellant: Terry Grandfield
Appeal Site: Barn At Orchard Farm Plymtree
Proposal: Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b)
Planning Inspectorate Ref: APP/U1105/W/20/3261197

Ref: 20/1624/PDQ **Date Received** 14.10.2020
Appellant: Terry Grandfield
Appeal Site: Barn At Orchard Farm Plymtree EX15 2LW
Proposal: Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b).
Planning Inspectorate Ref: APP/U1105/W/20/3261200

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 19/0365/FUL **Appeal Ref:** 20/00017/REF
Appellant: Ms P Boast
Appeal Site: Land Adjacent 4 Cheese Lane Sidmouth
Proposal: Proposed new dwelling
Decision: **Appeal Dismissed** **Date:** 23.09.2020
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld. (EDLP Policies D1 & EN10 and Strategy 6, SVLP Policies 7 & 9).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3248708
Inspectorate Ref:

Ref: 19/2346/FUL **Appeal Ref:** 20/00036/REF
Appellant: Mr & Mrs B Moore
Appeal Site: Land At The Paddock Rousdon Estate Rousdon DT7 3XR
Proposal: Proposed demolition of 2 existing workshop buildings and erection of a 3-bedroom dwelling.
Decision: **Appeal Dismissed** **Date:** 29.09.2020
Procedure: Written representations
Remarks: Delegated refusal, sustainability and conservation reasons upheld (EDLP Policies EN9, EN10 & TC2 and Strategies 5B & 7).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3254025
Inspectorate Ref:

Ref: 18/2445/FUL **Appeal Ref:** 20/00038/REF
Appellant: Mr & Mrs D & A Huish
Appeal Site: Ellergarth Dalditch Lane Budleigh Salterton EX9 7AH
Proposal: Conversion of existing barn with extension, plus associated works for holiday use only
Decision: **Appeal Dismissed** **Date:** 30.09.2020
Procedure: Written representations
Remarks: Delegated refusal, habitat mitigation reasons upheld (EDLP Strategy 47).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3248692
Inspectorate Ref:

Ref: 19/2348/FUL **Appeal Ref:** 20/00018/REF
Appellant: Mr & Mrs B White
Appeal Site: 13-15 High Street Honiton EX14 1PR
Proposal: Erection of 2 no. dwellings in rear garden.
Decision: **Appeal Dismissed** **Date:** 30.09.2020
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal, conservation reasons upheld (EDLP Policy EN9).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3248907
Inspectorate Ref:

Ref: 19/F0171 **Appeal Ref:** 20/00029/ENFAPP
Appellant: Richard House
Appeal Site: Land Opposite Woodbury Business Park Woodbury
Proposal: Appeal against an enforcement notice served in respect of the change of use of agricultural land to a car parking area
Decision: **Appeal Allowed** **Date:** 05.10.2020
(with conditions)
Procedure: Written representations
Remarks: Enforcement notice quashed, application for a full award of costs against the Council refused.
The enforcement notice was served following a retrospective planning application which was recommended for approval by officers and refused by the Planning Committee.
The Inspector did not agree with the Council that the development resulted in causing unacceptable harm to the local landscape or the setting of a nearby listed building.
BVPI 204: **No**
Planning APP/U1105/C/20/3250819
Inspectorate Ref:

Ref: 18/2339/MOUT **Appeal Ref:** 19/00054/NONDET
Appellant: Mr & Mrs Feast
Appeal Site: Hill Pond Caravan Park Clyst St Mary Exeter EX5 1DP
Proposal: Major outline application, with all matters reserved, for a hotel development with up to 130 bedrooms, including associated car parking, outbuilding, attenuation pond and access
Decision: **Appeal Dismissed** **Date:** 09.10.2020
Procedure: Written representations
Remarks: The decision is a redetermination of the appeal, as the previous decision was challenged by the Council and quashed by order of the High Court.
Countryside protection and viability reasons upheld (EDLP Strategy 7 and Policy E16).
BVPI 204: **No**
Planning APP/U1105/W/19/3235610
Inspectorate Ref:

Ref: 20/0471/FUL **Appeal Ref:** 20/00042/HH
Appellant: Mr & Mrs Kevin & Marianne Howe
Appeal Site: Holmleigh Back Lane Newton Poppleford Sidmouth EX10

Proposal: Raising of roof ridge and insertion of attic windows to south and north elevation. Construction of front and rear dormer windows, single storey side extension and provision of render to existing brickwork.

Decision: **Appeal Allowed** **Date:** 13.10.2020
(with conditions)

Procedure: Written representations

Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D1).

The Inspector considered that the proposed roof changes in terms of height, design and additions, would be well proportioned in relation to the scale and proportions of the existing dwelling. The proposed alterations, including the single storey side extension, would integrate appropriately with the existing form of the dwelling, reflecting features which are already found on dwellings within the immediate vicinity of the appeal site whilst maintaining a symmetrical appearance to the front elevation.

He concluded that the proposal would not be harmful to the character and appearance of the existing dwelling, the street scene or the surrounding area.

BVPI 204:
Planning APP/U1105/D/20/3255393
Inspectorate Ref:

East Devon District Council List of Appeals In Progress

App.No: 18/2173/VAR
Appeal Ref: APP/U1105/W/19/3234261
Appellant: Mr David Manley
Address: Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5
1AF
Proposal; Variation of conditions 2,5,7 and 10 of planning permission
17/0650/VAR to allow increase annual tonnage of crop input
from 26,537 to 66,000 tonnes and increase annual tonnage of
digestate exported from the site from 21,354 to 56,000 tonnes
and vary wording of Odour Management Plan
Start Date: 20 August 2019
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2019
Statement Due Date: 24 September 2019

App.No: 18/F0034
Appeal Ref: APP/U1105/C/19/3238383
Appellant: Natalie Jones
Address: Otter Valley Golf Centre, Rawridge
Proposal; Appeal against the serving of an enforcement notice in
respect of the material change of use of the land from that of
agriculture to a mixed use of the land for siting of a mobile
home for residential purposes, use of the land as an equine
stud farm and use of the agricultural barn for livestock,
without planning permission.
Start Date: 6 July 2020
Procedure:
Inquiry
Questionnaire Due Date: 20 July 2020
Statement Due Date: 17 August 2020
Inquiry Date: To be arranged

App.No: 19/0078/FUL
Appeal Ref: APP/U1105/W/19/3242773
Appellant: Mr & Mrs Raggio
Address: Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU
Proposal; Demolition of former cottage and construction of new dwelling.
Start Date: 8 January 2020
Procedure:
Hearing
Questionnaire Due Date: 15 January 2020
Statement Due Date: 12 February 2020
Hearing Date: To be arranged

App.No: 19/1299/FUL
Appeal Ref: APP/U1105/W/20/3249070
Appellant: Donna Delamain
Address: Hill View Nursery Dunkeswell Honiton EX14 4SZ
Proposal; Change of use and extension of storage building to form a live-work unit
Start Date: 11 June 2020
Procedure:
Hearing
Questionnaire Due Date: 25 June 2020
Statement Due Date: 21 July 2020
Hearing Date: 30 September 2020

App.No: 16/M0001
Appeal Ref: APP/U1105/C/20/3249072
Appellant: Donna Delamain
Address: Hill View Nursery Dunkeswell Honiton EX14 4SZ
Proposal; Appeal against the serving of an enforcement notice in respect of the siting of a mobile home
Start Date: 11 June 2020
Procedure:
Hearing
Questionnaire Due Date: 25 June 2020
Statement Due Date: 21 July 2020
Hearing Date: 30 September 2020

App.No: 20/0015/CPE
Appeal Ref: APP/U1105/X/20/3251141
Appellant: Mrs Veronica Strawbridge
Address: Rhode Hill Farm Rhode Hill Uplyme Lyme Regis DT7 3UF
Proposal; Certificate of Lawfulness to establish substantial completion of a single dwelling without the benefit of planning consent.
Start Date: 2 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 16 July 2020
Statement Due Date: 13 August 2020

App.No: 20/0312/TRE
Appeal Ref: APP/TPO/U1105/7890
Appellant: Mrs Kath Pyne
Address: Oasis Toadpit Lane West Hill Ottery St Mary EX11 1TR
Proposal; Fell one Pinus Sylvestris protected by a Tree Preservation Order.
Start Date: 12 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 26 August 2020

App.No: 19/2188/FUL
Appeal Ref: APP/U1105/W/20/3252871
Appellant: Mr Duncan Rawlings
Address: (Land To The South East) 109 Beer Road Seaton
Proposal; Construction of 1no.dwelling, utilising existing access and parking area.
Start Date: 18 June 2020
Procedure:
Written reps.
Questionnaire Due Date: 25 June 2020
Statement Due Date: 23 July 2020

App.No: 19/2650/PDQ
Appeal Ref: APP/U1105/W/20/3253451
Appellant: Mrs M Hazell
Address: Barn West Of Tale Head Cottage Payhembury
Proposal; Prior approval for proposed change of use of agricultural building to form 5 no. dwellings (Use Class C3) and associated operational development
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 19/2374/FUL
Appeal Ref: APP/U1105/W/20/3254084
Appellant: Mr L White
Address: Land Adjacent Valley View Farway EX24 6EE
Proposal; Erection of residential dwelling log cabin.
Start Date: 29 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 August 2020
Statement Due Date: 2 September 2020

App.No: 19/2336/LBC
Appeal Ref: APP/U1105/Y/20/3254977
Appellant: Mr Andy White
Address: Former Lloyds Tsb Bank Plc 6 Silver Street Ottery St Mary EX11 1DD
Proposal; Partial removal of ground floor internal party wall to facilitate the extension of the London Inn into the former Lloyds Bank
Start Date: 18 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 25 August 2020
Statement Due Date: 22 September 2020

App.No: 19/2092/FUL
Appeal Ref: APP/U1105/W/20/3254997
Appellant: Mr Richard Gray
Address: 1 Victoria Road Exmouth EX8 1DL
Proposal; Replacement windows (17 No.)
Start Date: 29 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 August 2020
Statement Due Date: 2 September 2020

App.No: 19/2828/PDQ
Appeal Ref: APP/U1105/W/20/3255904
Appellant: Mr Karl Mooney
Address: Barn South Of Rull Barton Rull Lane Whimble
Proposal; Prior approval for proposed change of use of agricultural building to 1 no. smaller dwelling house (class C3 use) under class Q(a)
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 19/2667/FUL
Appeal Ref: APP/U1105/W/20/3256468
Appellant: Mr Matthew Knight
Address: Land Adjacent 6 The Chase Honiton
Proposal; Construction of 1 no. dwelling (resubmission of application ref. 19/0754/FUL)
Start Date: 29 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 August 2020
Statement Due Date: 2 September 2020

App.No: 20/0611/FUL
Appeal Ref: APP/U1105/D/20/3256604
Appellant: Mr P & Mrs B Keeling
Address: Donnithornes Mill Street Ottery St Mary EX11 1AF
Proposal; Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 20/0437/LBC
Appeal Ref: APP/U1105/Y/20/3256621
Appellant: Mr Paul Keeling
Address: The Donnithornes Mill Street Ottery St Mary EX11 1AF
Proposal; Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 20/0595/FUL
Appeal Ref: APP/U1105/W/20/3255514
Appellant: Mr John Lomax
Address: Telecommunications Mast At Mount Pleasant Exmouth Road Aylesbeare
Proposal; Provision of additional secure storage space adjacent and within structure
Start Date: 2 September 2020
Procedure:
Written reps.
Questionnaire Due Date: 9 September 2020
Statement Due Date: 7 October 2020

App.No: 19/2591/VAR
Appeal Ref: APP/U1105/W/20/3254780
Appellant: DS Developments (Exeter) Ltd
Address: South Whimble Farm Clyst Honiton Exeter EX5 2DY
Proposal; Removal of condition 16 of 16/1826/MFUL (decentralised energy network connection) to remove requirement for connection to the Cranbrook district heating network
Start Date: 15 September 2020
Procedure:
Written reps.
Questionnaire Due Date: 22 September 2020
Statement Due Date: 20 October 2020

App.No: 19/F0187
Appeal Ref: APP/U1105/F/20/3258749
Appellant: Mr S Broom
Address: Court Place Cottage, Court Place Farm, Wilmington
Proposal; Appeal against the serving of a listed building enforcement notice in respect of replacement windows and door.
Start Date: 5 October 2020
Procedure:
Written reps.
Questionnaire Due Date: 19 October 2020
Statement Due Date: 16 November 2020

App.No: 20/0643/FUL
Appeal Ref: APP/U1105/W/20/3258736
Appellant: Mr D & Mrs J Presnail
Address: Taree Cownhayne Lane Colyton EX24 6HD
Proposal; Construction of detached dwelling and associated driveway.
Start Date: 12 October 2020
Procedure:
Written reps.
Questionnaire Due Date: 19 October 2020
Statement Due Date: 16 November 2020

App.No: 20/0874/FUL
Appeal Ref: APP/U1105/W/20/3258745
Appellant: Mr Tom Chown
Address: 56 Millers Way Honiton EX14 1JB
Proposal; Proposed demolition of existing garage and construction of new dwelling.
Start Date: 13 October 2020
Procedure:
Written reps.
Questionnaire Due Date: 20 October 2020
Statement Due Date: 17 November 2020

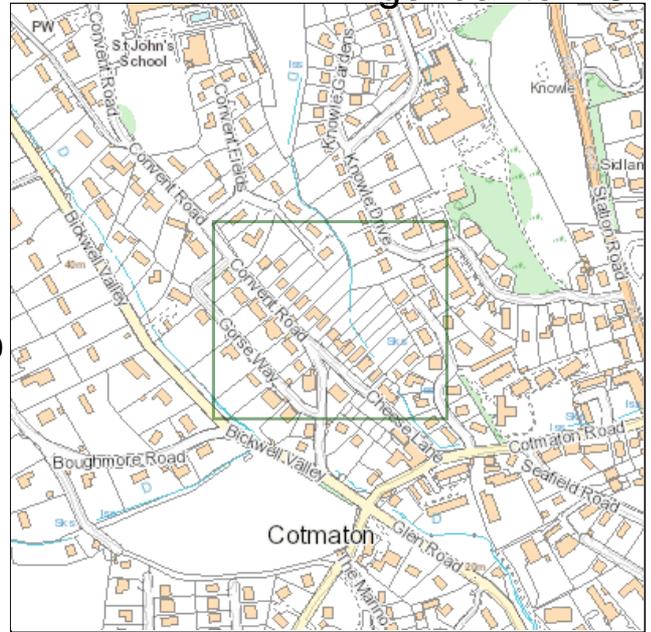
Ward Sidmouth Town

Reference 20/1395/FUL

Applicant Mr Tim Drake

Location Flat 1 Fernbrook Convent Road Sidmouth EX10 8RB

Proposal Alterations to front conservatory extension including increase in height (retrospective application)



RECOMMENDATION: Approve



		Committee Date: 4th November 2020	
Sidmouth Town (Sidmouth)	20/1395/FUL	Target	Date:
		25.09.2020	
Applicant:	Mr Tim Drake		
Location:	Flat 1 Fernbrook Convent Road Sidmouth EX10 8RB		
Proposal:	Alterations to front conservatory extension including increase in height (retrospective application)		

RECOMMENDATION: Approve

EXECUTIVE SUMMARY

This application was deferred by Members at the meeting on the 7th October 2020 for officers to seek photographs from inside the flat at first floor to enable Members to fully consider the impact upon the occupiers of that dwelling. The photos taken by officers will form part of the plans and photographs presentation that will be circulated to Members and published on-line before the meeting.

The application was originally brought before Members as the officer recommendation is contrary to the view of a Ward Member.

The application seeks permission retrospectively for the retention of alterations to, and the enlargement of, a polygonal conservatory extension attached to the front of Fernbrook, a detached non-listed two storey period property sub-divided into two flats located in Convent Road just outside of the designated Bickwell Valley Conservation Area.

Planning permission was originally granted in 1991 for a conservatory and this was in place prior to its recent alteration and enlargement. The changes carried out take the form of an increase in both the pitch of the roof and its roof ridge height, the existing eaves height being left unaltered. This has the effect of increasing the ridge height by 420mm, from 3.38 metres to 3.8 metres high. The original polycarbonate roof has been replaced by glazing, as have PVCu panels forming the lower wall of part of the structure.

While the local objection to the development is acknowledged, it is not considered that the modifications are unduly unacceptable or that they result in any material harm or detriment to the character or appearance of the existing building or to the significance, in heritage policy terms, of the adjacent conservation area. Indeed, arguably the steeper roof pitch and use of glazing in place of the previous polycarbonate roof that it has replaced better reflect the style and materials of a

conservatory of a more 'period' form, design and appearance that, notwithstanding its greater height, are thought to represent a slight improvement.

As such, and mindful that there have been no other changes to the size, footprint or volume of the conservatory, it is not felt that the increased height results in the development appearing disproportionate in scale to the building or in any way harmful to the wider street scene or conservation area. There is a reasonable level of hedge and tree screening on all sides of the front garden of the site that help to mitigate its overall visual impact. It must also be kept in mind that the starting position for consideration of the proposal is the former conservatory. In this regard, overall it is contended that the alterations that have been carried out are acceptable and could not reasonably be opposed on visual/design grounds.

The same is also considered to apply in relation to the impact of the proposal upon the living conditions of the occupier of the first floor flat within Fernbrook. While it is accepted that the increased roof height would add to the extent to which the conservatory is visible from lounge and bedroom windows within, it is not considered that this would equate to any level of harm to neighbour amenity that could, again, be reasonably justified as forming the basis for refusal of planning permission. The development would clearly remain below the level of the first floor windows that serve the neighbour's flat and the glazed nature of the roof finish would not adversely impinge to the detriment of light available to, or outlook or aspect from, these windows. Although the clear glazed nature of the new roof of the conservatory could allow for views down into it, these would be likely to be rather more at the expense of the applicant's own privacy as opposed to that of the neighbouring occupier and, as such, it is not felt that an objection on the grounds of harm to privacy and amenity would be reasonable or capable of being robustly justified in the event of any challenge to a refusal decision at appeal.

Approval is therefore recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council

Support

Sidmouth Town - Cllr Denise Bickley

I have been asked to take this further and raise objections on behalf of a resident, so please register my request to have this rejected.

When looking at the Planning Statement provided by the applicant on 4th July, the photographs clearly show that the height of the new conservatory is much higher than its predecessor and is right up to the height of the upstairs neighbour's window. It is very overpowering and as it can now be seen from the road I feel aggrieved that as it is already built the pressure is on to accept this application. I firmly feel that retrospective planning applications are unfair on other residents. I hope that this

application will be looked at carefully and residents' opinions taken very much into account.

Technical Consultations

None.

Other Representations

9 representations of objection have been received.

Summary of Grounds of Objection

1. Encroachment onto a considerable area of wall space.
2. Unavoidable impact upon outlook from bedroom.
3. Similarly overbearing upon sitting room window and invades space.
4. Raised roof pitch is out of keeping and not in proportion with the character of the Edwardian house and is aesthetically unattractive.
5. Too large, of modern PVCu frames and tinted glass (not historic materials) and spoils the architectural character of the property and those adjacent.
6. Highly visible and adds nothing to the historic amenity of the road.
7. Precedent for similar designs along Convent Road.
8. Makes cleaning and maintenance of first floor flat impossible.
9. Clearly visible from Cheese Lane and will be even more so when trees and shrubs shed their leaves.
10. Could be lowered to original height without affecting usable space for the occupants.
11. Increased height makes the conservatory dominate the plot and the front elevation.
12. Affects views out of the conservation area.
13. Can see down into conservatory from some upstairs windows which wasn't the case before.

PLANNING HISTORY

Reference	Description	Decision	Date
91/P1260	Conservatory Extension To Residential Flat.	Approval with conditions	09.09.1991

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN22 (Surface Run-Off Implications of New Development)

Made Sid Valley Neighbourhood Plan 2018-2032

1 (Sid Valley Development Principles)
6 (Infill Development, Extensions and Trees)

Government Planning Documents
NPPF (National Planning Policy Framework 2019)

ANALYSIS

Site Location and Description

Fernbrook is a detached period two storey residential property, sub-divided into two flats, that occupies a plot of generous size that is located within a residential area to the west of the town centre.

Positioned on the eastern side of Convent Road immediately adjacent to its junction with Cheese Lane just beyond the boundary of the designated Bickwell Valley Conservation Area, it is understood from information submitted with application ref. 91/P1260, referred to within Planning History above, to have been constructed around 1900. It is not, however, listed as a building of special architectural or historic interest.

The property is set back from the road frontage of the plot, which is defined by a stone wall with pebble coping backed by hedge and shrub planting.

The application proposal relates to the ground floor flat within the building.

Proposed Development

The application, which has been submitted retrospectively, seeks to regularise modifications to a conservatory extension of polygonal form that features on the principal, road-facing elevation of the building.

It is understood from a covering letter accompanying the application that has been prepared by the agent representing the applicant that the 'original' conservatory is that to which planning permission ref. 91/P1260 related.

The modifications comprise the following:

1. The substitution of white PVCu lower panels to the side of the conservatory for glazed panels.
2. The replacement of a polycarbonate roof with glazing together with the raising of the pitch of the roof by 10 degrees, resulting in a roof ridge height increase of 420mm from 3.38 metres to 3.8 metres.

The footprint area, configuration and eaves height of the conservatory have not been altered.

Buildings that are sub-divided into flats do not have the benefit of the range of permitted development rights that single dwellings enjoy, hence the requirement for a grant of planning permission in this case. However, being positioned on the principal elevation of the building, it is likely that permission would have been required in any event even if it were a single residential unit.

Considerations/Assessment

The principal issues that are material to consideration of the proposal in this case relate to the visual impact of the modified conservatory - and principally the increase in its height - upon the character and appearance of the building and the character of the setting of the adjacent conservation area, which is a designated heritage asset, as well as its effect upon the living conditions of the occupiers of any neighbouring residential properties, principally the first floor flat within Fernbrook.

Visual Impact

There is an acceptance that, under ordinary circumstances, the addition of a conservatory to the front/principal elevation of a residential property, whether in the form of a single dwelling or a building that is divided into a number of flats/apartments, can often be detrimental to its character as well as that of the street scene to which it contributes. Such enlargements are invariably more appropriate, from a visual standpoint, where added to either the rear or side elevations of the building where they read as being rather more subservient in relation to the host dwelling/building, thereby reinforcing its more ancillary function, than the more assertive impact that can result from a position on the front of the building where they can often be in full public view.

However, it is considered in this case that there are mitigating factors that weigh in favour of the proposal; not least of which is the lawful presence of the conservatory prior to the adaptations that the application seeks to regularise. This must be acknowledged as the starting position for consideration as to the acceptability, or otherwise, of the modifications.

Furthermore, the alterations to the lower panels aside - which are themselves considered to represent a modest, but nevertheless marked, improvement to its appearance - it is not thought that either the increase to the roof pitch or ridge height result in material harm to the design or appearance of either the conservatory itself nor to that of the property overall or the wider street scene. While it would clearly create a slightly greater visual impact than the 'original' conservatory, it is not felt that this would amount to any level of harm that could be regarded as significant to the extent that a refusal of permission could reasonably be justified.

In the absence of any other changes to the size, volume, etc. of the conservatory, and notwithstanding its position on the front of the building, it is considered that it retains a subservience of scale that does not readily impose uncomfortably upon the building, the street scene or the character of the setting of the adjacent conservation area. In this regard, it is also thought that its visual impact is mitigated by both the extent to which it is set back from the road frontage of the site itself and the screening that is provided by the hedge and shrub planting.

It is also noted that the planting extends to both the south eastern and north western boundaries of the site with the respective neighbouring residential properties, Springfield and Walcott. It provides quite robust screening of the front garden area of Fernbrook to the extent that it is felt that the impact resulting from the presence of the heightened conservatory is reduced to an acceptable level in visual terms.

As such therefore, in spite of its position on the front of the building alongside the fact that it is the only property within this part of Convent Road/Cheese Lane that features a front conservatory extension, it is not considered that the development is unduly harmful to the character or appearance of the host building or to the significance, in heritage terms, of the designated conservation area alongside the site.

Whilst the concerns expressed by the interested third parties in relation to the palette of materials are acknowledged, it is thought that the development has replaced a shallow polycarbonate roof, comprising a non-traditional material, with a glazed roof of steeper pitch which better reflects the proportions and material of a 'period' addition to the property. The same could also be said for the removal of the PVCu lower panels and their replacement with glazing. It should also be noted that the white PVCu frame of the conservatory has remained unaltered while the slight tint to the glazing to which reference has been made is not readily apparent from view from the public domain outside of the site.

Impact upon amenity

Turning to the effect of the development upon the living conditions of the occupiers of neighbouring and nearby residential properties, the existence of the established hedge and shrub screening to which reference is made above is thought to be sufficient to mitigate against any impact upon the neighbouring residents at Springfield and Walcott, while the separation and screening provided by Convent Road itself and the frontage trees and shrubs respectively prevent any significant impact upon the occupiers of properties on the opposite side of the highway from the site. Again, it is necessary to be mindful of the relationship that already existed between the 'original' conservatory and these properties as well as the fact that there has been no change to its footprint area that has resulted in, for example, the development being enlarged so that it is nearer to any of these properties.

The key matter for consideration in this regard therefore relates to the impact of the roof pitch and ridge height increase upon the living conditions of the occupier of the first floor flat (no. 2) within Fernbrook itself, and principally the outlook from a first floor bedroom window that is directly above the ridge of the 'new' conservatory roof. This now sits just below the window sill level of this window.

While there can be no question that more of the conservatory roof would be visible from this window owing to its closer proximity to view from it, it is not considered that this would equate to a level of harm to outlook that would be substantial enough to justify opposing the proposal on neighbour impact grounds. Clearly, the roof and its ridge would remain below the level of any person standing at the window. Moreover, its juxtaposition in relation to it, coupled with the transparent nature of the predominantly glazed roof, would not create any material issues in regard to loss of light or through being of unduly dominating, overbearing or intrusive appearance physically to any extent that, again, could reasonably form the basis for any sustainable objection.

Furthermore, notwithstanding the substitution of the former polycarbonate roof for the clear glazing that is now exhibited, it is not thought that the development would result

in any material mutually detrimental impact upon the privacy of the occupiers of either flat within Fernbrook while any relationship with the adjacent garden would remain unchanged owing, again, to the footprint of the conservatory being retained unaltered.

Much the same is also thought to apply in relation to concerns expressed regarding the impact upon the outlook from a lounge window that is within a shallow two storey bay projection beneath a subservient gable element on the principal elevation of the building. Indeed, with this window itself being further away from the development than the bedroom window, as well as obviously above its roof ridge level, it is again not considered that the level of impact that would result would be sufficiently harmful to warrant refusal of the conservatory in its adapted form.

Other matters

Following comments at the last Committee regarding the ownership situation and boundary between the two dwellings, as the roof of the Conservatory exceeds the floor level to the flat above and almost reaches cill level, the applicant has been asked to comment on ownership and any implications even though these are private civil matters. In response the applicant's agent has stated the following:

Without Prejudice

The freehold of Fernbrook is owned by myself (as legal representative for my deceased parents) and Ms Bearwolf.

Each of the two flats in the property has a lease from the freeholders.

The terms of the lease relating to the ground floor flat include an easement granting the right to support from the Building. The Building is defined in the lease as the whole of the house, not just the flat in question.

Secondly, if for any reason the specific easement contained in the lease were considered to be deficient (and there is nothing to indicate that it is) then the fact that the conservatory has been in place for more than twenty years has established an easement in accordance with the relevant law (The Prescription Act 1832).

In light of the above, and as any issues relating to attachment to the objector's property would be a private civil matter between the applicant and the objector, this matter should not impact upon the planning merits and consideration of the proposal and a refuse of permission on this ground could not be defended. The appropriate certification as to ownership of the site and service of notice of the application upon this third party has been provided with the application and is sufficient to satisfy relevant requirements in this regard.

Furthermore, insofar as the planning merits of the proposal are concerned, having regard to the material factors set out above it is thought that the development is acceptable from a neighbour impact perspective.

RECOMMENDATION

APPROVE

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on 31st July 2020.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

In accordance with the 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:

FS-002 B	Combined Plans	04.08.20
FS-002 C	Combined Plans	04.08.20
	Location Plan	03.08.20

List of Background Papers

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

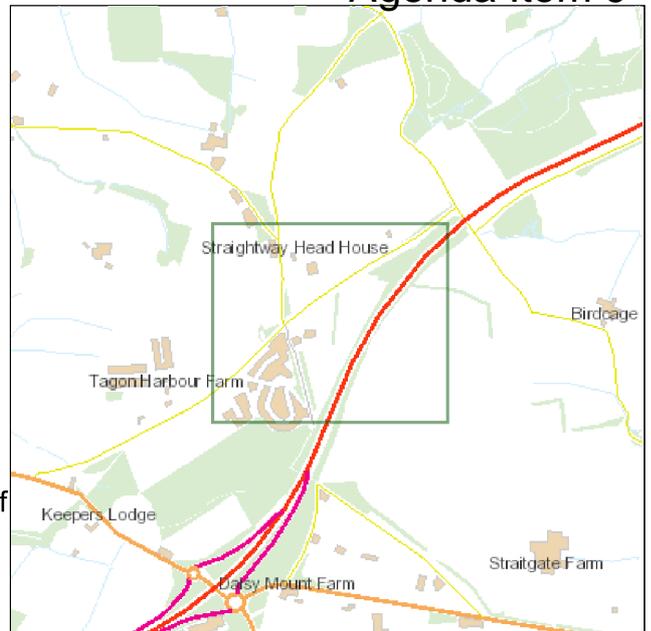
Ward Ottery St Mary

Reference 20/1246/VAR

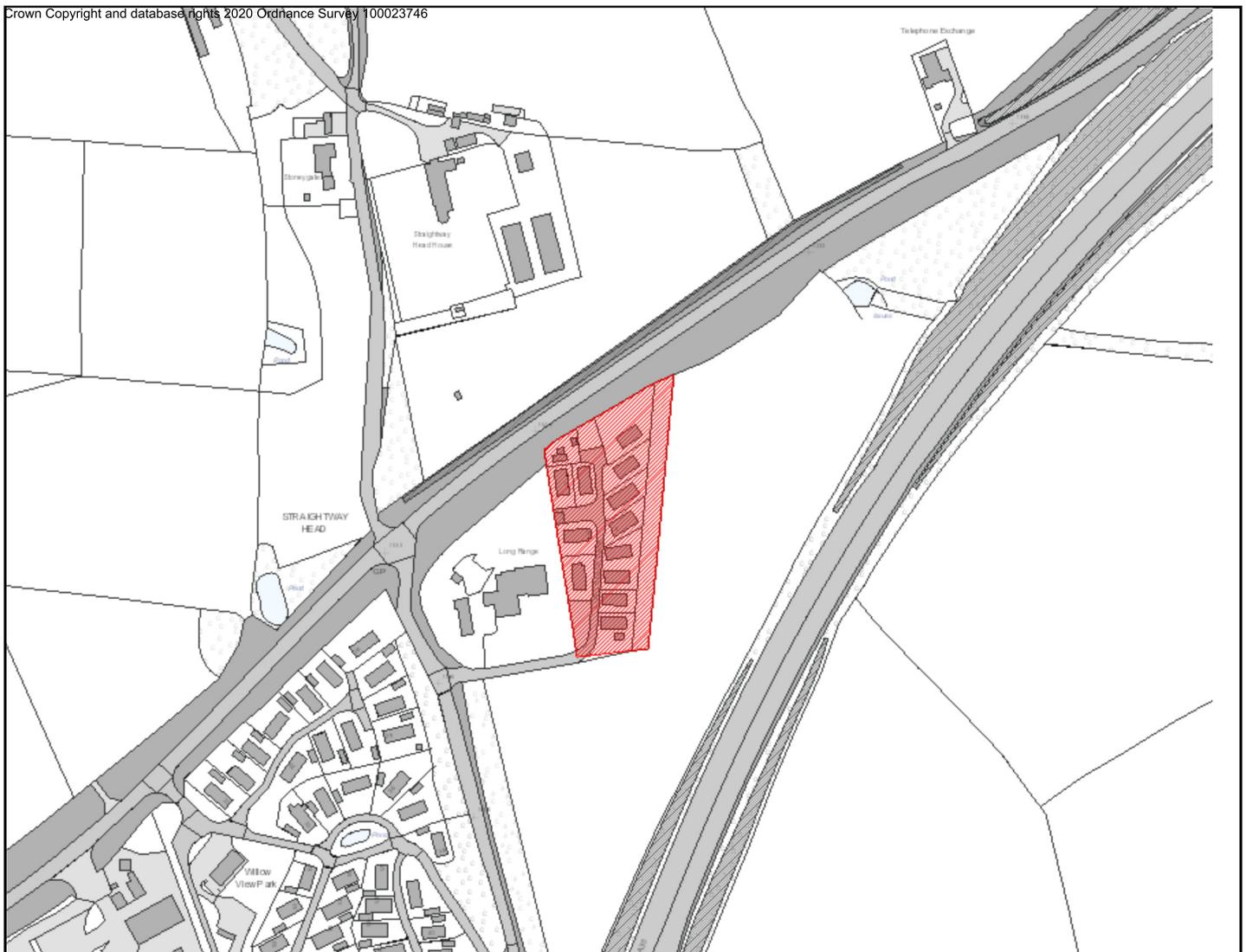
Applicant Mr Darren Squires

Location Land East Of The Long Range Hotel Whimple
EX5 2QT

Proposal Variation of condition 2 of planning permission
12/2444/VAR to remove holiday occupancy
restriction and allow permanent residential use,
restricting occupation to persons over the age of
50



RECOMMENDATION: Refusal



		Committee Date: 4th November 2020	
Ottery St Mary (Ottery St Mary)	20/1246/VAR	Target 18.08.2020	Date:
Applicant:	Mr Darren Squires		
Location:	Land East Of The Long Range Hotel Whimble		
Proposal:	Variation of condition 2 of planning permission 12/2444/VAR to remove holiday occupancy restriction and allow permanent residential use, restricting occupation to persons over the age of 50		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is brought before Members at the officer recommendation is contrary to the view of a Ward Member.

The proposal represents a renewed attempt to secure a variation to the holiday occupancy restriction imposed by a condition attached to planning permission ref. 12/2444/VAR in relation to 12 holiday lodges at the Long Range Caravan Park located to the south east of Whimble and to the south of the former A30 Trunk road.

The previous application (ref. 14/1409/VAR) sought a relaxation of the condition to enable unrestricted residential occupation for persons aged 55 or over. This current proposal seeks a variation to allow for the same in respect of persons aged 50 or over.

The current application follows investigations carried out by the Council's Enforcement Officers into the alleged full-time occupancy of the majority of the park homes, in breach of the holiday occupancy condition, that extend back a number of years.

The previous application to vary the occupancy condition was refused by the then Development Management Committee on the basis that the proposed relaxation of the condition would result in essentially unrestricted residential development in an unsustainable location within the open countryside that would be contrary to established local and national policies that seek to prevent the such development. Furthermore, it was resolved that no evidence had been submitted to demonstrate that the caravan park, having only been established for around two years at that stage, was not viable as a tourism facility.

In spite of various arguments put forward by the agent representing the current applicant, who purchased the site in September 2019, it is not thought that the circumstances have materially changed, in terms of the overall policy context, to the extent that any change of stance would now be justified. Furthermore, it is not thought that certain 'exceptional circumstances', that attempts have been made to demonstrate, should be regarded as carrying any significant weight in favour of the relaxation of the occupancy restriction.

It is therefore maintained that, whilst offering short term financial gains for the owner, it is likely that a largely unrestricted residential use would prevent the long-term economic benefits that employment and tourism uses bring from being realised and create a dispersed pattern of development in the open countryside with increased pressure on local services and a greater need to travel by private car without significant compensating economic benefits.

It is considered that allowing an independent residential use would directly disregard the advice and guidance contained within the relevant policy and Government guidance and result in the undue loss of existing tourist facilities and accommodation without any clearly identified or overriding justification.

CONSULTATIONS

Local Consultations

Parish/Town Council

Ottery St Mary Town Council does not support this application on the basis of the previous planning refusal and considers there has been no change since that application, therefore support it as holiday use.

Ottery St Mary - Cllr Peter Faithfull

Can I please request that this case is taken to full planning meeting? While I do not particularly welcome the change of use I do not support the putting people out onto the streets, in particular when we have CV on our hand. I would like this case to be properly discussed at a full planning meeting.

Technical Consultations

Devon County Highway Authority

The County Highway Authority made no response upon the same application made on this site in 2014; 14/1409/VAR. Therefore accordingly the County Highway Authority has no objection to make to this 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

One representation of support has been received.

PLANNING HISTORY

Reference	Description	Decision	Date
14/1409/VAR	Variation of condition 2 of planning permission 12/2444/VAR to remove holiday occupancy restriction and allow permanent residential use restricting occupation to persons aged of 55 and over.	Refusal	25.09.2014
12/2444/VAR	Variation of conditions 2 and 7 of 10/2338/FUL to allow independent occupation of holiday accommodation and alternative access arrangements	Approval with conditions	13.12.2012
10/2338/FUL	Change of use from agricultural land for the stationing of twelve holiday lodges	Approval with conditions	25.02.2011

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

E18 (Loss of Holiday Accommodation)

TC2 (Accessibility of New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP1 (Development in the Countryside)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The Long Range Caravan Park at Straightway Head is an existing but relatively new facility, comprising 12 holiday lodges, laid out in 2012. The site is located in the open countryside outside of the built-up area boundary of any recognised settlement and is positioned to the east of a residential property known as Long Range (the former Long Range Hotel). The northern boundary of the park is parallel with the adjacent old A30 Trunk road.

The principal vehicular access to the park is shared with that of Long Range, albeit the park itself is served by a separate driveway that extends alongside the southern boundary of the curtilage of Long Range. Its northern boundary with the former A30 takes the form of a grass verge and bank. The site is set away from the main 'new' A30 which is situated to the south of the site and at a lower level.

Background

Planning permission was granted in 2010 (application 10/2338/FUL refers) for the change of use of agricultural land to the east of the former Long Range Hotel for the stationing of twelve holiday lodges. Each lodge measures 12.0 metres in length by 6.0 metres in width with a height of 3.0 metres (all measurements approx.). These fall within the definition of a caravan, as set out in the 1968 Caravans Act (as amended). One of the main reasons cited for granting permission was the economic benefits of the additional tourist accommodation to the local economy.

The twelve lodges proposed were laid out around a T-shaped access road with parking associated with each unit with access from the rear of the (then) hotel. The site was conditioned so that the lodges/mobile homes should only be occupied as holiday accommodation under the supervision and management of the owners or occupiers of the Long Range Hotel.

In 2012 an application (ref. 12/2444/VAR) was made for the variation of two conditions (nos. 2 and 7) of planning permission 10/2338/FUL. Condition no. 2 is relevant to the current application proposal. This condition, aside from restricting the use of the lodges for holiday accommodation purposes only, also tied the management of the site to the owners/occupiers of the Long Range Hotel. The variation to the condition that was sought involved the release of this tie to enable the caravan park to be operated entirely separately from the hotel.

The rewording of the condition was considered acceptable and as a result condition 2 was amended to read as follows:

'The mobile homes hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the holiday units shall be collated and maintained by the owners or manager of the site, and this information shall be available at all reasonable times on request by the Local Planning Authority.

(Reason - To ensure that the cabins/chalets hereby permitted are used for holiday purposes only and are not used as a separate dwelling in this open countryside location where new development is restricted in accordance with national and local planning policy and policies TO3 (Tourism Development in Rural Areas) and TO4 (Touring Parks and Camping Sites) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness), S5 (Countryside Protection), and TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan.)'

Subsequently, in 2014, with the park having been sold to a new owner/operator an application was made (ref. 14/1409/VAR) for the further variation of this condition to allow the caravans to be occupied permanently as independent residential units rather than as holiday homes, but with a restriction upon occupation to persons aged 55 years and over.

In support of the application, it was suggested that, as a consequence of the previously agreed 'new' condition, the owners of the caravan park had been unable to sell any of the lodges as prospective purchasers had not been able to secure loans and mortgages with which to buy them..

However, this and other arguments were not accepted and the application was refused for the following reasons:

1. The proposal would result in the creation of new dwellings outside of a designated settlement boundary (as defined by the East Devon Local Plan 1995-2011) in an isolated location in the open countryside divorced from any nearby settlement where, in the absence of any proven agricultural, forestry, or horticultural need there is a policy presumption against such development. Furthermore, it would be located remote from adequate services, employment, and public transport links and would therefore increase the need for travel by private vehicles. No evidence has been submitted to demonstrate that there is any overriding need for the proposed dwellings or other exceptional circumstances that would justify a departure from established policies. As such, the proposal would be contrary to the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995-2011, Policy TC2 (Accessibility of New Development) and Strategy 7 (Development in the Countryside) of the Emerging East Devon Local Plan and Government Guidance as contained in the National Planning Policy Framework 2012).

2. Insufficient evidence has been submitted to demonstrate that the tourism use of the site is not viable, or that there is no market for the business as a going concern. It is not considered that the business has had an adequate opportunity to become established or that adequate justification has been put forward to show any overriding social, economic or environmental benefit for the loss of holiday accommodation, and the long term economic benefits that employment and tourism uses bring, and the creation of isolated independent accommodation in the open countryside. As a consequence the proposal is contrary to the principles of Policy TO3 (loss of Holiday Accommodation) and Policy S5 (Countryside Protection) of the adopted East Devon Local Plan 1995-2011, Strategy 7 (Development in the Countryside) of the Emerging East Devon Local Plan and Government Guidance as contained in the National Planning Policy Framework 2012).

Proposed Development

The park has since been sold to the current applicant who is again seeking a similar variation to the occupancy condition attached to planning permission 12/2444/VAR as that sought under application 14/1409/VAR. The only slight change is that the application is now seeking to restrict the occupancy of the units to persons aged 50 years and over (as opposed to 55 years and over).

ANALYSIS

The main issue for consideration in this case is once again the acceptability, or otherwise, of the principle of unrestricted residential development within this countryside location outside of any established settlement.

The following narrative therefore reviews the material considerations that were set out in the report relating to application 14/1409/VAR, with adaptations to reflect the updated context in relation to current local plan and national policies, before expressly setting out and addressing the case made by the agents representing the applicant.

Principle

In broad terms, it remains the case that the application proposal represents additional residential development within the countryside away from any recognised town or village. This is not explicitly permitted by any local plan policies or supported by national planning policy.

The provisions of Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan state that 'Development in the Countryside will only be permitted where in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.'

There remain no specific policy provisions for residential park home sites. However, this should not be taken to imply that their creation or expansion would be acceptable in locations where additional residential development, in whatever form, would be unacceptable.

Long-established settlement policies should still apply and these policies seek to prevent new residential development within the countryside unless it would provide for accommodation that is demonstrably necessary to house an agricultural or forestry worker, replace existing residential development or facilitate the re-use of a building of importance to the character of the landscape.

The proposal also needs to be considered against the guidance as contained in the National Planning Policy Framework (NPPF). The Framework retains a presumption in favour of sustainable development at its heart. As such, the development must therefore be considered against the social, economic and environmental dimensions of sustainable development as defined within it.

As referenced previously, the site is located approximately 1½ miles southeast of Whimple and 3 miles west of Ottery St Mary. There is also a local garage/shop at the hamlet of Hand and Pen approximately 1 mile to the west (distances by road). It is therefore considered that the park site is divorced from services and it is likely that residents would largely rely on private transport for the majority of their journeys to access everyday services and facilities.

The agent refers again to sustainability credentials that were considered by the (then) Development Management Committee when considering application 11/1943/COU for additional park homes at the nearby Willow View Park residential homes park in 2011. However, as with the 2014 proposal to lift the holiday occupancy restriction, it is once again drawn to Members' attention that the report to the Committee at the time drew attention to comments from residents at Willow View Park there were traders who visited the site (selling meat/fish, vegetables, newspapers, etc.) and that the site has the benefit of both an existing bus service that directly serves the park and a more frequent service with stops at Daisymount and the Devon Smithy within proximity of the park. However, it was also highlighted in response that, whilst the existence of these services is noted, it was also acknowledged that the service that stops at Willow View Park only operates once a day in both directions on Mondays to Saturdays whilst the stops for the more regular service are not within easy or convenient walking distance of the site.

This was considered to be particularly important given the proposed age profile of persons to be occupying the proposed park homes. Furthermore, no details of the transport services were provided and there was no guarantee that the services available on the neighbouring park in separate ownership would automatically be available to those at the Long Range Park site.

This very much remains the case.

Furthermore, it remains the view that these services do not provide a sufficiently attractive or adequate alternative to private car travel which it is considered would remain the most likely means of transport to and from the site. The proposal for residential units on the site would therefore increase the number of private vehicle journeys.

In any event, Willow View Park was originally granted permission many years ago under a different policy regime and, importantly, prior to the presumption in favour of sustainable development introduced by the NPPF in 2012. Although additional units were granted in 2011 (prior to the NPPF), this was primarily on the basis that these would finish off the development within its established boundaries. The decision also acknowledged that the number of units originally granted back in 1982 had never all been sited at the site.

Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues that 'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or
- the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the development would involve the subdivision of an existing residential dwelling; or
 - the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The proposal is not considered to be in accordance with any of these special circumstances as outlined.

As such, it remains the case that it is not considered that the proposal would be in accordance with local plan or national planning policy. The site is not sustainably located whereby new residential development in the open countryside would be acceptable.

Furthermore, Policy E18 (Loss of Holiday Accommodation) of the Local Plan does not permit proposals which involve the conversion of existing tourist accommodation to other uses unless it has been demonstrated that the site has been actively marketed for sale at a reasonable market price with no interest shown and that the current business is no longer viable.

Whilst the extent to which this policy is relevant in relation to holiday accommodation outside of the main seaside resorts of the District has been negated owing to the High Court decision from December 2019 in relation to a proposal involving the removal of a holiday occupancy restriction from a unit at a site at Otterton, it has nevertheless since been the case that viability arguments have been made in support of similar proposals that have been considered by the Authority. Indeed, such grounds for

support have been offered in this case. These are considered in the next section of the report.

In any event, while offering short term financial gains it is likely that an unrestricted residential use would prevent the long term economic benefits that employment and tourism uses bring and result in the creation of a dispersed pattern of development in the open countryside with increased pressure on local services and an increased need to travel by private car without significant compensatory economic benefits.

In dealing with an appeal for a very similar set of circumstances at Blosson Hill Park , Louis Way, Dunkeswell, (appeal decision from the 17th June 2019) where holiday accommodation units had been purchased and used as open market dwellings and a planning application was submitted to retain the use, the Inspector concluded the following that can be equally applied to the current application:

9. A general purpose market housing scheme on the site would draw no support from the development plan, and neither, for that matter, would the use of the units as permanent places of residence, as sought by the appeal before me.

10. The argument put forward as to why the condition should no longer apply to the specified units has a number of facets. First, in simple terms, the point is made that the site is in an accessible location with numerous facilities nearby and that use of the specified units as permanent residences would not be harmful. I do not accept that. The site might well be relatively accessible with a range of facilities nearby but the reason why the development plan policies focus on local needs housing is that it is not accepted as an area where general housing growth will be supported. This is due to its countryside location and the limited nature of the facilities which results in a reliance on private vehicles. Conversely, the support for tourist accommodation in the countryside or in an area with at least a degree of facilities is largely based around the obvious economic benefits visitors bring to the area.

11. Those economic benefits played a significant role in the original grant of planning permission for the proposal. Those benefits would not manifest themselves in the same way if the specified units were to be used as permanent places of residence.

13. I acknowledge that the proposal would not result in the creation of 'isolated' homes in the countryside and nor would the removal of the condition result in harm to the distinctive landscape, amenity or environmental qualities of the surrounding area given that the units already exist. However, I consider that the use of the units for unrestricted residential use would be materially different from a holiday use and would conflict with the Development Plan and in particular, policies Local Plan Policies 7, 33, 35 and DNP Policy HP1.

There are a series of supporting arguments that have been put forward by the applicant's agent, many of which seek to directly respond to a number of the above points. These are summarised and addressed in the following section of the report.

The previous site owner started to sell lodges to people in about 2015/16 and had sold 11 of the 12 lodges by the time he sold the park to the applicant in September 2019. Warranties were given by the previous owner that all conditions on the planning permissions were being complied with and that he was unaware of any breaches. The applicant was mis-sold the lodges and has therefore inherited a problem not of his making.

While this cannot in itself be regarded as carrying any significant weight in the overall balance of considerations, it is thought that it requires addressing since it forms a significant part of the overall case in favour of the proposed lifting of the holiday occupancy restriction to enable unrestricted residential occupation of the units to continue.

In this regard, however, it is thought that there is an inconsistency in this argument when considered against other points that are made within the agent's statement as well as a lack of credibility to them.

First, reference is made within the opening paragraphs of the statement to the fact that when the park was sold to the applicant in September 2019 it was 'marketed as a holiday park'. It therefore seems inconceivable that the possibility that there might be restrictions upon the use and occupation of the accommodation would not have been apparent to the applicant/their solicitors at the time of purchasing the site.

Furthermore, allegations that the lodges were being occupied on a full-time residency basis had been made to the Authority quite some considerable time prior to the applicant's purchase and these were the subject of an ongoing investigation which ultimately led the applicant to submit the current application. It is therefore considered that it is stretching credibility that he could/would have not been made aware, through the normal conveyancing process linked to the purchase, of the planning background history of the site set out above or the occupancy restriction, notwithstanding the stated assertion that "there was no evidence on the Council's planning portal that enforcement action had already been threatened and it was not revealed on the local search."

The agent's statement also highlights the applicant's local connections to the area, having lived at Willow View Park during part of his childhood, and his local knowledge. It is claimed that in spite of this he was unaware of the manner in which Long Range Park was being operated or that there were any breaches of planning control.

Again, it is felt that the credibility of this argument must be called into question.

On purchasing the park, the applicant found that the lodge owners had been misled by the previous owner when buying their lodges. They were informed that they could occupy the accommodation all year round and were not provided with written contracts until after they had paid deposits, often involving the use of substantial savings. The circumstances of the lodge owners and their requirement for housing is a material consideration which needs to be weighed in the balance when determining this application.

Whilst this represents a particularly unfortunate situation for the residents concerned, it is not considered that this can be given significant weight in balancing the planning merits of the proposal.

This was established by the Inspector in dealing with a relatively recent appeal case (relating to very similar circumstances to those at Long Range Park) at Blossom Hill Park at Dunkeswell (18.0048/VAR) where in response to this matter the inspector stated the following:

“I note that the units are the sole residences of the affected owners. Whilst I am not unsympathetic to the situation that they may face in the event that the appeal is dismissed, the planning system is primarily concerned with the public rather than private interests. As such, I can only attribute limited weight to this consideration.”

Any concerns at having been 'mis-sold' the accommodation, particularly ahead of any contracts being agreed, would be a legal matter for the affected residents. They cannot be given significant weight in the assessment of the proposal in this case having regard to its merits on planning grounds.

The site is not in an unsustainable location.

Aside from the proximity of the site to Willow View Park and the route of a bus service, reference is also made to its accessibility to the roadside service area that has been granted planning permission at Daisymount and the range of services that it would provide for residents of Long Range Park.

Attention has also been drawn to a farm shop that was approved, as part of a development of 49 units of holiday accommodation together with fishing lakes, woodland walks and nature trails, in October 2018 (under planning permission 17/2035/MFUL) on land to the west of Moor View Industrial Estate, to the west of Willow View Park.

It is argued that these will provide additional facilities within easy walking distance of Long Range Park, thereby improving the sustainability of its location.

However, this overlooks the fact that the services and facilities offered by these developments have yet to be provided. Moreover, there can be no certainty upon which to draw that they will be coming forward in the near future, if at all.

In any event, even if they were provided the site would still remain located outside of the boundary of any town or village to where the strategy of the Local Plan directs housing growth as a means of sustainably supporting existing service and facility provision. It is not the case that an otherwise rural development outside of settlements can become regarded as being sustainably located in wider strategic settlement policy terms as a result of the development of services and facilities.

There would be no, or at worst marginal, impact upon the generation of traffic movements or educational or medical services.

This argument overlooks the compensatory economic benefits to the area that weigh into the case in favour of the provision of tourist accommodation.

It has been held previously in appeal decisions that a permanent residential use would result in greater impacts upon local infrastructure, including medical services, than tourist accommodation, without the compensating benefits to the local economy that are brought by the latter.

The applicant and a number of other lodge owners have attempted to market their lodges without success. Furthermore, the holiday lodge development near to Willow View Park will make them even less marketable for holiday purposes. There is no market for holiday lodges.

The information provided by the applicant's agent references efforts made by the applicant to market the one lodge that is in his ownership as well as those made by 'a number of lodge owners'. However, the information provided to back this up is unfortunately short of detail in relation to matters such as the number of owners that have made attempts to sell and the marketing strategy employed.

In terms of comparison with the depth of information that has been sought by the Council in connection with proposals elsewhere involving the removal of occupancy restrictions on holiday accommodation throughout the District, even since the High Court judgment in relation to Local Policy E18, the evidence that has been provided to seek to demonstrate that the park is no longer viable for tourist accommodation purposes is thought to fall considerably short. As such, it is felt that it cannot be given any significant weight in balancing the case against the fundamental policy objection to the creation of 12 essentially unrestricted dwellings within the countryside that would result from approval of the proposal.

Residential parks are suitable for older people and provide a safe environment. There is demand for good quality park homes that are suitable and adaptable for an aging population to meet the requirement set out in the NPPF.

This argument could, in broad terms, be applied equally to the housing needs, in terms of size, type and tenure, for other groups within the community that are set out in the NPPF, such as those who require affordable housing, families with children, students, people with disabilities, service families, people who rent their homes and self-builders.

These needs do not override housing supply policies that relate to the spatial development of an area in terms of the location to which housing provision is directed and there is no reason why the needs of 'older' people should be accommodated in a non-policy compliant manner such as is proposed in this case. It could otherwise be equally contended that the needs of any or all of these other societal groups could be similarly met. However, the effect would be to fundamentally undermine the planning system.

Even in the event that it were necessary to apply the presumption in favour of sustainable development owing to the absence of a demonstrable five year supply of deliverable housing sites within the District in line with the requirements of the NPPF,

it is felt that the non-sustainable location of the site would still weigh against its acceptability for the provision of unrestricted housing.

ENFORCEMENT ACTION

To remedy the breach of planning control should planning permission be refused, enforcement action would need to be taken to secure the cessation of the unauthorised occupation of the units to which the application relates as permanent residential dwellings, it being expedient to do so in the interests of upholding established countryside protection policies preventing unjustified 'new' residential development in the countryside.

The issues highlighted by the commenting ward member are duly acknowledged. However, in line with the resolution taken in respect of the occupation of a number of the units at Blossom Hill Park in breach of the holiday occupancy restriction, it is recommended that any enforcement notice that is served on the owner(s) and occupiers of the lodges requiring the cessation of their unauthorised use and occupation as permanent residential dwellings allow a 12 month period for compliance. Indeed, allowing for the necessary preparation of the notice and other incidental procedures, the period - as measured from now - would in effect be longer than this.

Furthermore, in the event that the situation relating to the Covid-19 pandemic were to remain or escalate, it would be at the Council's discretion to vary this period depending upon prevailing circumstances.

In taking enforcement action to remedy the breach of planning control the Human Rights Act 1998 and the European Convention on Human Rights will need to be considered with special attention being given to Article 8 of the latter which provides a right to respect for one's "private and family life, his home and his correspondence", subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society".

In light of the harm identified, it is considered that the investigative actions undertaken to date and any subsequent and future enforcement action which may be undertaken are necessary and proportionate. In particular, such action would not conflict with the occupants' human rights and the period for compliance of at least 12 months is sufficient to allow alternative accommodation to be found.

RECOMMENDATIONS

REFUSE for the following reasons:

1. The proposal would result in the creation of new dwellings on a site that occupies an isolated location in the open countryside outside of the built-up area boundary of any defined settlement or strategic allocation in the East Devon Local Plan 2013-2031 and Villages Plan 2018 where, in the absence of any proven agricultural, forestry, horticultural or other rural business need, there is a policy presumption against such development. Furthermore, it would be unsustainably located remote from adequate services, employment and public transport links

and would, in the absence of any justification as to how it would promote the objectives of sustainable development locally or otherwise meet other policy objectives, significantly and demonstrably outweigh any limited benefits that might arise. Insufficient evidence has been submitted to demonstrate that there is any overriding need for the proposed dwellings or that other exceptional circumstances apply that would justify a departure from established policies. As such, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and Government guidance as set out in the National Planning Policy Framework (2019).

2. In the opinion of the Local Planning Authority, insufficient evidence has been submitted to demonstrate that the tourism use of the site is not viable or that there is no market for the business as a going concern. It is not considered that adequate justification has been put forward to show any overriding social, economic or environmental benefit that would result from the loss of holiday accommodation, and the long-term economic benefits that employment and tourism uses bring, and the creation of independent residential accommodation in the open countryside that would arise as a consequence of the proposal. As such, the proposal is contrary to the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 and Government guidance as set out in the National Planning Policy Framework (2019).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

No plans; application is for variation of condition only. There is no requirement to provide plans.

List of Background Papers

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

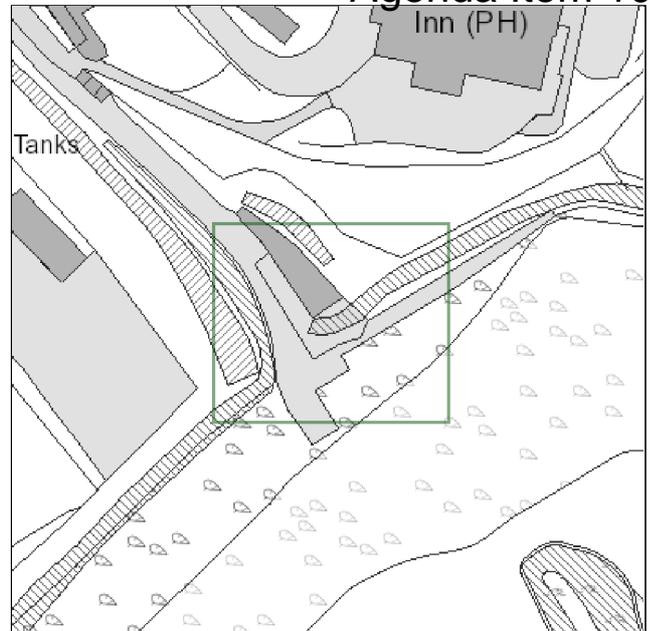
Ward Budleigh And Raleigh

Reference 20/0297/FUL

Applicant Mrs Zoe House

Location Ladram Bay Holiday Park Ladram Bay Otterton
Budleigh Salterton EX9 7BX

Proposal Partial retention of raised viewing platform
including balustrade and storage areas



RECOMMENDATION: Refusal



		Committee Date: 4th November 2020
Budleigh And Raleigh (Otterton)	20/0297/FUL	Target Date: 13.04.2020
Applicant:	Mrs Zoe House	
Location:	Ladram Bay Holiday Park Ladram Bay	
Proposal:	Partial retention of raised viewing platform including balustrade and storage areas	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from that of the three Local Ward Members.

The application seeks the partial retention of a raised viewing platform at Ladram Bay constructed into, and adjoining, the cliff face.

An enforcement notice, was issued on the 26th June 2019 seeking the removal of the raised platform, in its entirety. The notice took effect on the 01/08/2019 and a subsequent appeal was lodged against the issuing of the enforcement notice (ref APP/U1105/C/3234227). The appeal was dismissed and the enforcement notice, whilst amended, was upheld for the removal of the platform in its entirety due to its unacceptable visual impact, lack of planning policy support given the location of the site in a designated World Heritage Coast, AONB and Coastal Preservation Area. The structure needs to be removed by the 17th March 2021.

The current planning application seeks retrospective permission to retain a reduced area of the raised platform. The application was submitted prior to the appeal decision.

At an officer level the reduced area of the raised platform is still considered detrimental in public views, in addition to those from within the beach, to the cliff face's natural and undeveloped character. Although the Dorset and East Devon Coast World Heritage Site is justified on account of its geological importance, the expanse of coastline within the district also lies within the AONB and therefore its landscape importance is also emphasized. As such, significant weight has also been attached to the visual impact of the decking itself within the wider landscape and the fact that the man made structure would obscure public views of Ladram Rock.

As such the reduced platform area is considered detrimental to the landscape quality and scenic beauty of this part of the WHS, AONB and CPA. Whilst it is acknowledged that the decking would provide an area of seating and thus natural surveillance of the beach, these benefits are not considered to outweigh the material harm caused. Due to the landscape sensitivity of the site area, development is required to meet a high threshold to be considered acceptable. Whilst local support for the scheme is duly acknowledged, in this case, in light of a lack of evidence showing that alternative solutions were explored, the development and subsequent harm is not justified and therefore the application is strongly resisted. As such the application is recommended to be refused by members.

The conclusions drawn by the Inspector on the appeal with regard to the lack of policy support for the proposal and harmful visual impact are considered to apply to this reduced proposal. It is material to this application that it was within the power of the Inspector to allow the retention of part of the structure if she had found part of it to be acceptable. However, the appeal and Enforcement Notice upheld the removal of the whole structure.

The application has received support from numerous third parties, the Parish Council and a Local Ward Member. Objections have been raised by fewer third parties but have been received from Natural England and the World Heritage Site/Jurassic Coast team.

Overall it is the opinion of officers that the proposed viewing platform's extent and positioning on the red sandstone cliff is harmful to the character and appearance of the East Devon Area of Outstanding Natural Beauty and Coastal Preservation Area. Furthermore, the decking obscures public views of the natural profile of the cliff face and of Ladram Rock and as is considered harmful to the geological importance and significance of the Dorset and East Devon Coast World Heritage Site. The development is therefore considered contrary to the provisions of Strategy 44 (Undeveloped Coast and Coastal Preservation Area) and 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan, guidance within the National Planning Policy Framework and the Dorset and East Devon Coast World Heritage Site Management Plan and is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

After discussion at the Parish Council meeting on 2nd March the Council has No objection to this application for planning

Budleigh And Raleigh - Cllr Alan Dent

I understand this application is to be decided through the delegated planning process.

I would like it on record that along with the Parish Council and several individuals I support this application which has been put forward following the Appeal Inspector's decision.

This takes the raised decking away from the cliff whilst allowing for storage of kayaks, safety harnesses and other equipment used for the benefit of holiday makers.

As the Ladram Bay Holiday Park is a major leisure business which is just recovering from the knock-on effects of COVID-19, I believe their economic interests must be taken into account alongside all the planning and environmental issues.

Budleigh And Raleigh - Cllr Tom Wright

I support this application. The area of this platform, which has been there for several years does not project beyond the cliff face. It is an area that allows those with mobility problems a close view of the sea which is not possible elsewhere due to the very steep slope down to the beach. The underside of the platform is essential storage space for equipment, some of safety related to water use.

Budleigh and Raleigh – Cllr P Jarvis

Whilst I am not a fan of retrospective applications after a site visit I too support the application along with my fellow District Councillors and the Parish. I do not believe after viewing the site from all angles that it takes away from the view. It provides storage and at the same time wheel chair access for those visitors who are classed as challenged allowing them a form of access to the area.

Technical Consultations

Natural England

Planning consultation: Retrospective. New 'splash' zone adjacent to the indoor swimming pool, extension to viewing platform; relocation and re-orientation of bases and addition of static caravan.

Location: Ladram Bay Holiday Park Ladram Bay Otterton EX9 7BX.

Thank you for your consultation on the above, which was received by Natural England on 01 August 2018

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

OBJECTION - Extension to viewing deck at junction of beach and slipway.

Natural England objects to this proposal - specifically the extension to the viewing platform. As submitted we consider it will:

- o have a significant impact on the objectives of the Dorset and East Devon World Heritage Site (WHS) and the reasons for designation of the East Devon AONB.

Natural England's advice on other natural environment issues is set out below.

We have reached this view for the following reasons:

- o The development is set within the boundary of the Ladram Bay to Sidmouth SSSI, the Dorset and East Devon WHS and has significant landscape and visual impacts on these and the East Devon AONB.

Dorset and East Devon WHS: The Dorset and East Devon Coast has an outstanding combination of globally significant geological and geomorphological features. The cliff exposures along the Dorset and East Devon coast provide an almost continuous sequence of rock formations spanning the Mesozoic Era, or some 185 million years of the earth's history. The area's important fossil sites and classic coastal geomorphologic features have contributed to the study of earth sciences for over 300 years.

Through a search of the site's planning history, it is not apparent that the original viewing deck, which this application seeks to secure an extension to, ever received planning permission. Please confirm what date this was granted and any conditions relating to that initial permission.

We strongly suggest that the Planning Authority enforces the removal of this structure.

Other elements of the planning application excluding the extension to the viewing platform

There are a number of developments within the site including various retrospective, permitted and unconsented developments which cumulatively result in a significant impact upon the purposes of designation of the AONB. We consider that without appropriate mitigation this application would:

- o have a significant impact on the purposes of designation of the East Devon AONB through landscape changes and visual impacts in this location.

In order to address these cumulative impacts and to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- o any permission for the remainder of the elements should be granted for a temporary period in line with NPPF paragraph 167 or development in areas subject to coastal erosion, e.g. for 20 years and with a condition requiring restoration of the site at the end of that period or sooner should it become unsafe due to cliff stability/coastal erosion.
- o a comprehensive landscape masterplan for the whole of the Ladram Bay Holiday Park site, incorporating mitigation for this development and also previous unmitigated development impacts, to ensure an overall improvement in the appearance of the site and mitigation of its impact on the landscape of the AONB.

Concerns regarding the location of the development

As previously advised and in line with NPPF policy for development at the coast, the holiday park should be locating any new infrastructure away from the cliff top or beach.

We concur with the concerns raised by the Dorset and East Devon Coast World Heritage Site Team regarding the sustainability of further investment in static infrastructure in this part of the holiday park and the threat posed by coastal change. Paragraph 150 of the NPPF states that new development should 'avoid increased vulnerability to the range of impacts arising from climate change'. Paragraph 167 says that LPAs 'should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast'.

Natural England is likely to oppose any attempts to interfere with natural processes through cliff protection or coastal defences in this location, which could directly impact on the Ladram Bay to Sidmouth SSSI/WHS.

Landscape character

The development site is within local Landscape Character Type 2b: Coastal slopes and combes. We note that the relevant management guidelines for settlement and development are to conserve by:

1. Maintaining the inherent pattern of sparse settlement.
2. Ensuring that recreation and leisure-related infrastructure along the coast and at the mouth of combes are of a scale, size and type that contribute to the unspoilt character and tranquillity of the cliff landscapes in the adjacent Landscape Character Type.

We strongly advise you to give weight to the advice of the East Devon AONB Partnership and the Jurassic Coast Trust. Their knowledge of the location and wider landscape setting of the development should help to confirm the significance of the impacts on the purposes of the AONB designation and the World Heritage Site management objectives and the appropriate level of mitigation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB Management Plan and the WHS Management Plan.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our Discretionary Advice Service.

World Heritage Site/Jurassic Coast - Sam Scriven

Thank you for consulting the Jurassic Coast Trust. Please regard the following comments as an organisational response to the planning application described above.

We note that this application to reduce the size of the viewing deck has been submitted while an enforcement notice appeal for the same structure has yet to be determined. We would like an opportunity to consider this application in detail once the outcome of the appeal is known. In the mean time, we would refer you to our comments submitted in response to the previous application that included the viewing deck - 18/1517/FUL - and again stress the importance of the site as a SSSI, AONB and World Heritage Site.

Further comments 15.10.20:

Thank you for consulting the Jurassic Coast Trust. The following comments are in regards to the conservation of the Dorset and East Devon Coast World Heritage Site. They are submitted here in the context of an active enforcement notice against the existing unconsented timber deck structure. Our starting position is one of support for the enforcement notice.

We recognise that this proposal reduces the impacts on the World Heritage Site caused by the existing timber decking by removing it from the geology of the cliff face and minimising its presence within the Site's boundaries. We also welcome the fact that the LVIA uses a baseline from before the decking structure was built. However, we have some remaining concerns.

1. As with the previous application regarding the deck, the principle stands that retrospective planning consent is incompatible with the World Heritage Site. Although this new planning proposal has a much reduced impact on the WHS, it is still asking consent for an *existing* structure.
2. No methodology has been provided for removal of part of the existing structure. This must be done in a way that minimises damage to the cliff face. We recommend that a methodology should be provided and approved before any work is undertaken, including in the case that this application is refused and the related enforcement is upheld.
3. We can accept that the combe leading down to the beach is an area of development, but the buildings currently diminish gradually seawards, providing a 'soft' transition from the caravan site out into the natural environment of the beach / coast. The timber structure, within this context, would make that transition abrupt, with a high, imposing structure running alongside the path right down to the shingle. Paragraph 6.3 of the LVIA states that the developments within the Combe are largely obscured when viewed from outside it, but we note that retaining a portion of the timber deck will permanently introduce a visible built structure into that view. It will also interrupt the natural sweep of the cliff line in the bay, compromising the way in which the character of the WHS's geomorphology is presented. We recommend that advice is sought from relevant landscape officers regarding the level / significance of these impacts.
4. Although this application repeats the assertions from the previous application and appeal that the deck provides valuable access and amenity for disabled persons, there is still no evidence provided that establishes this need, or, more importantly, that alternative approaches to answer that need have been explored and discounted. As stated in previous responses, we would support any desire to improve access to the World Heritage Site, but we question whether this timber deck is the most appropriate way to do that in this location.
5. Following on from point 4 above, we remain concerned that the position of the deck means that users are being invited to dwell beneath what is a natural cliff face. The Geological Assessment appendix to the Planning Support Statement describes that the geology at Ladram Bay is susceptible to rock falls. The risk

posed to users of the deck is obvious. Risk management is the responsibility of the landowner, and not within our remit. Our particular concern here is that any future rock fall above the deck could trigger a desire to stabilise the rock face in order to mitigate the risk to users. Such stabilisation would run counter to various different natural environment management policies at this site.

Summary

We recognise that this application greatly reduces the direct negative impacts caused by the existing timber deck to the World Heritage Site, but we still have significant concerns about whether the remaining deck area can be justified or if it is appropriate in its current configuration.

Other Representations

22 Third party comments received

19 in support over the following;

- Viewing platform provides area for disabled, elderly people and individuals with impaired movement to view the beach.
- Great amenity space to enjoy the beach.
- Safe area for children
- Provides natural surveillance of the beach
- Good place to store prams

3 objection comments with concerns over the following;

- Harmful to character and appearance of the cliffs that form an integral part of the WHS and SSSI
- No policy support within the Local Plan or NPPF
- Enforcement notice should be upheld.
- Lack of justification for the development.
- The stated public benefits do not outweigh the visual harm caused.
- Development is only for financial gain.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 4 (Balanced Communities)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

Otterton Neighbourhood Plan (In Preparation)

Dorset and East Devon Coast World Heritage Site Management Plan (2009 – 2014) and (2014 – 2019)

East Devon Area of Outstanding Natural Beauty Management Plan (2019 – 2024)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

Ladram Bay is a large holiday park located to the East of Otterton; the park consists of static caravans, camping and caravanning areas as well as a number of permanent buildings which serve various purposes. The site is located in a valley, and is within the East Devon Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA), and classified as 'open countryside' in planning terms. Ladram Bay is situated adjacent to the Jurassic Coast World Heritage Site (WHS). There is a public footpath close to the site, and the South West Coast Path also passes near-by.

The application site itself relates to an area of raised platform within the bay that contains a pebble beach, backed by red sandstone cliffs. The ramped access is used by boats, vehicles and people. A shop occupies a raised area and is signposted as 'The Shack'.

The immediate area is characterised by a mix of enclosed woodlands, especially along watercourses, narrow winding roads and extensive coastal rights of way. The area is a popular visitor destination many of which are likely users of the popular South West Coast Path National Trail.

Proposed Development

The application seeks retrospective permission for the retention of an area of raised platform and balustrade that sits above part of the former slipway that is used for storage. The structure is located immediately next to the shop and access ramp. The platform usually contains a number of tables and chairs for people to sit on.

Originally the structure continued around the corner of the cliff for some distance. An enforcement notice was served requiring the removal of the structure. This current planning application proposes retention of a reduced area of raised platform in response to concerns raised by the Local Planning Authority over the structures visual impact upon the coastal landscape of this part of the World Heritage Site.

The enforcement notice (issued 26.06.19), instructing the landowner to remove all the decking, was appealed (ref APP/U1105/C/3234227) and subsequently dismissed. As such the notice, whilst amended, was upheld and the structure is required to be removed by the 17th March 2021. The inspector's conclusions with regards to the appeal carried significant weight in the assessment of this planning application.

For clarity, the current planning application seeks to retain part of the existing decking, the subject of the enforcement notice and appeal.

Assessment

The main issues for consideration are the planning policy context and visual impact. Reference will be made throughout the assessment to the Inspectors appeal decision given its significance in relation to the current application.

Planning Policy Context and Position

The land is located in the Dorset and East Devon Coast (Jurassic Coast) World Heritage Site, AONB and Coast Preservation Area. The site is also within the Countryside in planning policy terms

The following from the Appeal Decision provides a good summary of the policy position and associated assessment required:

18. The Government's National Planning Policy Framework (NPPF) notes that World Heritage Sites are internationally recognised to be of Outstanding Universal Value, and advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation: the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The NPPF also states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which (alongside National Parks, and the Broads) have the highest status of protection in relation to these issues.

19. This national approach is reflected in the Development Plan for the area. The East Devon Local Plan 2013 to 2031 (adopted January 2016) contains policies stating that when considering development in or affecting an AONB, great weight will be given to conserving and enhancing their natural beauty (Strategy 46); and that development will only be permitted where it respects the key characteristics and special qualities of the area in which it is proposed, and does not adversely affect important landscape characteristics (Policy D1). Strategy 44 advises that the CPA is defined on the basis of visual openness and views to and from the sea, and states that development will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.

20. While not part of the Development Plan, the Dorset and East Devon Coast World Heritage Site Management Plan 2014-2019 ("the WHSMP") and The Partnership Plan 2019-2024, Management Framework for the East Devon Area of Outstanding Natural Beauty are also of relevance here. The WHSMP explains that one of the key reasons for the WHS designation was the great variety of "textbook" geomorphological features, including the stacks at Ladram Bay. Policy 1.1 seeks to protect the Outstanding Universal Value of the WHS through prevention of developments that might impede natural processes, or obscure the exposed geology, while Policy 1.4 seeks to protect the landscape character, natural beauty and cultural heritage of the WHS and its setting from inappropriate development. The strategic aims and associated objectives of the

AONB Management Framework include “the conservation and enhancement of the high quality and internationally significant coastline”.

In light of the planning policy context, there is a requirement to ensure that great weight is given to the conservation of the AONB; that clear and convincing justification is required if harm is caused to the AONB; that the undeveloped/open nature of the Coastal Preservation Area should be retained; and, that there is a duty to protect the Outstanding Universal Value of the World Heritage Site through the prevention of development that would obscure exposed geology and fails to protect its landscape character.

Impact upon Character and Appearance of the Area

The reduced area of the viewing platform would be visible from within the beach and from the section between the Holiday Park and the junction of the Coast Path. This area towards the eastern end of Bay Road is also referred to as Viewpoint 1 within the applicants Landscape Visual Impact Assessment (LVIA). Here there are narrow views down to the beach, Ladram Rock, shop and platform.

From the coastal path, to the south west, there are wider open views of Ladram Bay and the beach (Viewpoints 5, 7 and 8 of LVIA). From here the overall extent of Holiday Park is much more apparent with the decking visible below the large swimming pool complex above. Whilst these views are screened in places by the undulations of the landform, hedges and scrub vegetation, at all of the points from which the beach can be seen, the timber structure is also visible.

It is at these public vantage points that the Inspector has also highlighted as areas where the structure clearly obstructs views of the cliff face and of Ladram Rock.

Whilst the Inspector states that the development would not amount to substantial harm to (or the total loss of) the significance of the World Heritage Site, she goes on to state ‘harm is caused nevertheless and in the absence of any detailed or convincing justification as to the need for the structure, is not outweighed by the very minor public benefits that may arise from its use as a seating and viewing area’.

It is considered that these findings by the inspector, between paragraphs 21 and 25, are still relevant in assessing the harm caused by the reduced area of decking:

21. The Appellant contends that the development here at issue forms a logical extension to the existing cluster of shops, buildings, timber structures, boats and other features within the Combe. I saw at my site visit that this preexisting development within the Combe has limited visibility beyond its confines: once on the beach, most of its elements are concealed from view, other than from the small section of beach from which views directly up the Combe are available. Similarly, in cliff-top views of the beach from the South West Coast Path, the pre-existing development and other features within the Combe are largely concealed. It is fair to note that in these views the extent of the development at the Holiday Park is clearly visible on the terraced clifftop behind the beach, and forms part of the existing landscape context.

22. However, prior to the introduction of the timber structure that is the subject of this appeal, the striking red sandstone cliff-face itself was entirely undeveloped. Its natural profile was uninterrupted in views from the Coast Path and, as an even more prominent component of the view, from the beach. As the Appellant's LVA recognises, the construction of the platform has extended development into the landscape of the cliff face, beach and foreshore of Ladram Bay; a previously undeveloped area which has a strong sense of naturalness, is of high landscape value, and has little capacity to accommodate change of this type.

23. I saw at my site visit that the timber structure is clearly visible from most parts of the beach, and partially screens parts of the cliff-face in these views. In views from the South West Coast Path, the structure is not visible from points north of the thatched cottage at the head of the Combe. However, from the section between the Holiday Park and the junction of the Coast Path with the public footpath to Piscombe Lane, there are wide, open views of Ladram Bay and the beach. These are screened in places by the undulations of the landform, hedges and scrub vegetation, but at all of the points from which the beach can be seen, the timber structure is also visible; while a relatively small component of the panoramic views, its built form intrudes upon, and forms a jarring contrast with, the otherwise undeveloped natural profile of the cliff face.

24. From the point where the South West Coast Path crosses the head of the Combe, there are channelled views down through the Combe towards the beach, the sea, and sea-stack known as Ladram Rock. In these views the unauthorised timber structure screens parts of the beach, the lowest part of Ladram Rock, and the area of sea between them – an effect which obscures Ladram Rock's status as a sea stack, separated from the cliffs and the beach.

25. All of these impacts are clearly harmful. The intrusion of this man-made structure into the previously undeveloped cliff face diminishes, rather than conserves or enhances, both the natural beauty of the AONB and the undeveloped character of this part of the Coastal Preservation Area, thereby conflicting with Strategies 44 and 46 and Policy D1 of the East Devon Local Plan. Further, the development partially obscures the exposed geology of the cliff face in short-range views from the beach and long-range views from the South West Coast Path, and by obscuring the status of Ladram Rock as a sea stack in public views from the Coast Path down the Combe, it impedes the appreciation of this internationally important natural feature. This is at odds with the aims of the World Heritage Site Management Plan.

As already mentioned, the main areas where the reduced decking would be visible are along the South West Coast Path, down the Combe and from within the beach itself. The application would still, albeit at a lesser extent, obscure the undeveloped natural profile of the cliff face from within the beach and from wider views along the coastal footpath.

The reduced area of the raised platform would still obscure this view of Ladram Rock from the head of the Combe as you approach the beach from Bay Road to the west.

The reduction in the decking's extent along the cliff face does not address this issue and therefore still considered to cause harm from this particular viewpoint.

As such, the reduced extent of the proposal would still result in harm to the World Heritage Site through obscuring the cliff face and representing a made-made structure that is harmful to the World Heritage Site, AOND and CPA as it fails to conserve or enhance the area.

The applicant has suggested, to mitigate the anticipated visual impact of the structure, to treat the timber. It is suggested to stain the timber to a colour more akin to that of the red sandstone of the cliff face. The applicant also has suggested that such detail could be secured via condition. These arguments were also put forward to the Inspector and in common with her assessment, whilst it is acknowledged that this could reduce the overall visual prominence of the timber structure longer from distant views, the natural profile of the cliff face would still be obscured by a man-made structure and therefore remain harmful.

Other Matters

The application has put forward that the development is required to provide those of disability/ambulant disability and children to have access or views to the beach and other coastal facilities associated with the use of the holiday park. Providing appropriate access for those with disabilities is undeniably important, as reiterated within the wording Strategy 4 (Balanced Communities) of the East Devon Local Plan. However, this needs to be weighed against any subsequent harm to the AONB, WHS and CPA.

Additionally it is stated that the structure also acts as a viewing platform for the holiday park's beach employees, to enhance safety for swimmers and people hiring water sport equipment. Numerous third party comments, in support of the scheme, have placed value upon the use of this amenity space for holiday makers.

However, whilst material considerations, it is not felt that these benefits outweigh the visual harm identified. Again the insinuation that the platform provides improved access to all has been assessed by the Inspector as follows:

29. The Appellant asserts that that "the development is required to provide those of disability/ambulant disability and children to have access or views to the beach and other coastal facilities associated with the use of the holiday park". I do not underestimate the value and importance of improving the accessibility of the coast to all, and ensuring that such access is inclusive and sustainable. This is certainly a material consideration capable of carrying weight in favour of development that seeks to achieve wider accessibility. However, the Appellant has not provided any convincing evidence that the structure here at issue meets that description. The platform does not provide, or even improve, physical access to the beach.

30. It does provide views out over the beach from a level area, but users of wheelchairs or pushchairs who had got as far down through the Combe as the entrance to the shop and platform would have very little farther to go, over

similar terrain and at the same incline, before reaching the beach itself. The top part of the beach is level, and I saw at my site visit that (as described in the Appellant's LVA) heavy rubber mats were in place at the bottom of the Combe and along the top of the beach. These provide relatively easy access, for wheelchairs and pushchairs too, across the shingle to the range of timber tables and chairs set out below the raised platform. There is no indication that any part of the raised platform, or any of the tables and chairs that occupy it, are kept available for wheelchair users or those with impaired mobility. Nor does it appear that any part of it is set up to be "child friendly", such that parents or carers might feel that keeping to the platform was safer than venturing on to the beach.

31. Of course it may well be the case that some visitors with impaired mobility and/or young children might find it easier and more convenient to sit on the timber platform rather than on the beach. But the Appellant has not provided any evidence that other means of addressing the needs of these particular user groups, with a less damaging impact on the character and appearance of the area, could not be employed. For example, in some coastal areas where access is steep or difficult, an all-terrain vehicle is used to assist the movement of visitors between the beach and a drop-off point above. Without any explanation as to why this or any other possible alternatives to the platform would not be suitable here, the timber structure cannot rightly be described as "required" for accessibility purposes.

32. The Appellant also states that the timber structure acts as a viewing platform for the Holiday Park's beach employees, to enhance safety for swimmers and people hiring boats and kayaks. On the day of my site visit, the platform was in use as a seating and dining area, its tables and chairs occupied by people with drinks and snacks. An employee of the Holiday Park was seated at a table at the head of the beach, close to the boat hire area, and from there had a very good view out over the bay. I appreciate that my site visit only provides a single snapshot of the uses made of the platform and beach, and that a marginal improvement in views of activity on the water may be obtained by standing on the raised platform. But I am not convinced that any ensuing improvement in beach safety would be significant enough to carry any appreciable weight in favour of granting permission for this structure.

The assessment from the Inspector is considered to apply equally to the current proposal. It is relevant to note that the Inspector could have amended the Enforcement Notice to retain part of the seating/viewing area should she have considered these arguments to have merit.

CONCLUSION

Again, the findings and conclusion of the Inspector in her decision letter are relevant to this proposal:

33. The appeal site is part of a coast that has been designated a World Heritage Site, an AONB, and a Coastal Preservation Area. Great weight must therefore be given to the conservation of this heritage asset, and the conservation of the

landscape and scenic beauty of the area. As discussed above I have found that the development here at issue screens public views of the otherwise exposed cliff face, diminishes its natural and undeveloped character, and adversely affects its appearance. Being relatively small in scale, the development does not result in substantial harm to (or the total loss of) the significance of the WHS. But harm is nevertheless caused, and in the absence of any detailed or convincing justification as to the need for the structure, is not outweighed by the very minor public benefits that may arise from its use as a seating and viewing area.

34. In summary, I find that the development conflicts with the relevant policies of the Development Plan, with National Planning Policy, and with the guidance set out in the WHS Management Plan and the AONB Management Framework. No other material considerations have been identified that are of sufficient weight to overcome the harm caused.

35. The Appellant has suggested that in the event I concluded it was not appropriate for the structure to remain permanently in position I could instead grant permission for a temporary period of five years, so as to allow time to reassess the impact of the structure and decide if an alternative permanent solution was available. However, in view of my finding that the proposed application of woodstain would not suffice to lessen the harmful visual impact of the structure, there is no justification for allowing the harm to persist for five years pending a reassessment. I return to the question of considering alternative solutions in the context of ground (g) below.

36. I conclude that the appeal on ground (a) should fail, and deemed application for planning permission be refused.

In accordance with the above, and whilst recognising that a smaller part of the structure is proposed to be retained as part of this application, it is still considered that the proposal is detrimental to public views, in addition to those from within the beach, of the cliff face's natural and undeveloped character. Although the Dorset and East Devon Coast World Heritage Site is justified on account of its geological importance, the expanse of coastline within the district also lies within the AONB and therefore its landscape importance is also emphasized. As such, significant weight has also been attached to the visual impact of the decking itself within the wider landscape and the fact that the man made structure would obscure public views of Ladram Rock. This position has also been supported by Natural England who have objected to the scheme placing particular emphasis on the preservation of the WHS and its significant geological and geomorphological features in addition to the landscape character of the AONB.

As such the reduced platform area is considered detrimental to the landscape quality and scenic beauty of this part of the WHS, AONB and CPA. Whilst it is acknowledged that the decking would provide an area of seating and thus natural surveillance of the beach, these benefits are not considered to outweigh the material harm caused. Due to the landscape sensitivity of the site area, development is required to meet a high threshold to be considered acceptable. Whilst local support for the scheme is duly acknowledged, in this case, in light of a lack of evidence showing that alternative

solutions were explored, the development and subsequent harm is not justified and therefore the application is strongly resisted. As such the application is recommended to be refused by members.

RECOMMENDATION:

REFUSE for the following reasons:

1. By virtue of the proposed viewing platform’s extent and positioning on the red sandstone cliff, the development is considered harmful to the character and appearance of the East Devon Area of Outstanding Natural Beauty and Coastal Preservation Area. Furthermore, the decking obscures public views of the natural profile of the cliff face and of Ladram Rock and as is considered harmful to the geological importance and significance of the Dorset and East Devon Coast World Heritage Site. The development is therefore considered contrary to the provisions of Strategy 44 (Undeveloped Coast and Coastal Preservation Area) and 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan, guidance within the National Planning Policy Framework and the Dorset and East Devon Coast World Heritage Site Management Plan.

Plans relating to this application:

1	Location Plan	11.02.20
7791-07 Rev A	Proposed Combined Plans	17.02.20

List of Background Papers

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

- Adopted East Devon Local Plan 2013-2031 Policies
- Otterton Neighbourhood Plan (In Preparation)
- Government Planning Documents
- NPPF (National Planning Policy Framework 2019)
- Dorset and East Devon Coast World Heritage Site Management Plan (2009 – 2014) and (2014 – 2019)
- East Devon Area of Outstanding Natural Beauty Management Plan (2019 – 2024)

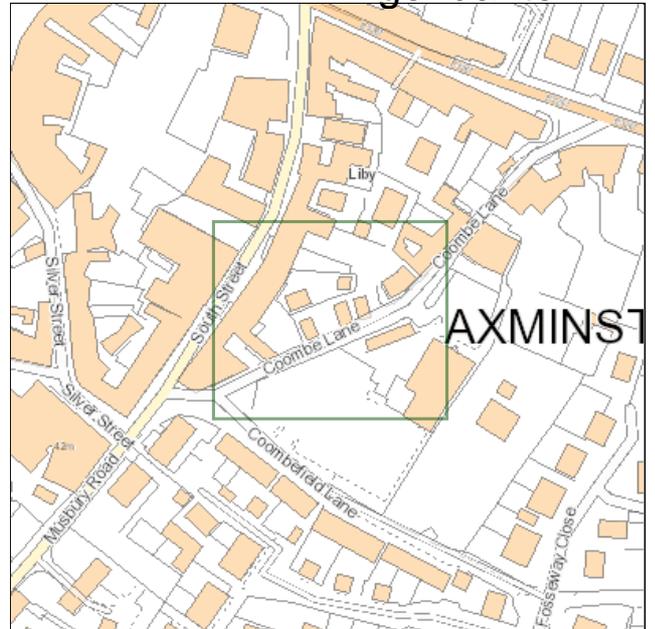
Ward Axminster

Reference 20/1559/OUT

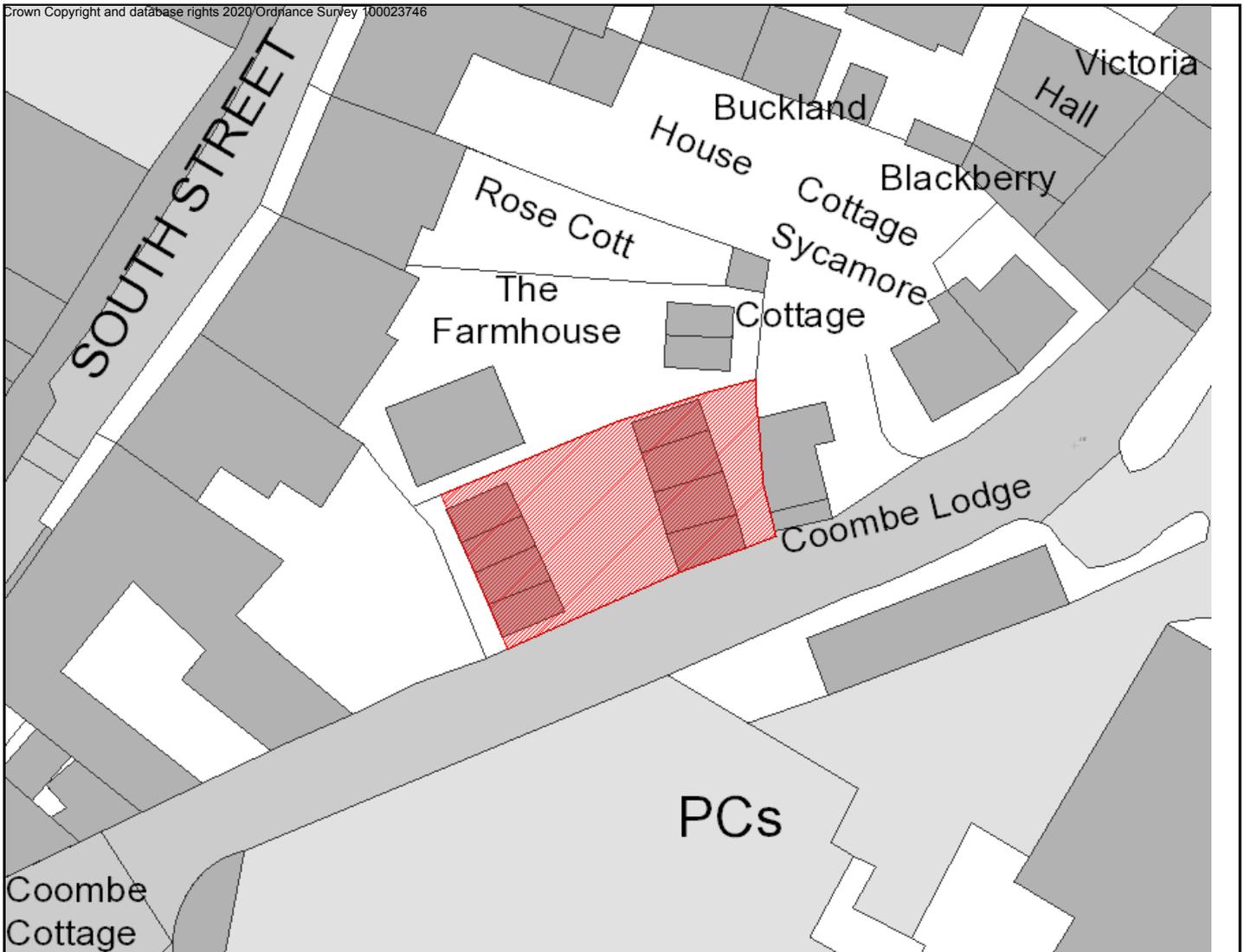
Applicant Mrs Sandra Gigg

Location Garages Coombe Lane Axminster

Proposal Creation of 2no dwellings (outline consent sought with all matters reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 4th November 2020
Axminster (Axminster)	20/1559/OUT	Target Date: 23.09.2020
Applicant:	Mrs Sandra Gigg	
Location:	Garages Coombe Lane	
Proposal:	Creation of 2no dwellings (outline consent sought with all matters reserved)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the comments of one of the ward member's conflicts with the officer recommendation.

The proposal seeks outline consent for the creation of 2 dwellings (with all matters reserved). The proposal takes place within the built up area boundary of Axminster and within the designated conservation area. The site is currently occupied by garages which would be demolished to make way for the development proposed. In 2016 an application for the same development was approved. The policies of the local plan are materially the same and material considerations 'on the ground' have not changed to now depart from the 2016 decision.

A development of two small dwellings can be accommodated within the plot without leading to overdevelopment or being incongruous with the urban grain. Whilst layout and appearance are reserved matters there is not anything to suggest at this outline stage a development could not be put forward at the reserve matters stage that could not preserve or enhance the conservation area.

The proposal is accompanied by illustrative plans indicating how the development could be carried out. Whilst it is recommended that changes are required to the layout and appearance in order to produce an acceptable development – such considerations should be addressed at reserved matters stage and do not weigh against this outline application.

Taking everything into account and the relevant planning history a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION FOR THE FOLLOWING REASONS:

1. INCONSISTENCIES BETWEEN THE PLANS AND THE APPLICATION FORM REGARDING THE NUMBER OF BEDROOMS IN THE PROPOSED DWELLINGS.
2. THAT TWO DWELLINGS REPRESENTED OVER-DEVELOPMENT AND PREVENTED PROVISION OF A PROPER TURNING AREA WITHIN THE SITE AND WOULD MAKE FUTURE MAINTENANCE OF ONE OF THE PROPERTIES IMPOSSIBLE WITHOUT MAKING USE OF ACCESS FROM AN ADJACENT SITE BECAUSE THE DWELLING HAD BEEN PUSHED UP RIGHT TO THE EDGE OF THE SITE.
3. LOSS OF PRIVACY FOR ADJOINING PROPERTIES BY VIRTUE OF OVERLOOKING

Axminster - Cllr Andrew Moulding

I recommend that this application is approved

Axminster - Cllr Ian Hall

I support this application

Axminster - Cllr Sarah Jackson

I cannot support this application on the grounds that I believe this is overdevelopment. the rooms in the current plan appear to be painfully small given the suggestion that the site can accommodate 2 family dwellings. The access to the parking presents an issue whereby occupants may have to reverse back onto a one way street with poor visibility, used by a significant amount of traffic circumventing the town centre.

Technical Consultations

Devon County Archaeologist

Application No. 20/1559/OUT

Garages, Coombe Lane, Axminster - Creation of 2no dwellings (outline consent sought with all matters reserve: Historic Environment

My ref: Arch/DM/ED/35768a

I refer to the above application. The proposed development lies within the historic core of Axminster and there is potential for the site to contain archaeological and artefactual deposits associated with the early settlement here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the historic settlement within the town. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record

and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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 archaeological contractors 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/>.

Conservation

The proposed development lies within the historic core of Axminster. Coombe Lane is sited on the periphery of Axminster Conservation Area, as a curved Lane located to the rear of South Street, the character and appearance is defined as having mainly C18th / early C19 frontages. Notwithstanding the identified historic frontages, the character of the street dilutes towards Coombefield Lane, where the character is typically informal, including the 20th century, single storey, flat roof, garages to the rear addressing Coombe Lane.

The garage site, subject to this application is a C20th addition, which makes little contribution to the historic and architectural character of the surrounding conservation area. However the site does provide access through to the rear of the properties addressing South Street. In turn the ad-hoc alteration and additions to the rear, of these properties provide historic and architectural value to Coombe Lane and the surrounding area.

Given the limited contribution the garages make to the surrounding area, there is an opportunity to, enhance and preserve the key characteristics, associated with the immediate and wider area, through development. In this respect the principle of demolition of the existing garages and creating 2no dwellings as proposed, is considered acceptable subject to;

The scale (width and height) of the gable end and ridge should not exceed those that exist and contribution to the streetscene.

The massing of the building on the streetscene, is mostly addressed through its proposed orientation. Care should be taken with the detailing of the boundary treatments too.

The materials that contribute to the surrounding area are natural slate, red clay ridge tiles, brick, render and/or paint and traditionally proportioned white windows and are recommended for this proposal.

The principle of the proposal would go towards enhancing the streetscene and in turn the surrounding conservation area.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Other Representations

1 letter of objection has been received to date (in summary);

- Overdevelopment
- Not appropriate in conservation area

- Inadequate room for onsite parking and turning - resulting in vehicles reversing on highway

PLANNING HISTORY

Reference	Description	Decision	Date
89/P1357	Two Detached Houses & Garages	Refused and dismissed at appeal	
16/1294/OUT	Creation of 2no dwellings (outline consent sought with all matters reserved)	Approved	13.12.2016

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN6 (Nationally and Locally Important Archaeological Sites)

TC2 (Accessibility of New Development)

EN10 (Conservation Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents
NPPF (National Planning Policy Framework 2019)

Site Location and Description

The site lies within the built up area boundary of Axminster close to the designated town centre and within the Conservation Area. It currently comprises two blocks of garages each containing 4no. garages with a right of way between them serving as an access to residential dwellings. To the south west of the garages lies a footpath link to residential dwellings. The site is served directly off Coombe Lane lying opposite the Council owned car park.

Proposed Development

This application seeks outline planning permission with all matters reserved for the demolition of 8no. garages and replacement with 2no. two storey dwellings. Illustrative plans of the site layout and size and elevational treatment of the type of the dwellings that would be envisaged have been submitted with the application.

Analysis

The main considerations in the determination of this application relate to the principle of the proposed development and the illustrative plans submitted with the application.

Principle

The site lies within the built up area boundary of Axminster as defined by Strategy 6 of the East Devon Local Plan. Axminster is considered to be a settlement capable of support housing growth due to the level of services it contains for shopping, leisure and access to medical services and public transport to further afield settlements. Accordingly the principle of providing two dwellings on site is acceptable in principle providing its impacts in relation to other policies contained in the local plan and any other material considerations are acceptable.

It is also material to consideration of this application that an almost identical application was approved in 2016 and that despite this application no longer being able to be implemented, there have been no planning policy changes or changes in circumstance in relation to the site since that consent to reach a different decision.

Illustrative plans

The illustrative plans submitted with the application indicative a potential access point, potential layout, potential scale of buildings and potential design/appearance of buildings, each of these will be considered in turn. Although all matters are reserved for subsequent consideration it is necessary to look at these aspects to ascertain whether development of an acceptable form can be achieved on the site.

Access

The access point is existing and serves the eight existing garages on site as well as access to a parking area to the north of the site, the proposed houses would need to take account of the right of access when considering the layout, however, from a highway safety perspective, it is considered that the illustrative access point would be acceptable in accordance with Policy TC7 of the East Devon Local Plan.

Layout and scale

The illustrative layout proposes two dwellings either side of the existing vehicular access to the parking area to the north, this layout would be acceptable. However, parking spaces are indicated and so are two rather large dwellings, the layout is not considered to be appropriate in the Conservation Area with the dwellings needing to be set back and reduced in size. The parking spaces could also be removed to create additional garden area as there is a public car park opposite the site. This would create additional space for which to set the houses back and reduce their scale whilst

providing additional garden area. That said it is not for the Local Planning Authority to design an acceptable scheme that is for the applicant to consider when at the reserved matters stage. At this stage it is however considered that two dwellings could be accommodated without impacting unreasonably on the Conservation Area, neighbouring residential properties' amenity or highway safety.

It is however recommended that, as with the 2016 consent, an Informative be added to any planning permission to clarify that the indicative plans are unlikely to be acceptable with a more appropriate form, scale and design of dwellings required at the reserve matters stage.

The single representation received raises issues of parking/turning which have been addressed above, impact of windows would need to be assessed at the reserved matters stage and maintaining a right of way is a civil issue, although removing the parking for the two dwellings may reduce the likelihood of vehicular or pedestrian conflict.

The comments from the Town Council are appreciated but as consent has already been granted, and subject to amended design and layout, it is not considered that the proposal would represent over-development. The number of bedrooms would be considered at the reserve matters stage along with issues of privacy and window locations.

Design/appearance

The illustrative designs provided are fairly basic in their detailing and layout, being in the Conservation Area the detailing and overall design would need to be improved and a bespoke design to fit the characteristics of the site provided.

There is a statutory and policy requirement to ensure that conservation area are persevered or enhanced.

The comments from the Conservation Officer re-iterate those from 2016 and again raise no objection to two appropriately designed dwellings on the site concluding that the proposal is acceptable with the current site making little contribution to the Conservation Area and development providing the opportunity to enhance the area.

Archaeology

Under this outline consent the Archaeology Team at Devon County have identified this site as having archaeological potential. As such they have a recommended securing an implementation programme prior to the commencement of the development. It should be noted that this was not a condition under the previous 2016 outline consent. However, the fact that this issue was not picked up on that historic outline does not now mean such a request is unreasonable. Whilst the policy context remains unchanged the fact that it was not previously requested does not diminish the necessity for this implementation programme given the identified archaeological potential of this site. A condition requiring an implementation programme is therefore a requirement to comply with local plan policy EN6.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Approval of the details of the layout scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. 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.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]
(Reason - The space available would not permit such additions with 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 New East Devon Local Plan 2016.)
5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. (Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development).

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 applicant is advised that the reserved matters submission should take a more appropriate layout, form, scale and design to that provided illustratively at the outline stage (which would not be appropriate), that acknowledges the characteristic of the site and the Conservation Area.

Plans relating to this application:

271-1	Location Plan	22.07.20
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List of Background Papers

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

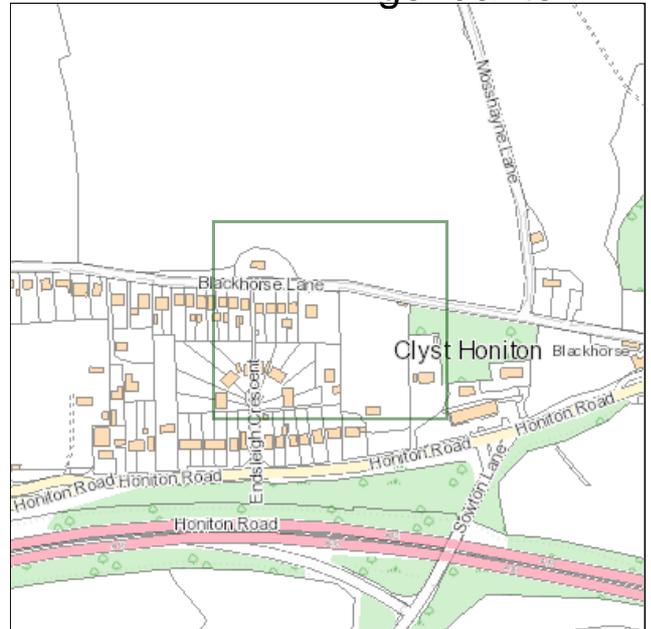
Ward Broadclyst

Reference 20/1617/FUL

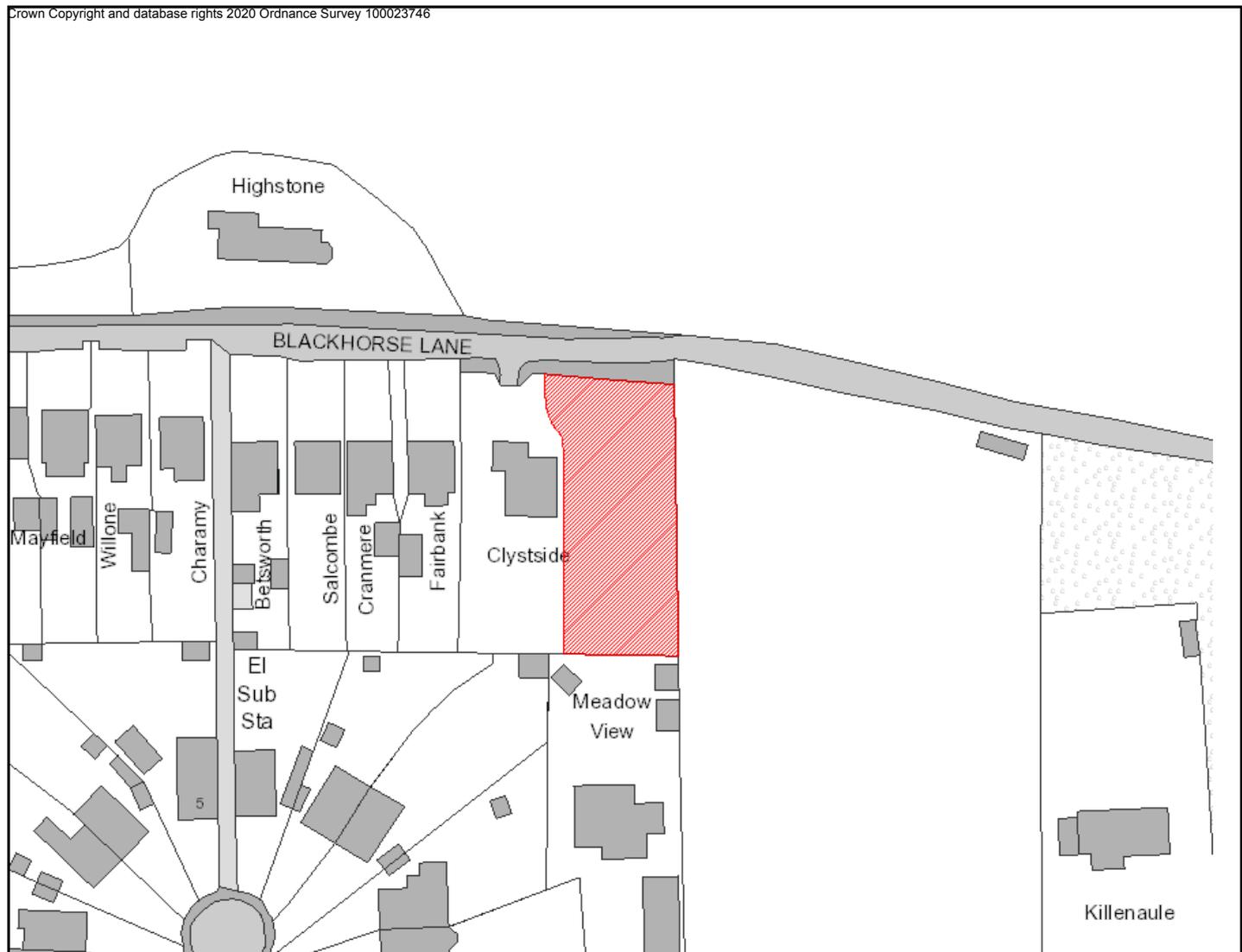
Applicant Mr Gary Moore

Location Clytside Blackhorse Lane Blackhorse Exeter EX5 2AR

Proposal Construction of bungalow, including detached garage and new vehicular entrance



RECOMMENDATION: Approval with conditions



		Committee Date: 4th November 2020
Broadclyst (Broadclyst)	20/1617/FUL	Target Date: 27.10.2020
Applicant:	Mr Gary Moore	
Location:	Clytside Blackhorse Lane	
Proposal:	Construction of bungalow, including detached garage and new vehicular entrance	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the proposal is a departure from the Local Plan.

Planning permission is sought for the construction of a detached bungalow, a detached garage and a vehicular entrance to serve the site. The development would take place in the garden area to the east of the existing property on the plot.

The site is located within the hamlet of Blackhorse, close to Clyst Honiton, with the site and nearby properties located outside any designated built-up area boundary. However, there is a notable amount of development in the vicinity. In particular, in addition to the existing dwellings to the south and west of the site, the land on the northern side of Blackhorse Lane is part of the Tithebarn/Mosshayne development site, which is currently being developed into a significant area of housing totalling 1,500 dwellings including a neighbourhood centre and recreational facilities. Also, the Exeter Science Park is situated a short distance to the west of the site, and several bus services run along the former A30, which is also close to the site. Additionally, close to the bus stop is a public house. Blackhorse Lane, from where the site is accessed is a designated cycle route linking Cranbrook with Exeter and wider cycle networks.

In simple planning policy terms, the site is in the countryside and the proposal does not benefit from any planning policy support. However, as detailed above, in this instance, the location of the site is such that there are a number of factors which indicate that the site can be considered to be sustainable. Indeed, once those factors are fully considered, it is considered that it would be unreasonable to argue that the development would be unsustainable.

With regard to the visual impact from the development, the site would be screened by retained trees or existing dwellings from most directions and takes place within

an existing residential garden that is differentiated from the adjoining countryside. From directions where there is less screening, it is considered that the proposed dwelling would be read in conjunction with the existing development in the vicinity, which would reduce the visual impact of the proposal.

Whilst the proposal access would result in the loss of the bank and a slight erosion of the semi-rural appearance of that part of the lane, given the nature of development to the west of the site, with numerous driveway entrances, it is considered that this would not be overly harmful.

The proposed property would be a bungalow, and the nearest neighbouring property would be to the east although there is also a neighbouring property to the south, but this is located further from the proposal site. It is considered that no element of the proposal would be sufficiently close to another property to be overbearing.

The proposed dwelling and garage would not, in themselves, have a direct impact on the highway or cycle route. However, a new vehicular entrance is proposed to serve the development. The highway in question is a narrow and lightly trafficked highway, which is now a no through road to vehicles, but is a cycle route. There are a number of vehicular entrances along the stretch of highway to the west of the site. On that basis, and as the proposed entrance would be on a wider part of the road, it is considered that the proposed entrance would not have a detrimental impact on highway safety. Notably, the County Highway Authority has not objected to the proposal.

In light of the points raised above, whilst the proposal is a departure from Local Plan policy, there are other material considerations that enable the proposal to be supported on the basis that it is located in a sustainable location and as the visual impact from the proposal is acceptable, being within the garden of an existing dwelling and therefore not resulting in wider visual harm to the countryside.

Consequently, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

On 7th September 2020, Council agreed to support the planning application 20/1617/FUL

Thank you.

Technical Consultations

EDDC Trees

The submitted Arboricultural report and AIA correctly assess the trees present on the site. All significant trees are shown to be retained and the outline TPP demonstrates how they will be protected during construction.

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Please click [here](#) to view the table of distances of buildings/structures from a public sewer.

Further information regarding the options to divert a public sewer can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

(see drainage/sewer map under documents tab)

Other Representations

No third party representations have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
85/P1765	Erection Of Detached Bungalow.	Refusal	19.11.1985
88/P2786	Extension.	Approval with conditions	31.03.1989

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 10 (Green Infrastructure in East Devon's West End)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Site Location and Description

This application relates to the garden area to the east of a property known as Clytside, which is a bungalow located within the hamlet of Blackhorse, close to Clyst Honiton. Access to the site is off Blackhorse Lane, which is situated to the north. This lane has a rural feel, and is now a no through road for vehicles, as a result of changes to the highway network to facilitate the near-by Science Park and Tithebarn/Mosshayne developments. However, the lane is a designated cycle route linking the Cranbrook area with Exeter. There is a driveway serving the existing property off the lane.

The site itself is level, but is at a higher level than the aforementioned lane. The site boundaries consist of various trees, fencing and some hedging. The existing dwelling on the plot, a bungalow, is located to the west of the site.

The site is located outside any designated built-up area boundary, but does have a notable amount of development in the vicinity, despite being adjoined by a field to the east. Most notably, there are existing dwellings to the south and west of the site - these are a mixture of bungalows and two storey dwellings. Furthermore, the land on the northern side of Blackhorse Lane is part of the Tithebarn development site, which is currently being developed into a significant area of housing. The Exeter Science Park is situated a short distance to the west of the site. The former A30 is located a short distance from the site; a bus service runs along this road, and there is also a public house situated alongside it.

Proposed Development.

Planning permission is sought for the construction of a detached bungalow, a detached garage and a vehicular entrance to serve the site. The development would take place in the garden area to the east of the existing property on the plot.

Given the nature of the proposal, and the location of the site outside of a built-up area boundary, this development represents a departure from the Local Plan.

ANALYSIS

The main issues for consideration are the principle of development, visual impact, impact upon the amenity of surrounding residents, impact upon trees and highway safety.

Principle and sustainability

The application site to which this report relates is located outside any built-up area boundary designated in the East Devon Local Plan. Therefore, in planning policy terms the site is within the countryside in an unsustainable location. As a result, the proposal does not gain any planning policy support from the Local Plan with the proposal being contrary to Strategy 7.

However, it needs to be considered whether there are any other material considerations that may support the proposal and outweigh the policy objection.

In this instance, the location of the site and its relationship to other development is such that it is a material consideration to weigh into the balance.

Whilst it is noted that there are existing dwellings to the west and south of the site, this in itself is not considered sufficient to mean that the site is in a sustainable location. In this regard, there are more notable developments in the area which are considered to give weight to an argument that it would be unreasonable to argue that this site can be considered unsustainable; most notably, these are the Tithebarn/Mosshayne development which is taking place on the northern side of Blackhorse Lane, and will lead to the construction of around 1,500 dwellings in close proximity to the site benefiting from a local centre and recreational facilities, and Exeter Science Park is situated a short distance to the west of the site.

In addition, although Blackhorse Lane is now a no through road for vehicular traffic, it is a designated cycle path which provides easy access to Exeter in the west, and also to Clyst Honiton, Cranbrook and Exeter Airport in the east. Additionally, the former A30, a short distance to the south of the site, is served by several bus services serving destinations including Exeter, Exeter St. Davids railway station, Exeter Airport, Cranbrook, Ottery St. Mary, Honiton, Axminster, Woodbury and Exmouth. Furthermore, there is a public house situated adjacent to the former A30, within walking distance from the site.

The location of the site close to these services and facilities, benefiting from good access links means that the site can be argued to be well located and close to a range of services and facilities to an extent that could minimise the use of the car.

It is also relevant to note in terms of Strategy 7 that the proposal takes place within an existing garden. As such there is no wider visual impact from the proposal (see Key Issue below). If the proposal were to take place within the adjoining undeveloped field, whilst it may represent a fairly sustainable location, the visual change to the landscape would be considerable and therefore fail Strategy 7 that requires development to not harm the landscape qualities of an area.

The points raised above highlight a number of reasons why, despite the location of the site outside a built-up area, it can be considered to be in sustainable location and development. When these factors are given consideration alongside the local plan, it is considered that, on balance the development would be in a sustainable location and, therefore, that the proposal is acceptable in principle. However, before it can be concluded that the development is acceptable overall, a number of other factors must also be considered. These are as follows:

The visual impact of the development on the area.

There are some trees within the site and also on the curtilage boundary. These provide screening of the site, and would be sufficient to obscure long distance views of the site, especially from the north, as they would be retained. From the west, where there are less trees to screen the site, the single-storey scale, design (matching the

adjoining bungalow) and location of the proposed property is such that it would be read in a similar way to the existing development and would not represent a visual intrusion into the area/countryside. In other directions existing dwellings would screen the site from longer distance views.

The roadside boundary of the site currently consists of a grass bank. It is proposed to create an entrance through this. Clearly, this would result in the loss of the bank and a slight erosion of the semi-rural appearance of that part of the lane. However, given the nature of development to the west of the site, with numerous driveway entrances, it is considered that this would not be overly harmful or justify refusal of planning permission on its own.

Given the above comments, it is considered that the proposal is acceptable in terms of its visual impact on the area.

The impact of the proposal on the amenity of the occupiers of other dwellings.

The proposed property would be a bungalow, and it has been designed with its main openings on the front and rear elevations (north and south respectively). The closest neighbouring property would be to the east; on that elevation, two windows are proposed, which would both serve bath/shower/toilet rooms. These windows are, therefore, likely to be fitted with obscure glazing. However, despite the presence of a neighbouring property to the west of the site, it is not considered necessary to impose a condition to ensure that those windows are obscure glazed; this is because of the single-storey nature of the proposal and the detached garage associated with the proposed dwelling being located between those windows and the neighbouring dwelling.

The other proposed windows and openings in the dwelling are considered to be acceptable in terms of the views they would provide. This is on the basis that they would either face the adjoining field to the west, the highway to the north of the dwelling or face into the rear garden, where it is considered that there would be sufficient distance between the proposed dwelling and the neighbouring property to the south.

It is considered that the location of the property within the plot would be such that it would not be overbearing on the occupiers of other properties, as it would be a sufficient distance from the curtilage boundaries.

Although situated between the proposed dwelling and the neighbouring dwelling to the west, the scale of the proposed garage is such that it is considered it would not have an overbearing impact on the occupiers of the neighbouring property. Especially so, as the main windows on that property are on the front and rear elevations to a bungalow.

Given the above, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring properties.

The impact of the development on trees.

As mentioned above, there are a number of trees, some significant in size, in and around the site. Consequently, the application was accompanied by various Arboricultural reports and plans. These confirm that many trees would be retained, and demonstrate how they would be protected during construction. This information has been assessed by the Council's Arboriculturalist, who has not raised any concerns relating to the trees on the site, or the details provided with the application. Therefore, subject to a condition to ensure that the works are carried out in accordance with the submitted tree protection details, it is considered that the proposal is acceptable in terms of its impact on trees.

The impact of the development on the highway and cycle route.

The proposed dwelling and garage would not, in themselves, have a direct impact on the highway or cycle route. However, a new vehicular entrance is proposed to serve the development. The highway in question is a narrow and lightly trafficked highway, which is now a no through road to vehicles, but is a cycle route. There are a number of vehicular entrances along the stretch of highway to the west of the site. On that basis, and as the proposed entrance would be on a wider part of the road, it is considered that the proposed entrance would not have a detrimental impact on highway safety. Notably, the County Highway Authority has not objected to the proposal.

It is considered that adequate off road parking provision would be provided as part of the proposal, given the size of the property proposed.

Other factors.

The application site does not lie within a flood zone, and is not close to any listed building or conservation area.

Blackhorse Lane is designated as part of the Clyst Valley Regional Park. No objections to the possible impact of the proposal on that designation have been received.

South West Water (SWW) has highlighted the proximity of the site to a sewer, and has provided details to the Council and the applicant regarding the proximity of a sewage pipe to the site. Whilst not objecting to the proposal SWW states that it may need to be moved at the applicant's expense. SWW also implies that the proposed use of a soakaway on the site is acceptable.

CONCLUSION

Although the proposal represents a departure from local plan policy by proposing a dwelling outside of any BUAB, the site is on the opposite side of a lane to a wider development of 1,500 dwellings that includes a neighbourhood centre and recreational facilities.

In light of this, and given that the proposal will not result in a harmful visual impact given that the development takes place within an existing garden, the site is considered to be in a sustainable location and of a form that raises no wider harm or concerns.

It is therefore considered that the proposal is acceptable as the material considerations outweigh the lack of planning policy support for the proposal.

Consequently, it is recommended that this application is approved.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development hereby permitted shall be undertaken in accordance with the Tree Protection Plan produced by Aspect Tree Consultancy, dated 26th August 2020, reference number 05493 TPP 26.08.20.
(Reason - In order to protect the trees on the site, in the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 - 2031).
4. The development hereby approved shall be undertaken in accordance with the approved Landscaping Plan produced by Land and Planning Consultancy, dated July 2020, with reference number 49-LPC-06B. 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 - In the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).
5. The development hereby approved shall be undertaken in accordance with the approved Ecology and Lighting Plans produced by Land and Planning Consultancy, dated July 2020, with reference number 49-LPC-07 and 49-LPC-08.
(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

5 Year MMP	Landscaping	30.07.20
49-LPC-08	Other Plans	30.07.20
49-LPC-07	Other Plans	30.07.20
49-LPC-05	Sections	30.07.20
49-LPC-09 A	Street Scene	05.08.20
49-LPC-04 A	Proposed Elevation	05.08.20
49-LPC-03 A	Proposed Elevation	05.08.20
	Location Plan	05.08.20
Tree Survey	Additional Information	01.09.20
	Arboriculturist Report	01.09.20
49-LPC-02 A	Proposed Floor Plans	01.09.20
49-LPC-01 A	Proposed Site Plan	01.09.20
05493 TPP 26.8.20	Tree Protection Plan	01.09.20
05493 TCP 19.8.20	Other Plans	01.09.20
49-LPC-06 B	Landscaping	01.09.20

List of Background Papers

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

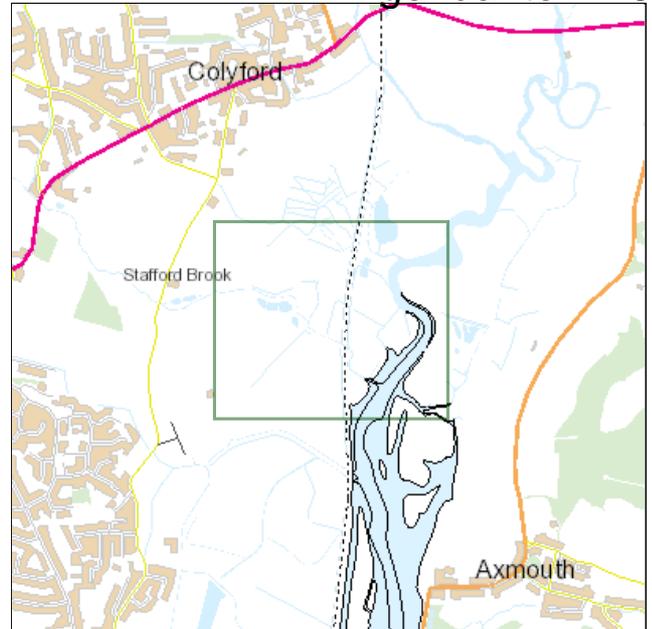
Ward Coly Valley

Reference 20/1442/FUL

Applicant L Taylor

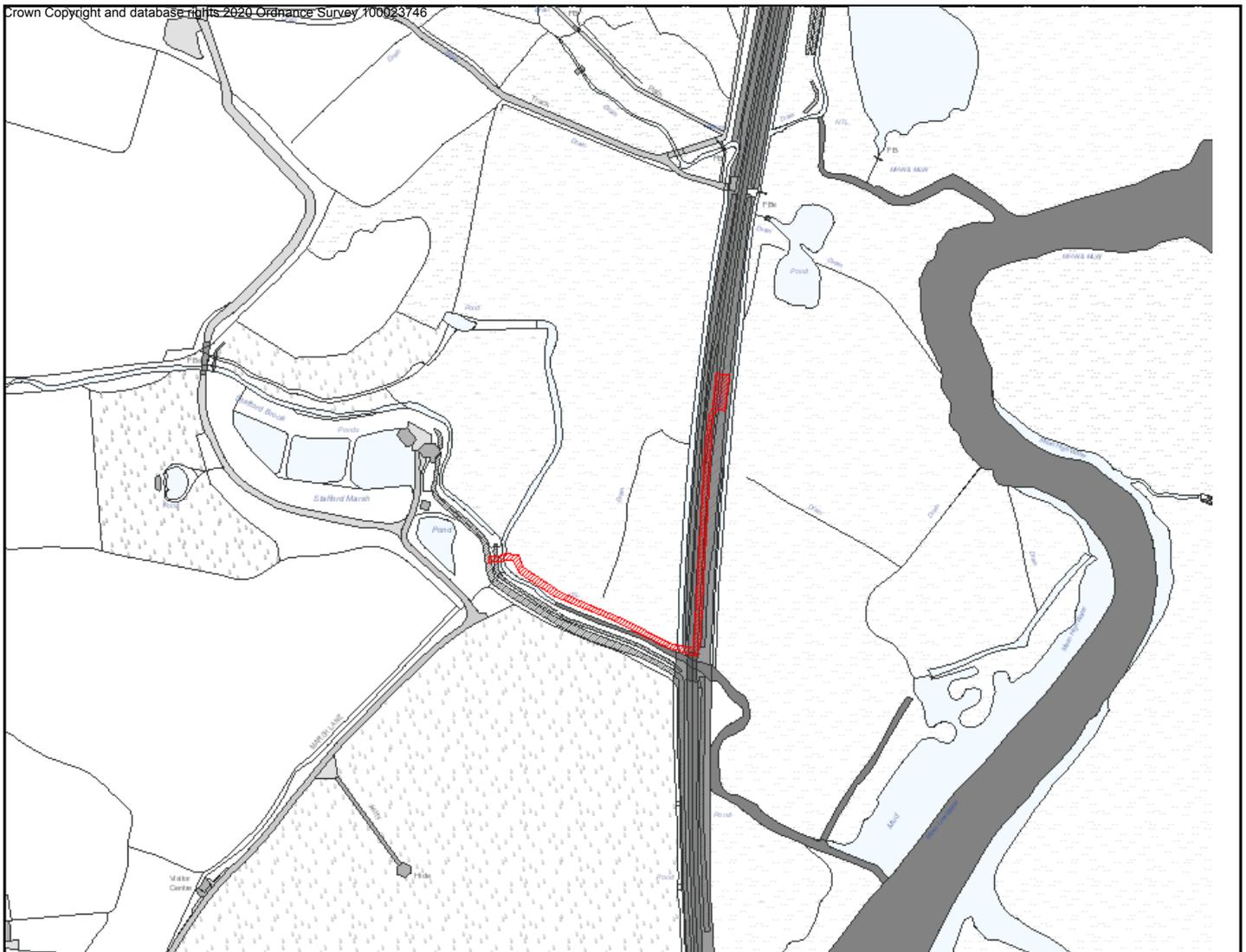
Location Land At Colyford Common Colyford Road Seaton

Proposal Construction of new tramway halt, pedestrian access bridge, ramp, timber walkways and associated works to provide pedestrian link to Seaton Wetlands



RECOMMENDATION:

- 1. Adopt the Appropriate Assessment forming part of this report; and**
- 2. Approve with conditions**



		Committee Date: 4th November 2020
Coly Valley (Colyton)	20/1442/FUL	Target Date: 15.10.2020
Applicant:	L Taylor	
Location:	Land At Colyford Common Colyford Road	
Proposal:	Construction of new tramway halt, pedestrian access bridge, ramp, timber walkways and associated works to provide pedestrian link to Seaton Wetlands	

RECOMMENDATION:

1. **Adopt the Appropriate Assessment forming part of this report; and**
2. **Approve with conditions**

EXECUTIVE SUMMARY

The application is before committee because EDDC manage and own part of the land to which the application relates, and there is an objection to the development.

The proposal seeks to provide a new ‘halt’ station on the tramway between Seaton and Colyton in order to provide direct access to the Seaton Wetlands site. The proposal represents an alternative route to a scheme that already benefits from planning permission under an earlier application (19/2593/FUL).

The halt station would link to the wetlands site via a raised timber walkway and a series of small bridge structures over drainage ditches, these would be similar in appearance to other walkways already employed on the wider wetlands site.

The initial section of walkway would run south from the halt, parallel with and to the west side of the tramline and gradually sloping down to the south. This section would be visible from the wetlands site and to a lesser degree from further afield but would be viewed in conjunction with the tram embankment and would be constructed from natural materials, the appearance of which would soften over time. In addition, the proposal seeks to retain existing trees growing on the embankment which would assist in further reducing any visual/landscape impact.

The proposal is located within a high risk flood zone but is considered to be acceptable with regards to flood risk subject to the provision of a flood evacuation plan.

In other respects the proposal is considered to have appropriately considered the ecological impact of the development and to be acceptable in this respect.

It is also recognised that the proposal has the potential to provide significant benefits to the tourism economy by providing a direct link between two major attractions in the Tramway and Wetlands improving the offer and visitor experience for both. On this basis the proposal is considered to be acceptable and is recommended for approval subject to the conditions set out at the end of the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Colyton Parish Council wish to support this application with the condition that concerns are raised at EDDC regarding the lack of a footpath from either end of the wetlands and an additional tram stop may exacerbate this.

Clerk To Seaton Town Council

Dear Planning East,

I am sorry that the comments for this application are late in being submitted.

Seaton Town Council have no objection to this application.

Technical Consultations

Environment Agency

Thank you for reconsulting us on this planning application.

Environment Agency position

We have no objection to the proposed development.

Reason

We have reviewed the additional information submitted and note the change within the site plan and conclude that our previous position and response is still relevant (our letter ref: DC/2019/121132/01-L01, dated 6th January 2020 under planning ref 19/2593/FUL).

Please contact us again if you require any further advice.

Natural England

Dear East Team

Planning consultation: Construction of new tramway halt, pedestrian access bridge, ramp, timber walkways and associated works to provide pedestrian link to Seaton Wetlands

Location: Land At Colyford Common, Seaton, Wetlands, Colyford Road, Seaton, Devon

Thank you for your consultation on the above dated 20 August 2020 which was received by Natural England on the same date.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE:

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or landscapes and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites - River Axe Special Area of Conservation and Beer Quarry and Caves Special Area of Conservation:

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Axe SAC, Beer Quarry and Caves SAC and other European sites and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

River Axe Site of Special Scientific Interest and Axe Estuary Marine Conservation Zone (MCZ):

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection. Further information on the Axe Estuary and other MCZ's can be found at: <https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england>

Protected Landscapes - East Devon AONB

Based on the plans submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONB. We would advise that the proposal is determined in line with relevant NPPF and development plan policies, landscape and visual impacts are minimised as far as possible.

Other advice:

Protected species:

We have not assessed this application and associated documents for impacts on protected species. We note that water vole, fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended, has been introduced to this area.

Natural England has published Standing Advice on protected species, including on water voles.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance that the proposed development is unlikely to affect the protected species present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites and priority habitats and species:

The application falls within the Colyford Common Local Nature Reserve. You should consider the impacts of the proposed development on any local wildlife sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Lists of priority habitats and species can be found [here](#)¹. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely.

Should the proposal change, please consult us again.

Devon County Archaeologist

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the minimal level of ground disturbance associated with the proposed development I do not consider that the scale and situation of this development will have an impact upon any significant heritage assets.

The Historic Environment Team has no comments to make on this planning application.

Other Representations

2 no. representations have been received one offering support and one objecting to the proposal.

In support The Axe Vale and District Conservation Society consider the proposal will: give rise to health benefits enabling more people to visit and explore the Wetlands; that the proposed development will blend in well with existing infrastructure, and; cause minimal disruption to wildlife.

The objection to the scheme raises concerns regarding: increase public access to the Wetlands and impact of this on birds/wildlife; that there are considered to be sufficient walkways/access at present, and; that there are other improvements that could be made.

PLANNING HISTORY

Reference	Description	Decision	Date
10/0461/FUL	Change of use from agricultural land to cemetery and nature reserve, construction of carpark and 2 hides and excavation of reed bed and pond to create hedge banks.	Approval with conditions	07.05.2010
19/2593/FUL	Construction of new tramway halt, pedestrian access bridge, ramp, timber walkways and associated works to provide pedestrian link to Seaton Wetlands	Approval with conditions	22.01.2020

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN21 (River and Coastal Flooding)

E20 (Provision of Visitor Attractions)

RC4 (Recreation Facilities in the Countryside and on the Coast)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The application site relates to land at Colyford Common which is managed as part of the wider Seaton Wetlands site and is located to the northeast of the town and west of the river Axe. The land lies at the southern end of Colyford Common to the north of Black Hole Marsh and between the Wetlands Centre to the west and the tramway line to the east. The land on site is agricultural in character and level, there is an open watercourse running parallel to and to the immediate west of the tramway which runs on a raised embankment on a north–south axis. There is a further small watercourse running in a ditch along the southern boundary of the site (Stafford Brook) and a number of smaller drainage ditches across the land.

The site lies within a designated high risk flood zone (Flood Zone 3) and together with the rest of the Wetlands is a County Wildlife Site and Local Nature Reserve. The Stafford Brook lies within the Axe Estuary Marine Conservation Zone.

Proposed Development

Permission is sought for the creation of a tramway halt to provide a new passenger embarkation and disembarkation point to provide access into the Wetlands site. The site has been chosen as there is an existing tram passing loop in this location. The works to create the halt consist of an area of block paving set on the existing track bed and safety fencing to either side.

A proposed timber walkway would run to the west side and largely parallel to the tram line. This would be constructed off the embankment on timber supports and would gradually slope down to the south where a new footbridge would be constructed over the drainage ditch. A ramp is proposed to slope down from the bridge to ground level and from here the walkway would run adjacent to the Stafford Brook to link with existing walkways leading to the Wetlands Centre. A number of smaller bridge structures over minor ditches are also proposed.

Background

Planning permission was granted earlier in the year, under application 19/2593/FUL for a similar form of development to that now proposed. The previous scheme differed in that it proposed a bridge access over the ditch immediately adjacent to the halt. A

walkway would then slope down to run at ground level to the west side of the drainage ditch before turning to the northwest as now proposed.

ANALYSIS

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

- The Principle of the development
- The impact on the character and appearance of the area and wider landscape impact
- Ecological Impacts
- Flood Risk
- Economic/tourism benefits
- Other Issues

The Principle of the development

The site lies in open countryside where development is strictly controlled by Strategy 7 of the East Devon Local Plan (EDLP) which only permits development where explicitly permitted by another policy of the Local (or where applicable Neighbourhood) Plan.

In this instance there is no made neighbourhood plan that covers the application site, however support is found for the development in a number of policies of the EDLP. Policy E20 – Provision of Visitor Attractions, offers support for new tourist attractions or extensions to existing tourist attractions subject to a number of specified criteria being met. These criteria require, amongst other things, that the proposals:

- Result in no significant adverse impact on the surrounding landscape and features of natural, cultural or historic interest
- Relate sensitively in scale to the site and surroundings and include appropriate mitigatory landscaping
- The locality is capable of accommodating increased numbers of visitors without giving rise to access issues
- The site is accessible by a variety of means of transport
- There is no significant detrimental impact on residential amenity

In the open countryside there is a further requirement that the proposals relate positively to natural or semi-natural features of the rural environment and would lead to economic diversification.

In addition, Policy RC4 – Recreation Facilities in the Countryside and on the Coast supports outdoor recreation facilities in the countryside subject to similar considerations and further that there are appropriate on-site facilities to meet the needs of the proposal with links to adjacent footpaths and bridleways.

The landscape impact and requirement for any mitigatory planting is considered further below.

In terms of location the tramway and wetlands are already operating and have been for a number of years. At present the two enterprises whilst physically operating alongside each other lack synergy with both offering a view of the other without the ability to move between the two. The proposal would provide a unique opportunity to build a direct link between the tramway and wetlands and to establish a symbiotic relationship whereby visitors/users of the tramway have the opportunity to break their journey with a visit to the wetlands offering the potential for increased visitor numbers for both. The tramway has suggested that the proposal would in particular, provide participation opportunities for new audience groups, offer the potential to increase training, apprenticeship and work experience opportunities and enhance learning opportunities in partnership with local schools and colleges.

In terms of visitor numbers the tramway has its own legislation within which it will need to operate and this will ensure that passenger numbers and timetabling is appropriately controlled. From the Wetland perspective EDDC has been managing the site for over ten years as a visitor attraction and reserve. Visitors are actively encouraged whilst access is controlled and impact managed by providing purpose built access routes through the site, including a network of existing boardwalks. There is no reason to consider that any increase in visitor numbers could not be appropriately managed.

In terms of access to the wetlands site this is direct from the public car park off Colyford Road, which also serves the EDDC cemetery. Pedestrian and cycle access is also available from Colyford Road further to the north opposite Popes Lane. The comments of the parish council are noted in relation to pedestrian access to the site but due to the nature of the proposal the majority of visitors would arrive and leave by tram with appropriate car parking and visitor facilities provided at both ends of the tram line. Further toilet facilities are available at the Wetlands centre.

The nature of the existing uses is such that they do not give rise to any significant amenity impacts and there is no reason for this to change. There are no neighbouring residential properties within the immediate vicinity of the site.

In consideration of the above the proposal is found to have support under the policies of the Local Plan and to be acceptable in principle, other matters are considered below.

The impact on the character and appearance of the area and wider landscape impact

The site does not lie within any designated landscape although it remains attractive countryside forming part of the Axe estuary valley. The boundary of the East Devon Area of Outstanding Natural Beauty is defined by the eastern side of Axe.

The site lies within landscape character type 4B 'Unsettled Marine Levels' of the East Devon and Blackdown Hills Landscape Character Assessment, 2019. The characteristics of the landscape include 'extensive informal recreational use' and in this regard the development would be in character. The management guidelines for development in such areas seeks to ensure these do not harm the unsettled and tranquil character of the landscape. The proposed development, as was the case with the previous scheme, is likely to encourage increased public access but not of a type

that is likely to fundamentally alter its existing character. Similarly, Strategy 44 (Undeveloped Coast and Coastal Preservation Areas) of the EDLP seeks to protect the undeveloped and open status of the designated area, the low key and small scale nature of the proposal, viewed in context with existing infrastructure, is not considered to cause harm.

The revised proposals, as set out in the current application, differ from those previously proposed in that the section of walkway running parallel to the tram line would generally run at a higher level, with a more gradual fall from track height to ground level now proposed. This section of elevated walkway/access ramp would however be constructed from timber and would be viewed in relation to the existing tramline and embankment from close range views to the west. From the east, in public viewpoints across the river Axe, the tramline is clearly visible as a significant landscape feature. From this direction the proposal would be likely to be more visible, than the approved scheme, but it would largely only be the handrail/balustrading that would be visible in any views and these would appear as a linear element in the landscape alongside that of the tram line, would reduce to the south and would visually be broken up through the retention of existing track side trees.

In relation to trees the application is accompanied by an arboricultural assessment report. The report identifies 7 no. trees (all Pendunculate Oaks) varying from young to semi-mature in age and which could be impacted by the development. The larger trees have in the past been heavily pruned to provide clearance for trams. All of the identified trees have been classified as 'C' category trees – those of low amenity value and therefore those that would not normally represent a constraint on development. The report however recognises that the trees provide some landscape interest and are of high biodiversity value. The application seeks to retain all of the trees and the walkway route has been designed with this in mind. Subject to the works begin carried out in accordance with the submitted arboricultural method statement the report concludes that the installation of the walkway, would result in a very low overall arboricultural impact. A condition can be imposed on any permission to require development to be carried out in accordance with this arboricultural method statement.

The proposals would clearly have some visual impact on the undeveloped character of this part of Colyford Common but the design has sought to maintain the simple and low key nature of existing structures found elsewhere within the Wetlands and the revised scheme would also reduce the scale of the bridge required to cross from tramway land to the Common. As a whole the development proposals would have a low key impact utilising natural materials and structures utilised elsewhere on the Wetlands site and the landscape and visual impact would be minimal. It is not considered that any additional landscape planting is required to mitigate this impact as this would in itself be likely to appear out of keeping and to have the potential to impact on the management of the salt marshes.

Ecological Impacts

The site is designated as a County Wildlife Site but is managed by EDDC's countryside team as a local nature reserve. The Seaton Wetlands comprises an area of managed marshland and reedbeds alongside the River Axe made up of four main sites - Seaton Marshes, Black Hole Marsh, Colyford Common and Stafford Marsh. The site lies within

Colyford Common which is described on the council's website as, being, "... regularly flooded by high tides, so this salt-marsh has very unusual flora and fauna, supporting many locally rare and nationally important species. Little egrets fish in the creeks and lagoons on the estuary and large black and white shelduck can be seen grazing here. Wheatears flit across the common, and there is evidence of water vole in the reedbed close to the village."

There is existing public access to the common by means of a series of boardwalks to the north of the application site and which lead to a timber bird hide located adjacent to the tramline approximately 100 metres to the north of the proposed halt.

Policy EN4 – Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites of the EDLP, where development is likely to have an adverse effect, seeks to resist development unless the justification for the proposals clearly outweigh any harm to the intrinsic nature conservation and/or scientific value of the site. Where permission is granted it requires mitigation to reduce any negative impacts.

The application is accompanied by an ecological assessment report prepared by the Countryside team which has been submitted in lieu of a phase 1 habitat survey. The report advises that there are no scheduled protected species which would be affected by the proposal but outlines species of conservation interest that utilise the site. The chosen route, it is explained, would not impact negatively on any of these species and being located within an area of intermittent tidal flooding would not impact on breeding birds. Similarly the light impact nature of the development is not considered to impact on water vole habitat and whilst there would be some localised loss of plant life immediately below the footprint of the boardwalk this would not be permanent as evidenced elsewhere on site. It should be noted that in the case of the current proposal any impact would be less than previously permitted under the earlier scheme as there is less walkway proposed on the Wetlands site. In addition, it is advised that the introduction of boardwalks has been observed to have a positive influence on grazing patterns of livestock elsewhere on site and a beneficial impact on certain plant species.

Along the southern boundary of the site an initial 75 metre section of Stafford Brook lies within the designated Marine Conservation Zone (MCZ). The Axe Estuary MCZ is an inshore site that covers an area of approximately 0.33 km² and is generally constrained by the boundaries of the estuary. The designation seeks to protect this important habitat which provides a link between the surrounding wetlands and the open sea. The specific protected features being Coastal saltmarshes and saline reedbeds; Estuarine rockybeds; Intertidal coarse sediment; Intertidal mixed sediment and Intertidal mud. The general management approach is to maintain these features in a favourable condition. The proposal would not give rise to any direct impacts on these features, being located outside of but adjacent to the designation. Furthermore, the general management of the Wetland includes managing public access and raising public awareness of this unique ecosystem which will benefit the overall management of the site.

The River Axe Special Area of Conservation lies north of the A3052 approximately 900 metres to the north of the site. It is not considered that the proposal would have any likely significant adverse impact on this designation or any of its qualifying

features. An assessment under the Habitats Regulation is considered separately below.

Overall it is considered that the proposal would result in a negligible and very localised impact on ecological interests on or adjoining the site. These limited impacts would be reversible and have the potential to be offset by improving public awareness and potentially funding for the management of the Wetlands site. The comments received relating to the potential for increased disturbance to local bird populations are noted but the proposals seeks to provide increased public access in a very controlled manners in order that such impacts can be appropriately managed. In addition, a very similar proposal already benefits from planning permission.

Flood Risk

The application site and surrounding area lies within Flood Zone 3b and is in fact functional floodplain with the site liable to inter-tidal flooding at times of high tide. Policy EN21 of the EDLP following guidance set out at paragraphs 155 – 165 of the NPPF seeks to locate development in areas of lowest risk of flooding and only where such areas are not reasonably available and following the application of the sequential (and where applicable) exceptions tests, should development in areas of higher flood risk be considered.

In terms of flood risk vulnerability, the use of the site is considered to fall within the 'Water Compatible' classification which includes, 'Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.'

The Environment agency has been consulted on the application and have raised no objections, confirming their position to be unchanged from the previous scheme. The submitted Flood Risk Assessment is appropriate in relation to the scale and nature of the proposed development. The small area of flood plain grazing marsh habitat that would be lost as a result of the application is considered to be acceptable due to the site having importance for local amenity/education as well as providing habitat.

In relation to the previous scheme a condition was imposed requiring, prior to the initial use of the halt/walkway, details of signage to notify the public in advance of flood events and how and by whom this would be managed. It would be appropriate to impose a similar condition on any approval granted.

Economic/tourism benefits

The proposal has been brought forward by Seaton Tramway in collaboration with EDDC's countryside team and has secured Heritage Lottery Funding. It aims to improve the visitor experience by increasing the offer and providing direct access to the Wetlands site from the tramway. Strategy 33 of the EDLP states that the Council will promote a year round industry supporting sustainable growth and which does not harm the natural assets of the district. The scheme clearly has the potential to deliver on the aims of the policy through supporting the existing tramway offer and increasing

public access to the wetlands site in a sustainable manner. These dual benefits are considered to weigh heavily in favour of the scheme.

Appropriate Assessment:

The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2017 (“2017 Regulations”). This duty is for all “competent authorities” (including Local Planning Authorities and other public bodies) to “have regard to the Habitats Directive in the exercise of its functions”.

Regulation 63 (1) of the Habitats Regulations requires consideration of whether a development proposal, is likely to give rise to significant effects on a *European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site.*

The first stage of Habitats Regulations Assessment is to screen development to identify whether any development proposals are likely to give rise to a ‘significant effect’. The scale and nature of the application, which involves controlled public access to Colyford Common (where public access is already available), together with the distance from the designated sites and location downstream from the River Axe SAC is unlikely to affect either the River Axe SAC, Beer Quarry and Caves SAC or any other designated European sites.

Natural England has advised that the development can be screened out at this stage as not giving rise to likely significant effects.

CONCLUSION

This application represents an alternative to a previous scheme which has already been granted permission and remains extant. The amendments relate to the revised routing of the initial section of walkway which would now run parallel to and on the same side of the drainage ditch as the tram line, as opposed to crossing direct to Colyford Common and running at ground level on the west side of the ditch.

As was the case with the alternative scheme the proposal represents an opportunity to provide a direct connection point between two of Seaton’s major visitor attractions with potential benefits arising for both and for the town. The physical works required are relatively low key and in-keeping with existing similar structures already in use on the wider site, they would not result in any significant landscape or visual impacts. The site lies within a high risk flood zone but the proposed use is considered to be water compatible and the Environment Agency has raised no objections subject to consideration of appropriate conditions in relation to provision of a flood plan. It is not considered that the proposal would give rise to any ecological harm or give rise to any likely significant effects on any designated sites. Overall the proposal is considered to represent a positive benefit to the tourism/visitor offer of the town and to raise awareness of the local environment and biodiversity supported by the Wetlands.

RECOMMENDATION

1. Adopt the Appropriate Assessment forming part of the report; and
2. APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the initial use of the halt as a passenger departure/disembarkation point details of flood warning signage (to include: content and design) to be displayed at either end of the walkway during, and where possible in advance, of a flood event shall have been submitted to and agreed in writing by the Local Planning Authority, such details shall also include details of the management responsibilities for such display. Development shall proceed in accordance with details as agreed.
(Reason - In order to ensure appropriate warning and safety measures are in place to minimise the risk of danger to users of the site during flood events in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and the guidance set out at Chapter 14 of the National Planning Policy Framework and associated Planning Practice Guidance.)
4. The timber edging, handrails and sleepers to be used in the construction of the boardwalks, bridges, access ramp and safety handrails shall be finished such that the timber retains a natural appearance and shall thereafter be maintained and retained as such.
(Reason - In the interests of maintaining the natural and rural character and appearance of the site and its surroundings in accordance with Strategies 7 (Development in the Countryside) & 46 (Landscape Conservation and Enhancement and AONBs) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
5. Unless alternative details have previously been submitted to and agreed in writing by the Local Planning Authority, development shall proceed in accordance with the tree protection measures and arboricultural method statement forming part of the Arboricultural Impact Assessment Report prepared by Hi-Line Contractors SW Ltd and dated 11.08.20.
(Reason – In the interests of the character and appearance of the area and biodiversity in accordance with Strategies 7 (Development in the Countryside) & 46 (Landscape Conservation and Enhancement and AONBs) and policy D1 (Design and Local Distinctiveness), D3 (Trees and Development Sites) and EN5 (Wildlife, Habitats and Features) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

C2025.01	Location Plan	08.07.20
C2025.02	Proposed Site Plan	08.07.20
C2025.03	Other Plans	08.07.20
C2025.05	Sections	08.07.20
C2025.06	Other Plans	08.07.20
C2025.07	Other Plans	08.07.20
C2025.08	Other Plans	08.07.20
C2025.08	Other Plans	08.07.20
C2025.10A	Other Plans	20.08.20

List of Background Papers

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

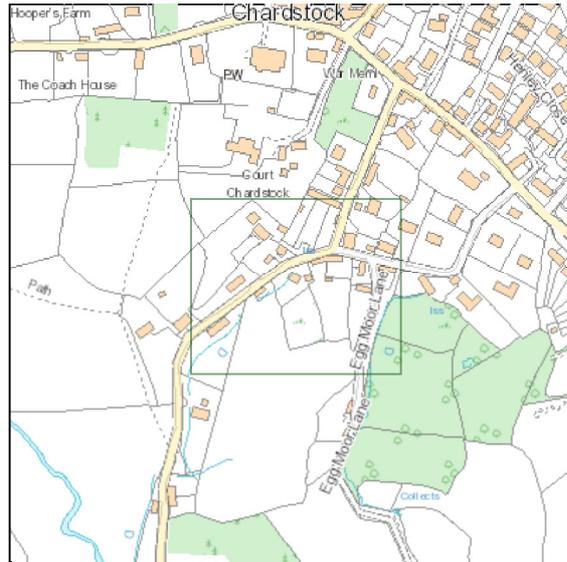
Ward Yarty

Reference 20/0375/FUL

Applicant Mrs Gill Keam

Location Fordings Chardstock Axminster
EX13 7BW

Proposal Construction of pitch roof and
dormer window to existing garage
for the conversion and provision of
ancillary living accommodation.



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th November 2020
Yarty (Chardstock)	20/0375/FUL	Target Date: 12.06.2020
Applicant:	Mrs Gill Keam	
Location:	Fordings Chardstock	
Proposal:	Construction of pitch roof and dormer window to existing garage for the conversion and provision of ancillary living accommodation.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application has been referred to Committee following a Chairman's Delegation meeting so that Members can consider the impacts from the ancillary accommodation on the area.

The application proposes the conversion and upward extension of an existing garage to form ancillary living accommodation. The application does not propose a separate dwelling and if consent were granted, planning permission would be required for the building to be used as a dwelling independent of the Fordings.

The site lies with the AONB, adjoins the Conservation Area and is adjacent to two listed buildings.

The applicant is not required to demonstrate a need for the extension or to justify its size (although they have advised it is to enable the applicant to care for an elderly parent), and it is for Members to consider the physical and visual impact from the extension that represents additional living accommodation for the main house, albeit in a detached form.

The main impacts are from the addition of the roof, dormer window and changes to the appearance of the garage. With regard to these, the impacts are considered to be acceptable given the limited height of the roof extension, position of the dormer window, poor appearance at present of the garage with a flat roof, existing boundary treatment and position of the garage set back from the road that results in an acceptable visual impact upon the Conservation Area and AONB.

The application has been amended since its submission to remove a rear store that would have impacted upon a tree to the rear of the site, and included some

changes to the design of the building through the introduction of timber cladding to break up the bulk of the building.
In light of the lack of harm to neighbouring amenity, the acceptable visual impact, and subject to a condition to ensure that the use remains ancillary to the main house such that it cannot be used as a separate dwelling, the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Clerk To Chardstock Parish Council

Council does NOT support this application as it believes it represents significant over-development in this part of the parish, being immediately adjacent to both the Chardstock Conservation area and the nearby listed buildings.

The proposal for a new detached dwelling is contrary to both the EDDC Local Plan and the Chardstock Neighbourhood Plan.

The application should not, in Council's view, have been validated as the following reports are omitted;

Design and Access Statement
Tree / Habitat Report
Foul sewage and waste treatment report
Parking and Access Report

Council also wishes to urge the Local Planning Authority to commence the review of the existing Local Plan as a matter of extreme urgency so that policy pertaining to annexes and "ancillary living accommodation" can be formulated and agreed upon.

Further comments:

The Parish Council met to consider the amended plans at their Extraordinary meeting held 29th September and resolved to reiterate their objection to this application on the grounds that it does not accord to the Chardstock Neighbourhood Plan, that it represents overdevelopment on the site and that there is not sufficient detail in the submission documents to clearly indicate the proposed future intended use. Council notes that the EDDC planning system refers to "ancillary living accommodation" but it can find no reference to this statement of fact in the applicants submitted plans and documents. Council believes that approval of this application would create a new, self-contained, dwelling within the parish, which would be contrary to the designation of "unsustainable" that applies to the parish as a whole, as per the adopted EDDC Local Plan. Council does also wish to support the comments made by the Conservation Officer (dated 19/6/20) in relation to the proposed design, scale and building height and its relationship with the buildings nearby.

Yarty - Cllr Paul Hayward

In line with the views of the Parish Council, I am unable to support this application (as amended) as it does not appear to accord with both the Local Plan and the Chardstock

Neighbourhood Plan. The proposals seem to create a new, entirely self-contained, new 2-bedroom dwelling, with limited parking facilities, in a parish designated as unsustainable. The description of the proposal as "ancillary living accommodation" is not clarified or supported by applicants submissions and thus this inference can not be drawn.

Technical Consultations

EDDC Trees

There is a significant early mature Copper Beech growing at approximately 7.0m from the SW corner of the existing garage. It is reasonable to conclude that the proposed shed extension to the rear of the garage has the potential to compromise the Root Protection Area (RPA) of this tree. This issue can be addressed by the use of helical pile foundations supporting a suspended ring beam and cast concrete floor.

In the absence of any tree survey and report, if the application is to be approved we will need make conditions requiring the following:

1. The construction details for the foundations of the shed extension, these should demonstrate how the design avoids damage to the roots of the retained tree;
2. The protection of the RPA during the construction of the development to include a Tree Protection Plan (TPP)
3. The submission of an Arboricultural Method Statement (AMS) to cover the implementation, monitoring and recording of the above.

Conservation

The information provided is minimal in support of the proposed design and specifically its impact on the setting of heritage assets i.e. 2 listed buildings and bordering the Conservation Area.

There is no information regarding the proposed materials other than a very brief reference in the application form: "to match" although this may only be regarding the render on the walls.

There may well be scope for change, however, this proposal does not make an informed response to the context and topography of the site. The existing garage is measured as 2.9m and the proposed ridge height increases significantly by 2.4m. It is this excessive increase in height that it is considered this will have a negative impact in the setting of the heritage assets.

The proposed drawings could be more descriptive using best practice compass settings rather than front, right, left etc on the elevations.

The design in general is of little merit and does not reflect a contemporary response to the local vernacular.

Suggested mitigation is to reduce the ridge height to close to the existing, use sympathetic materials that reflect the vernacular and an enhanced design to celebrate this new layer of history for this rural area.

Recommendation - unacceptable.

Further comments:

Addendum to initial comments made, it is disappointing that the proposed material for the windows and doors is Upvc. It is assumed that the timber cladding is not manmade. The removal of the shed is a positive amendment to this revised design.

Other Representations

Two neighbour letters of objection have been received raising the following concerns:

- Inaccuracy of plans;
- Inadequate space for the shed;
- Inadequate turning and parking;
- Impact upon tree top rear of the site;
- Lack of information on the proposal;
- In AONB, near to Listed Buildings and at edge of Conservation Area;
- Design not in character;
- Contrary to Local Plan policy;
- Proposal is for a detached house;
- Property already extended;
- Contrary to Neighbourhood plan;
- Disturbance from additional cars;
- Not a suitable location for a new house.

PLANNING HISTORY

06/2413/FUL – Single-storey side extension that created a ground floor family room. Approved 20th November 2020.

POLICIES

Adopted East Devon Local Plan (2013 – 2031)

Strategy 7: Development in the Countryside
Strategy 46: Landscape Conservation and Enhancement and AONBs
Policy D1: Design and Local Distinctiveness
Policy D3: Trees and Development Sites
Policy EN9: Development Affecting a Designated Heritage Asset
Policy EN10: Conservation Areas
Policy TC2: Accessibility of New Development
Policy TC7: Adequacy of Road Network and Site Access

Chardstock Neighbourhood Plan

CPNP 01 – Sustainable Development
CPNP 02 – Protecting Conservation Area and other heritage assets
CPNP 03 – Protecting the built environment
CPNP 04 – Protecting and enhancing the natural environment

National Planning Policies

National Planning Policy Framework

Site Location and Description

The application site comprises a two-storey detached dwelling and detached double garage at the edge of Chardstock.

The dwelling and garage are finished in render with tiled roofs.

The site is adjoined by a hedge to its eastern boundary with the adjoining property with a driveway to the front of the garage capable of accommodating 4 cars and accessing directly onto the road which is a narrow lane.

The site falls outside of, but adjoins at the north-east corner of the site, the boundary of the Chardstock Conservation Area. It is also relevant to note that the property to the east (Springhayes) and property opposite (The Shrubs) are Grade II Listed Buildings.

The site falls within the Blackdown Hills Area of Outstanding Natural Beauty.

Proposal

The application proposes an upward extension to the existing garage though the introduction of a pitched-roof and single dormer facing the host dwelling. Boundary hedges and the tree to the rear remain unaffected by the proposal.

The Agent has stated that the accommodation is required to enable the applicant (who is about to retire from the Royal Navy) to assist in the care of his parent.

For clarity in response to the comments received on the application, it is for the provision of ancillary accommodation to the main house. The application is not seeking, and would not benefit from, permission for a separate independent dwelling should this planning application be granted. Whilst the internal layout of the building may enable independent occupation, a further planning application and permission would be required to enable this to happen.

The application is therefore seeking accommodation that is ancillary to the Fordings and should planning permission be granted this would mean that any use would have to be reliant upon the main house and be used as if the accommodation were part of Fordings. Whilst this is inherent in the permission being applied for and included within the Description of Development, it can be further ensured and controlled through the imposition of a condition clarifying that the accommodation can only be used ancillary to Fordings.

Since the initial submission of the application, it has been amended as follows:

- Removal of the rear shed due to insufficient space and conflict with the tree to the rear;
- Addition of timber cladding to the front elevation and dormer walls;
- The Agent has also confirmed the retention of the existing lower plinth to the building that matches the main house.

There are no changes proposed to the parking/turning area to the front of the site although obviously the proposal results in the loss of the parking spaces within the garage. There would remain space for 4 cars on the driveway.

ANALYSIS

The main issues for consideration of the application are the principle of development, visual impact (including the impact upon the AONB, Conservation Area and upon the setting of the listed buildings), impact upon the amenity of surrounding residents and highway safety.

Principle

The application is for an extension to the dwelling and such extensions are acceptable in principle across the district. Given that local plan and neighbourhood plan policies would not support new build residential dwellings in this location, as mentioned above a condition can be imposed for clarity and to ensure that the extension is not used as a separate dwelling and is only used as accommodation ancillary to Fordings.

Visual Impact

The site is within the AONB, at the edge (but outside) of the Conservation Area and close to two listed buildings. The application has been amended since its original submission to provide cladding to the building to provide an improved appearance and visual impact.

With regard to the AONB, there is no objection to extensions to properties where they are of a suitable design and do not harm the landscape character of the area. As the character of the immediate area is of residential plots, and given the fairly bland flat-roofed nature of the existing garage, it is considered that the proposal will conserve and enhance the quality and local distinctiveness of the landscape character of this part of the AONB in accordance with Strategy 46 of the Local Plan and Policy CPNP 03 of the Neighbourhood Plan.

Turning to the Conservation Area, again, the introduction of the roof, the fact that the garage is set back from the road and partly screened by landscaping, ensures that the proposal will preserve the character and appearance of the area. It is noted that the Conservation Officer acknowledges the amendments. With regard to materials, a condition can be imposed to ensure that timber cladding is used and whilst Upvc windows could be justified in the Conservation Area, they could not be justified in this location outside of the Conservation Area where the main dwelling benefits from plastic windows. It is therefore considered that the proposal will conserve the character and appearance of the adjoining Conservation Area in accordance with Policy EN10 of the Local Plan and Policy CPNP 02 of the Neighbourhood Plan.

With regard to the setting of nearby listed buildings, the site does not fall within the setting of either building and it is not considered that the addition of a roof to the existing garage, partly screened by existing landscaping, would harm the setting or

significance of the listed buildings. As such the proposal complies with Policy EN9 of the Local Plan and Policy CPNP 02 of the Neighbourhood Plan.

Whilst it is recognised that policies in the Neighbourhood Plan seek to protect heritage assets, the requirement in the relevant Neighbourhood Plan and Local Plan policies are that proposals should conserve or enhance the character and appearance of the Conservation Area. In light of the improved design and appearance to the building, its position set back from the road, design of the host dwelling and boundary treatment, it is considered that the proposal conserves the character and appearance of the area in accordance with policy and that a refusal of planning permission on the basis of design would be very difficult to justify.

Finally, comments have been made during the course of the application that the visual impact from the proposal could be improved through the conversion of the existing garage building without its upward extension. It has also been raised that there is no need for the upward extension to care for a relative. Whilst these points are noted, there is no requirement for the applicant to justify a need for an extension. The application has to be considered on the basis of the impact from what has been submitted and proposed. It is not for the planning system to establish a need for this proposal.

In light of the above, it is considered that the visual impact from the proposal is acceptable.

Impact upon amenity

In light of the main changes to the building being the installation of a roof that pitches away from the neighbour and is to a single-storey building, the presence of existing boundary treatment, and location of the dormer window facing the host dwelling, this will ensure that there will be no harmful impact upon the amenity of surrounding properties.

Highway safety

Whilst the proposal will result in the loss of parking currently available within the garage, the dwelling will retain space for the parking of cars on its drive. Whilst 4 cars could be parked on the drive, the Local Plan requirement would be for two spaces for Fordings. As such there would remain sufficient parking to serve the dwelling.

There is no planning justification for a revised access to serve the dwelling or for cars to be able to enter and leave the site in a forward gear. The application is proposing additional floorspace for the main dwelling and whilst the applicant has advised that the accommodation would be occupied by an elderly relative, as there is nothing stopping that relative from living in the main property, there is no justification for any change to parking numbers or to the access.

Other matters

During the course of the application it has been raised that the proposal will introduce more occupiers to the dwelling and as a result have a greater impact. However, there

is no restriction on the number of family members that can live in a dwelling and any impact would be the same regardless of whether the occupier lives in the main house (without needing permission) or within this new ancillary accommodation. As there is no limit on the number of family members that live in the dwelling, it would be difficult to argue that the proposal unreasonable places a disproportionate demand on local services or families contrary to Neighbourhood Plan Policy CPNP01. With regard to this policy, there is a requirement for development to facilitate a high levels of energy and resource efficiency. This will be achieved through a design that meets Building Regulations requirements and it would be unreasonable on such a small scale proposal to insist upon further measures.

Concerns have been raised regarding the fact that the ancillary accommodation proposes two bedrooms and an upstairs when adequate accommodation for one person would be available on the ground floor. Whilst this may be the case, the application needs to be considered on the basis of its impact and no harm can be identified from the upward extension. The application is in effect proposing an extension to the house and as long as the impact is acceptable, the number of bedrooms and whether they are within a separate building or an extension to the main house are not relevant.

The Parish Council have raised a question regarding whether adequate information has been submitted to validate the application. On the basis that the application is in effect for a house extension, adequate information has been submitted and a Design and Access Statement was not required.

The Parish Council have also stated that they believe that the proposal represents overdevelopment of the site. Again, if a separate dwelling were proposed then this may be arguable as the dwelling would not benefit from any usable amenity space and would be out of character with the form of local development that is characterised by larger dwellings in larger plots. However, the application is for a house extension and there would remain adequate amenity and parking space on the plot with the building retaining its appearance as part of the single dwelling.

Finally, the Parish Council state that the situation with regard to ancillary accommodation and annexe should be reviewed as part of the review of the Local Plan. This can be carried out if Members wish and a specific policy may be able to restrict the sizes and layout of ancillary/annexes and detail when they would be appropriate.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fordings and shall at no time be occupied as a residential unit independent of the Fordings.
(Reason - The building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and/or it is an unsustainable location where a separate unit of accommodation would not be adequately served by a range of services and facilities such that it would not comply with the requirements of Policy D1 - Design and Local Distinctiveness, Strategy 3 - Sustainable Development and Strategy 7 - Development in the Countryside of the Adopted East Devon Local Plan 2013-2031.)

4. The cladding to building elevations hereby approved shall be timber.
(Reason: In the interests of the visual amenity of the area and given the location of the site within the AONB and adjoining the Conservation Area in accordance with Strategy 46 - Landscape Conservation and Enhancement of AONBs, 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.

Plans relating to this application:

Existing Block	Block Plan	11.09.20
Proposed Block	Proposed Block Plan	11.09.20
Amended	Proposed Combined Plans	11.09.20

List of Background Papers

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

Ward Yarty

Reference 19/2283/COU

Applicant Mr I Chubb

Location The Big Office Chubbs Yard Chardstock
Axminster EX13 7BT

Proposal Change of use from office to dwelling
(retrospective)



RECOMMENDATION: Approval with conditions



		Committee Date: 4th November 2020
Yarty (Chardstock)	19/2283/COU	Target Date: 15.01.2020
Applicant:	Mr I Chubb	
Location:	The Big Office Chubbs Yard	
Proposal:	Change of use from office to dwelling (retrospective)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The planning application is before Members as the applicant is a Member of the Council.

The proposal seeks retrospective planning consent for conversion of a former office use to residential accommodation.

Policy D8 of the adopted local plan facilitates the conversion of rural buildings subject to certain criteria. As Chardstock does not have a built up area boundary for planning purposes the proposal takes place within the open countryside and in a location where the conversion of existing buildings is supported by policy D8.

Whilst Chardstock does not have a built up area boundary it does have a number of services and facilities which means that in accordance with policy D8 occupiers would be located close to a range of accessible services and facilities to meet the everyday needs of residents. Accordingly there are no objections to the principle of the development in relation to Policy D8.

The proposal would result in the loss of an office use and therefore the impact on employment needs to be taken into account. Set against the backdrop of the Covid-19 pandemic there is lack of demand for such office uses at the present time. In light of this, and with a lack of evidence for the need for this unit from the Economic Development, it is not considered that it could be demonstrated that the loss of this unit from business use would undermine employment opportunities in the area. As such, there is no need for a marketing exercise under Strategy 32 and the policy is considered to comply with this strategy. Therefore this issue does not weigh against the scheme.

As the building is a relatively recent construction with the built form relatively unchanged through the conversion works there is not harm to the character of the building or wider area (including AONB).

The building is within the designated conservation area but is not considered to harm its historic character and no objections are raised by the conservation officer.

The proposal takes place within a commercial yard area and there could be a conflict with road users and pedestrians. The driveway area and the curtilage of the dwellings house is defined by a raised curb which reduces likely risk of conflicting traffic.

Given the above the proposal is considered to accord with the requirements of strategy 7, 32 and policies TC2 and D8 of the local plan. Therefore the officer recommendation is one of approval.

CONSULTATIONS

Local Consultations

Clerk To Chardstock Parish Council

Council does NOT support this application for the following reasons:

- Unacceptable layout and design
- Fire safety concerns over building materials and composition close to adjacent thatched dwellings, listed buildings and joinery business.
- Appearance is detrimental to existing village streetscene
- Dwelling does not appear to be disabled accessible or compliant
- Council has concerns over highway safety given immediate proximity of residents to commercial vehicles and industrial machinery
- Council has concerns over availability and safety of parking on site
- Conversion of dwelling would cause negative impact on character of village and adjoining conservation area and listed buildings
- The loss of the last remaining economic amenity site in the parish would be of detrimental harm to the parish and residents (see Early's Garage decision)
- Council has concerns over the safety of future residents and the security of the previously locked yard against intruders and those with criminal intent.
- Council is concerned that the dwellings garden sits on top of a former fuel tank which has been flagged as "hazardous - unknown substances" in local planning survey searches. The risk of contamination and fire risk does not appear to have been considered prior to the conversion.
- Council also queries whether the building itself is capable of conversion to a dwelling house given the building materials and construction previously seen at the site.

Council respectfully reminds the LPA that the village is designated as Unsustainable and queries whether this dwelling house would be granted consent as a new build as opposed to a converted commercial unit.

Chardstock Parish N/Plan Strategy CPNP02 c) states that;
"development near listed buildings in the parish, should be sympathetic and harmonious with respect to density and spacing and not intrusive or out of proportion."

Chardstock Parish N/Plan Strategy CPNP02 c) states that;
"development of commercial premises should not disturb the peaceful, rural atmosphere of the parish"

Council also queries the purported ability to claim Permitted Development on this site as it is part of a light to medium industrial site, rather than a suite of offices. Whilst Council does not deny that the building HAS been used as an office in the past, its conversion should be viewed in context of the other commercial activity nearby and the predominant use of the whole site, which certainly is NOT Class O. The Planning Portal also states that Permitted COU does not apply in a Conservation Area or AONB and thus Council queries the advice previously given by the Enforcement Officer.

Technical Consultations

Economic Development Officer 22.09.2020 –

I am not personally aware of any recent or live enquiries for B1 employment space in Chardstock but should make clear that the vast majority of premises enquires are directed towards commercial marketing agents and not to local authority economic development teams.

To try and understand better the supply of available premises, I carried out both a Zoopla search and a CoStar analysis. Local agencies may have listings but I can find no alternative or comparable B1 workspace being actively marketed within Chardstock, only in Chard 4.2 miles north.

As such, from what I can tell, local B1 supply does appear constrained. In the current recession following from the ongoing pandemic, I'm unable to speak with any confidence on B1 workspace demand in this location, not least for what is a fairly unique property which differs from more traditional office workspace in terms of both design and setting. Were the unit a B2 workshop and marketed effectively, I've no doubt a tenant could be found as such workspaces are less impacted by C-19 distancing measures. Also worth highlighting the very limited parking provision would further reduce the level of potential B1 office use interest.

Having said all of that, local knowledge is key and if the Parish Council are aware of legitimate potential demand for this employment space, perhaps associated with any increased commercial activity on site, this should be taken into account. In this instance there could be potential for the loss of the unit to residential use causing some degree of harm to local employment opportunity. This would then warrant the completion of a robust marketing exercise undertaken in accordance with our published marketing guidance prior to COU at <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>

Conservation

CONSULTATION REPLY TO PLANNING EAST TEAM

PLANNING APPLICATION AFFECTING LISTED BUILDING AND CONSERVATION AREA

ADDRESS: The Big Office Chubbs Yard, Chardstock

GRADE: II setting APPLICATION NO: 19/2283/COU

CONSERVATION AREA: Adjacent Chardstock

PROPOSAL: Change of use from office to dwelling (retrospective)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file.

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

This application relates to the change of use of The Big Office from an office to a dwelling. The building is of a portacabin type appearance, clad in timber with upvc windows. There is a small garden area and parking to the north east of the site.

With regards any heritage concerns these would relate to whether the use as a dwelling has an impact on the setting of the listed building or the wider Chardstock Conservation Area.

Chardstock is a typically rural village containing many examples of vernacular architecture. Dating from as early as C15, there is also much late C19 work which contributes to a more planned appearance. The village is characterised by its traditional appearance, the use of traditional building materials including thatch, Ham Hill stone and Bridgewater pantiles. In addition, the use of chert for boundary walls. The village comprises a variety of spatial alignment and juxtaposition which provides an enhanced visual interest and vistas within the street scene that provide a sense of enclosure. The village is essentially dwellings with a Church, School and some small business uses.

The Big Office is located in Chubb's Yard and lies to the west of the boundary of the Chardstock Conservation Area. Yew Tree Cottage is listed Grade II and is located to the southwest of application site. The current use is consistent with the majority of the village and no changes have been made to the external appearance of the structure.

It is considered that the use of the building as a dwelling has no impact on the existing designated heritage assets

Other Representations

Two letters of objection have been received to date (in summary);

- Set a precedent for loss of industrial/commercial buildings
- Risk to personal safety due to location within a functioning industrial yard

- Not in keeping
- Building unlikely to be up to building regulation standards
- Potentially contaminated land
- Impact on heritage assets

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

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

Strategy 7 (Development in the Countryside)

EN14 (Control of Pollution)

EN10 (Development affecting Conservation Areas)

EN9 (Development affecting a Designated heritage Asset)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

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

Neighbourhood Plans

Chardstock Neighbourhood Plan (made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This planning application relates to the retrospective change of use of 'The Big Office' from an office use to a dwelling. The building is single storey and clad in timber with upvc windows. There is a small garden area and parking to the north east of the site.

The proposal takes place within the conservation area, with two listed buildings in reasonable proximity of the development. It is also within the designated Area of Outstanding Natural Beauty.

Proposed Development

The proposal seeks retrospective use of an office building for use as an independent dwelling house, within Chardstock. The application seeks consent for a change of use

only, meaning that material operations which could change the external appearance of the building do not form part of the proposal. Internally the building contains a bedroom, living room and kitchen/shower room. Other parts of the building have not been surveyed but are included within the application site meaning that this internal floor area could also be used for residential purposes if granted consent.

The property is situated within a commercial yard area within Chardstock. It is understood that the office was converted to a dwelling over the summer of 2018 and has been lived in since October 2018. These works included installing a kitchen and shower room. The building had been use as an office from 2012 and prior to this the building was used as a recording studio.

ANALYSIS

The main issues concerning this proposal are;

- The principle of the development
- Whether the proposal would have the character and appearance of the area, with specific regard to the AONB.
- The impact of the loss of an office use
- The impact on the designated conservation area and the adjacent listed buildings
- Parking and access issues

Addressing each of these in turn;

Principle of the development

The proposal takes place within the settlement of Chardstock. Under the adopted local plan Chardstock did not retain a Built up Area Boundary (BUAB) and so this proposal is considered to take place within the countryside for development plan purposes. Development in rural areas is heavily restricted. Strategy 7 of the local plan is relevant in that this prohibits development in the countryside other than that which accords with a specific policy of the local plan.

Policy D8 facilitates the reuse/conversion of rural buildings. This policy does not differentiate between old or new buildings or refer to a previous use of a building - for example it does not require the former use to be agricultural - or require the building to be of a certain quality. Most rural buildings would be sited in the countryside and so as a matter of principle the policy relates to buildings outside of a BUAB and as such the proposal should be considered against this policy. There are no policies in the neighbourhood plan which conflict with this approach.

Policy D8 establishes a set of criteria including the requirement to not substantively add to the need to travel by car or lead to the dispersal of activity. Further, policy D8 clarifies that for residential purposes, such as this, it needs to be established that development is located close to a range of accessible services and facilities to meet the everyday needs of residents. Therefore it is a requirement to assess the ability of Chardstock to meet every day needs of occupiers.

It is noted that Chardstock has a Church, Pub, Shop, village community Hall and passing bus routes linking to larger settlements. Therefore whilst during consideration of the local plan the lack of sustainability merits of Chardstock lead to the omission of a BUAB (and policy position resisting the construction of new building residential development), the settlement is considered to have adequate facilities for assessment under policy D8 that requires less facilities as it relates to the conversion of existing buildings that by their rural nature are detached from the full range of services and facilities required for new build residential development.

The conversion of the building to residential use is therefore considered to be acceptable in principle being supported by Policy D8 of the adopted Local Plan.

Whether the proposal would have the character and appearance of the area, with specific regard to the AONB.

It is a policy requirement of D8 that the conversion of the building is in keeping with its surroundings, local building style and materials. Whilst the building has served other uses, including a recording studio, the conversion to residential accommodation has occurred without substantially affecting its character.

The building, within the context of the yard, has never provided an agricultural aesthetic to retain and there have been no obvious changes to the materials of the building through the conversion works. Policy D8 required buildings to be structurally sound but given its relatively modern timber construction there are no doubts with regards to its structural integrity. Whilst the apparent use of upvc materials are not particularly sensitive to a rural area it is noted that there are plenty of other examples within the locality.

Whilst the proposal is within the AONB landscape it is also within a built up area and surrounded by other buildings. Due to the position of the site, the fact that a change of use type of development is proposed only and the limited restricted surrounding views from outside the built form of Chardstock the conversion works are not considered to harm the AONB or indeed the natural landscape qualities which lead to its designation.

The impact of the loss of an office use

If consented the proposal would regularise the loss of a potentially employment generating use in the form of a B1 (office) use. Strategy 32 of the local plan states permission will not be granted for change of use where it would harm the business and employment opportunities in the area. Policy D8 makes no such stipulation for re-uses of such buildings instead stating only that for residential proposals it must be established that the building is no longer required for agricultural use or diversification purposes – as is the case here.

LP Strategy 32 seeks to resist the loss of employment and community sites, whether allocated or not to ensure that local communities remain vibrant and viable and to meet the needs of residents, including job opportunities. It establishes that permission will not be granted for changes of use to non-employment or community uses where it would harm social or community gathering and/or business and employment opportunities in the area, unless certain criteria is met.

Like the Doyle Centre, Exmouth, (APP/U1105/W/18/3201622) appeal decision strategy 32 of the Local Plan is engaged. The appeal decision at the Doyle Centre applied an apparent two stage process to the interpretation of strategy 32. The strategy begins with a presumption against yielding employment use of buildings by firstly establishing whether there is any harm resulting from the proposal. Secondly, if there is such harm to business and employment opportunities then options for retention of the site premises should be fully explored via a marketing period and clear demonstration of surplus supply or provision in the locality. If this can be demonstrated then it stands to reason that there would be no material harm to employment opportunism and therefore such a building can relinquish an employment use, overriding the presumption at the beginning of this strategy.

The comments of the Economic Development Officer have been sought and it is apparent that for B1 office uses (now Class E uses under the Amended Use Classes Order 2020), against the backdrop of the current Covid-19 situation, that there is no strong evidence of the need for office accommodation of this type in this location. The Economic Development Officer confirms that this would be decidedly different were the premises used for B2 or other uses where there is some evidence of current demand.

In light of the lack of evidence of the need for office accommodation of this type in this location, it would be very difficult to argue that the loss of the unit to residential use would harm business or employment opportunities in the area. In light of this lack of harm, there is no requirement under Strategy 32 of the Local Plan for the proposal to be subject to a marketing period.

As such there is no evidence on offer to establish that harm is likely to occur through the loss of an independent office use in this location to an extent that planning permission could be refused under Strategy 32. The proposal is therefore considered to comply with Strategy 32.

The impact on the conservation area and adjacent listed buildings

The proposal takes place within the designated conservation area and therefore there is a requirement to adhere to the statutory duties enshrined in Sections 66 and 72 of the Conservation Area and Listed Building Act 1990. At a policy level policy EN9 and EN10 of the adopted local plan requires development to conserve or enhance the conservation area and to preserve the historic fabric.

Chardstock is a rural village containing many examples of vernacular architecture. Dating from as early as C15, there is also much late C19 work which contributes to a more planned appearance. The village is characterised by its traditional appearance, the use of traditional building materials including thatch, Ham Hill stone and Bridgewater pantiles. In addition, the use of chert for boundary walls. The village comprises a variety of spatial alignment and juxtaposition which provides an enhanced visual interest and vistas within the street scene that provide a sense of enclosure. The village is essentially dwellings with a Church, School and some small business uses.

The Big Office is located in Chubb's Yard and lies to the west of the boundary of the Chardstock Conservation Area. Yew Tree Cottage and The Old House are listed Grade II and is located to the southwest and east of the application site respectively. The current use is consistent with the majority of the village and no changes have been made to the external appearance of the structure.

It is considered that the use of the building as a dwelling has no impact on the existing designated heritage assets and therefore would comply with policy EN10 of the adopted Local Plan. The conservation officer therefore raises no objection to the proposal having special regards to the duties of the Conservation Area and Listed Building Consent Act, 1990 and the relevant policies of the development plan.

Parking and access issues

The submitted plans show that an allocated parking space to the north of the intended garden area within accords with the requirements of local plan policy TC9 (parking Provision in New Development) which requires at least 1 car parking space should be provided for one bedroom homes.

There has been some concern raised that there could be a conflict in the domestic use of this site and the comings and goings associated with the traffic of the commercial units within the yard.

Within the yard area there is enough width for passing of vehicles save for an area immediately in front of the application site where, for a short stretch, it would be a single carriage width only. However, occupants leaving the intended car parking space should have sight of oncoming vehicles entering the yard making conflict unlikely to arise on a consistent basis to effect the free flow of traffic. Further, there is no indication that this would result in an unacceptable impact on the traffic using the public highway outside of the yard area.

The curtilage of the proposed residential unit would be defined with a raised curb and it is unlikely that occupants would not be well aware of its context within a commercially operational yard.

Other Matters

Reference has been made the permitted development rights available under Class O, Part 3, Schedule 2 of the General Permitted Development Order (England) 2015. The prior notification procedure facilitates development subject to some caveats. National guidance notes that the statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. In this case the development would be disqualified from this prior notification procedure by reason of failing to apply prior to the development taking place and due to the fact that the proposal takes place within an AONB and conservation area. Accordingly the development should be subject to the rigour of the development plan and the prior notification process does not aid the merits of this planning application.

There has been some concern raised with regards to the size of the living accommodation on offer and the requirements of buildings regulation. Building regulations are, of course, a separate matter for consideration outside of the sphere of planning. There is no set space standards for living accommodation within the local plan but this aside the living accommodation does not appear generally substandard in terms of size. The red line of the development incorporates other parts of the building and therefore, if granted, these other parts of the building could also be converted. This should allow for increased internal living space if required. In addition, the proposed use would not be harmful to the amenity of surrounding residents.

The land on which the change of use is situated has not been highlighted as contaminated land. There is a part of the yard to the North of the application site which is recognised as contaminated land however this is not expected to impact upon the development which seeks change of use only and proposes no interruptions to ground conditions.

It is a requirement of policy D8 that a Bat and Barn Owl survey should accompany an application where appropriate. This building is of a chalet style of a relatively modern construction meaning there appears to be little room with the eaves areas for such species to be located. Moreover, no physical changes are proposed to the roof or eaves structures meaning that this is not a circumstance there and Bat and Barn Owl survey would be appropriate.

RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.)
2. 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 Schedule 2 Part 1 Classes A, B, C, D, E, F & G for the enlargement, improvement or other alterations to the dwellings hereby permitted other than works that do not materially affect the external appearance of the buildings shall be undertaken and no works within Schedule 2 Part 2 Class A (enclosures). (Reason - The space available would not permit such additions without detriment to the character and appearance of the building and surrounding land in accordance with Policy D1 (Design and Local Distinctiveness) and D8 (Re-Use of Rural Buildings Outside of Settlements) of the adopted 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.

Plans relating to this application:

	Location Plan	20.11.19
19/22/01A	Combined Plans	12.11.19

List of Background Papers

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